



## **REQUEST FOR PROPOSALS**

**For**

## **PROGRAM MONITORING SERVICES**

**Release Date: July 8, 2019**

**Submission Deadline: August 9, 2019 by 12:00 PM (CST)**

Issued by:

Workforce Solutions for South Texas  
Rogelio Trevino, Executive Director  
500 E. Mann Rd. Suite B5  
P.O. Box 1757  
Laredo, Texas 78044-1757  
(956) 722-3973  
Fax: (956) 725-2341

Workforce Solutions for South Texas is an equal opportunity employer/program.  
Auxiliary aids and services are available upon request to individuals with disabilities.  
Relay Texas: (800)735-2989 (TDD) or (800)735-2988(Voice) or 711

## **PART ONE - INTRODUCTION**

### **Background**

The Workforce Solutions for South Texas (Board) is one of the 28 workforce boards established by the Texas Legislature in 1995. In accordance with the Workforce Investment Act and the Texas Workforce Legislation, the Board is a volunteer body appointed by the Chief Elected Officials of each of the counties served in the South Texas Workforce Development Area (South Texas WDA). As the grant recipient and administrative entity for South Texas WDA, the Board is responsible for the strategic and operational planning, oversight and evaluation of federal and state workforce programs in the region including employment, training funds, child care and related support services. The Board oversees workforce services provided in Jim Hogg, Webb and Zapata Counties for the current, emerging and transitional workforce.

The Board's spectrum of responsibility also includes accountability, monitoring, and oversight functions of all training services, policy and program guidance, performance evaluations and the procurement and selection of service providers.

### **Purpose of this Request for Proposals (RFP)**

The purpose of this RFP is to solicit proposals from qualified organizations/firms to perform independent program monitoring services of the Board and its subcontractors, primarily the operators of Workforce Center Programs and Child Care Services Program. In addition, the program monitor shall perform other related reviews and consultation of program related functions of the Board as deemed necessary to ensure program compliance and fiscal integrity.

### **Board Area Information**

Below is a listing of major Board contractors. The Board may include into the monitoring plan and schedule additional special programs, other funding sources, non-financial partners, training providers, and other partners.

<b>Contractor</b>
SERCO of Texas, Inc. – Workforce Programs, Youth and Child Care Services

## **PART TWO-GENERAL INFORMATION**

### **2.1 Contract Information**

A. TYPE OF CONTRACT-The Board intends to negotiate a Fixed Price contract with a successful proposer.

B. TERM OF CONTRACT-The contract resulting from this procurement will be negotiated for one (1) year, September 1, 2019 to August 31, 2020. The contract may be renewed up to four (4) times in one year increments at the Boards discretion based on performance of independent monitor services and the Boards availability of funding. Below are the contract periods:

Initial Contract Period:	September 1, 2019 to August 31, 2020
First Year Period:	September 1, 2020 to August 31, 2021
Second Year Period:	September 1, 2021 to August 31, 2022
Third Year Period:	September 1, 2022 to August 31, 2023
Fourth Year Period:	September 1, 2023 to August 31, 2024

Upon completion of the fourth year period, the Board may extend the contract for an additional sixty (60) days on a month-to-month basis, contingent to non-resolved audit or monitoring reviews or other unforeseen circumstances that require an extension. Otherwise, the contract will remain as described above.

C. FUNDS AVAILABLE-No specific amount of contract award has been prescribed. The actual amount of the contract award will be based on the proposed/approved budget, as well as Board standards for use of public funds (i.e., costs be reasonable, allowable and allocable to the proper grant/cost categories).

### **2.2 Authorized RFP Contact**

Bertha Millan  
Workforce Solutions for South Texas  
500 E. Mann Rd. Suite B5  
Laredo, Texas 78041  
(956) 722-3973  
(956) 725-2341 – Fax  
[Bertha.millan@southtexasworkforce.org](mailto:Bertha.millan@southtexasworkforce.org)

### **2.3 Schedule of Events**

RFP Release Date:	July 8, 2019
Bidders' Conference:	None
Bidders' Q&A Due:	July 12, 2019 by 5:00 PM (CST)
Bidders' Q&A Released:	July 16, 2019
Proposal Submission Date:	August 9, 2019 by 12:00 PM (CST)
Proposal Evaluation:	August 12 – August 16, 2019
Board Approval:	August 22, 2019
Contract Start Date:	September 1, 2019

## **2.4 RFP Submission Information and Proposal Due Date**

The proposal response deadline is **12:00 P.M. (CST) on August 9, 2019**. Proposals must be officially received by this deadline. Official receipt of proposals will be entered on a receipt log, and a receipt form will be issued by the Board, if it is requested by the bidder. Bidders who mail a proposal will be sent (or faxed) a copy of this receipt form upon request. **Faxed or e-mailed proposals are not acceptable. Proposals received after the indicated due date and time will not be accepted or considered.**

### **Submission Information**

Proposers may mail proposals or hand deliver:

#### **Mail:**

Bertha Millan  
Workforce Solutions for South Texas  
P. O. Box 1757  
Laredo, Texas 78044-1757

#### **Hand Deliver:**

Bertha Millan  
Workforce Solutions for South Texas  
500 E. Mann Rd. Suite B5  
Laredo, Texas 78041

### **Proposal Content**

Proposer must submit one (1) original and three (3) copies of the completed proposal. The bidder is responsible for ensuring that the copies contain all of the required elements of the proposal. Incomplete copies may result in the bidder being deemed nonresponsive to the RFP. Any proprietary information should be clearly marked as confidential. All proposals and their accompanying attachments will become the property of WSST Board after submission and will not be returned. The proposal must be in the exact order as follows:

- 1. Cover Page (must be signed)**
- 2. Proposal Narrative/Statement of Work**
- 3. Budget**
- 4. Certifications**
- 5. Attachments (must be signed)**

**Submit one (1) electronic copy of the proposal on a USB Drive.**

## **Format**

Proposals must be typed in no less than 12 point font, double spaced, throughout the document and submitted on 8 1/2 x 11 inch paper. Colored displays and promotional material are discouraged. Emphasis must be placed on addressing all the requirements of this RFP in a clear and concise manner.

## **2.5 Bidders Conference**

A bidders' conference will not be held.

## **2.6 RFP Questions**

Questions regarding this solicitation shall be submitted by email to Bertha Millan at [bertha.millan@southtexasworkforce.org](mailto:bertha.millan@southtexasworkforce.org). Questions will not be accepted after 5:00 PM (CST) on July 12, 2019. Verbal questions will not be accepted or responded to. A question and answer document regarding questions submitted will be posted at: [www.southtexasworkforce.org](http://www.southtexasworkforce.org) on July 16, 2019.

## **PART THREE-SCOPE OF WORK**

### **3.1 Scope of Work**

Respondents to this solicitation must have extensive knowledge in the following rules and regulations:

- Workforce Innovation and Opportunity Act; federal regulations 20 CFR Parts 652 and 660 through 667;
- Wagner-Peyser Act of 1933, as amended, [29 USCA S. 29 et seq.];
- Portions of the Social Security Act [42 USC §301, et seq.];
- Food Stamp Act of 1977 [7 USC § 2000 et. seq.];
- Personal Responsibility and Work Opportunity and Reconciliation Act of 1996 [Public Law 104-193];
- Title IV-A of the Social Security Act, as amended by the Balanced Budget Act of 1997 [PL 105-33]; federal regulations 20 CFR Part 645 Welfare-to-Work (WtW) Grants; Final Rule; Interim Final Rule; and the Welfare to Work and Child Support Amendments of 1999, contained in Title VIII of H.R. 3424, Consolidated Appropriations Act for FY2000, 42 USC 601 through 619;
- Federal regulations issued by the U.S. Department of Health and Human Services at 45 CFR Parts 270 through 275, inclusive, for services funded by Temporary Assistance to Needy Families; federal regulations issued 45 CFR Part 260, et al.
- Federal regulations issued by the U.S. Department of Agriculture at 7 CFR §271 through 273 Food Stamp employment and training services;
- Federal laws and regulations concerning nondiscrimination and equal opportunity; federal labor laws and standards;
- State legislation Senate Bill 642 as amended by House Bill 1863;
- Sections of the Texas Administrative Code Title 40, Part 20 and the

Texas Government Code Chapter 2308, as they pertain to workforce center systems, operations and programs;

- Strategic plan and policies of WSST Board related to federal workforce center programs and operation, and
- Other applicable rules, regulations and policies.

For more information, visit the Texas Workforce Commission website at:

[www.twc.state.tx.us](http://www.twc.state.tx.us)

In addition, individuals or firms responding to this RFP must demonstrate knowledge and experience in performing program reviews in the following areas:

- Policies and Procedures, including Local Operating Plan
- Monitoring Reports and Procedures
- Outreach and Recruitment
- Assessment and Referrals
- Collaboration Efforts
- Intake and Eligibility, including efficiency and timeliness
- Case Management and Case Notes
- Occupational Training, including use of ETPS and ITAs (vouchers)
- Basic Education (referral of)
- On-the-Job Training/Subsidized Employment
- Work Experience
- Business Services
- Job Development/Placement
- Supportive Services
- Child Care Services
- Special Projects
- Performance Measures
- Quality Control
- Automation
- Integration of Staff and Programs

### **3.2 Statement of Work**

The selected Contractor will provide the following deliverables during and after the completion of each monitoring review:

- Schedule a pre-meeting with the Board and Subcontractors to discuss the monitoring process and expectations. Review with Board the number of estimated number of hours expected to complete the review.
- Schedule a post-meeting with Board and Subcontractor to discuss the preliminary monitoring report, discuss issues and make appropriate recommendations.
- Submit a final report to the Executive Director or designated contact no later than thirty (30) working days after the end of the post-meeting along with an invoice of expenditures as discussed previously with the Board.

- Serve as the Board program monitor consultant and liaison, as deemed necessary.

Upon completing contract negotiations and awarding of contract, Board staff and selected monitor will discuss and develop monitoring plans for the initial period of September 1, 2019 to August 31, 2020. The monitor will develop a risk assessment plan based on the evaluation and review of current subcontractor(s). These plans shall be attached to the initial contract and amended, as necessary.

#### **PART FOUR - INFORMATION TO BE PROVIDED**

##### **A. Organizational Qualification Statement (Total 25 Points)**

In a narrative of unspecified length, address the following:

1. How many full-time, permanent employees are in your organization and what are their names and job titles? How many contract employees do you use and in what capacity?
2. Name the principals in your organization and provide their length of service with the organization, titles, and a brief description of their areas of responsibilities. Which principals, if any, would be assigned to the Board project?
3. Who controls the management of your organization?
4. List the project team you would assign to the Board and describe the members' qualifications and work experience, particularly their experience in program monitoring of federal workforce programs. Describe their professional credentials and provide their resumes.
5. How would the Board liaison work with your organization's management?
6. Will you use subcontractors or contract employees in your Board project? If yes, describe how they will work with your project team to conduct program monitoring.
7. List clients you have worked for in the past five years that gives your organization comparable experience to that required for this project. Provide reference information (contractor name, contact name and title, date of services, type of services, address, and telephone number) for these clients so we may contact them.
8. List any of our current contractors that your firm is or has conducted monitoring for over the past five years.
9. List professional organizations to which principals, members of the proposed Board project team, or the firm belong.
10. Describe your experience in making effective presentations about workforce programs to governing boards, federal and/or state regulators.

**B. Proposal for Services (Total 40 Points)**

This narrative of no more than 5 pages should detail your company's experience and approach to program monitoring. Areas to be reviewed include:

1. Compliance Evaluation
2. Participant eligibility and verification
3. Participant assessment and referral
4. Case management, career services and support services

Sampling will range between 15% - 25% based upon risk assessment. The active, inactive, and follow up clients as of June 6, 2019:

Funding Source	Active Cases	Inactive Cases	Follow-Up 5/1/18-6/6/19 (Youth: 11/1/18- 6/6/19)	Unduplicated Count of Parents (10/1/18- 6/6/19)
Child Care				2,100
WIOA Adult	23	10	96	
WIOA Dislocated	4	1	32	
WIOA Youth	26	10	40	
SNAP E&T ABAWD	5	7	234	
SNAP E&T	11	6	197	
CHOICES	19	0	202	
NCP	59	1	308	

**C. Budget (Total 35 Points)**

Provide a budget that describes the hourly rate and number of hours proposed to complete scope of services. Also, detail estimates for travel expenses and any other related costs.

**D. Historically Underutilized Business (HUB) (Total 5 Points)**

Historically Underutilized Businesses (HUB's) must indicate the HUB certification number and the certifying agency on the cover sheet, and attach a copy of the notice of certification.

**PART FIVE – GOVERNING PROVISIONS**

Violation of any of the following provisions may cause a proposal to be rejected.



- A. The purpose of this RFP is to ensure maximum, open, free competition in the solicitation of and procurement of services. This RFP is not to be construed as a purchase agreement or contract or as a commitment of any kind; nor does it obligate the Board to award any contract or to pay for costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by the Board.
- B. It is the policy of the Board to encourage and support equal opportunity in the purchase of goods and services. The Board shall comply with all Equal Opportunity requirements in the procurement of all goods and services.
- C. The Board reserves the right to accept or reject any or all proposals received, or to cancel or reissue this RFP in part or its entirety.
- D. The Board reserves the right to award a contract for any services or groups of services solicited via the RFP in any quantity the Board determines is in its best interest. It further reserves the right to make no award as a result of this solicitation for any services or group of services if in the Board's best interest.
- E. The Board reserves the right to correct any error(s) and/or make any changes to this solicitation as deemed necessary. The Board will provide notification of such changes to all bidders recorded in the Board's Distribution Log & Receipts Record as having received or requested an RFP.
- F. The Board reserves the right to negotiate the final terms of any contract awarded as a result of this solicitation with the bidder selected and any such terms negotiated as a result of this RFP may be renegotiated and/or amended to successfully meet the needs of the Workforce Development Area (WDA).
- G. The Board reserves the right to contact any individual or entity listed in the proposal that may have knowledge of the proposer's experience, performance and qualifications.
- H. The Board reserves the right to terminate or cancel this RFP and any contract action if funding is not available.
- I. Proposers shall not, under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, member, employee or agent of the Board for the purpose of having an influencing effect toward their own proposal or any other proposal submitted hereunder. In addition, no employee, officer, or agency of the Board shall participate in the selection, award or administration of contract supported by grant funds if a conflict of interest, real or apparent, would be involved.
- J. Proposers shall not engage in any activity, which will restrict or eliminate competition. Violation of this provision may cause a proposal to be rejected. This does not preclude joint ventures.
- K. The contents of a successful proposal may become a contractual obligation if selected for award. Failure of the proposer to accept this obligation may result in cancellation of the award. No plea of error or

mistake shall be available to successful proposer as a basis for release of proposed services at stated price/cost.

- L. The Board reserves the right to negotiate with and/or to request Best and Final Offers from any or all Offerors as a part of the formal evaluation process. The Board reserves the right to award without discussion. If the Board requests a formal, written Best and Final Offer, the Offeror will be notified of the allotted time to respond to the request via e-mail. If an Offeror does not respond to the Board's request within the allotted time, the Agency will consider the most recent offer to be the Best and Final Offer.
- M. The Board reserves the right to award to other than the lowest proposer.
- N. The Board reserves the right to award without discussion.
- O. The Board reserves the right to reject any proposal that fails to conform to the essential requirements of the RFP.
- P. The Board reserves the right to extend, shorten, increase or decrease any contract awarded as a result of this RFP.
- Q. Proposers shall not contact any Board member or Board staff, with the exception of the RFP contact person, during solicitation or evaluation period.
- R. Proposers may be contacted during the evaluation process to provide clarification on the submission of the proposal.

## **PART SIX - PROPOSAL EVALUATION AND SELECTION PROCESS**

### **Determination of Responsiveness**

All proposals received/delivered by the deadline will be reviewed for responsiveness to the RFP requirements (required number of copies, format, content, order, forms, etc.). Incomplete proposals will not be reviewed or considered in the evaluation process. This includes, but not limited to missing forms, and unsigned certification form(s).

### **Evaluation Criteria**

The process for evaluation proposals includes: (1) review and scoring by Board administrative staff; and (2) review and approval by the Board. All proposals determined to be responsive will be evaluated using the criteria listed below:

A. Organizational Qualifications	25 points
B. Proposal for Services	40 points
C. Budget	35 points
D. HUB (Historically Underutilized Business)	5 Bonus Points
<b>Total 105 Points</b>	

Proposal must meet the threshold of 70 point average for consideration.

### **Debriefing and Appeal Process**

A debriefing is offered as a courtesy to any bidder or proposer who is not selected for funding. The purpose of the debriefing is to promote the exchange of information, explain the proposal evaluation system, and help unsuccessful proposers understand why they were not selected. A debriefing is not a forum to address proposer complaints.

Proposers not selected by this procurement process are entitled to no more than one debriefing for each proposal. If two proposals were considered together by the WSST Board in making a decision, proposers are entitled to one debriefing that will address each proposal.

**Debriefing Request** - Proposers not selected by this procurement process shall submit within ten (10) calendar days of the receipt of notification of the procurement decision, a written Request for Debriefing to obtain information about the evaluation of their proposal. Untimely requests shall not be entitled to a debriefing, unless the Executive Director determines that a justifiable excuse exists.

The WSST Board shall acknowledge receipt of the Request for Debriefing in writing within ten (10) calendar days of receipt, along with the date and time of the scheduled Debriefing. The Debriefing shall be scheduled as soon as possible, but no later than ten (10) calendar days from the receipt of the Request for Debriefing. The Executive Director may exercise his discretion in holding the debriefing conference telephonically. If a proposer is unavailable for a debriefing on the date provided in the notice, the proposer must notify the Executive Director forty-eight (48) hours in advance. Failure to do so may result in cancellation and/or waiver of the proposer's request for a debriefing.

During pre-award debriefings, proposers are entitled to receive (1) WSST Board's evaluation of the offerors proposal and (2) a summary of the rationale for eliminating the offeror from the competition. Proposers **are not** entitled to (1) the number of offerors, (2) the identity of other offerors, (3) the content of other offeror's proposals, (4) the ranking of other offerors, (5) the evaluation of other offerors, (6) a point by point comparison of the debriefed offeror's proposal with those of other offerors, or (7) any other information that is confidential by law or excepted from public disclosure under the Public Information Act.

Proposals not selected for funding may be appealed only with respect to any fault or violation of law or regulation regarding the review process. Appeals must be filed within ten (10) calendar days of final WSST Board action. Final WSST Board action shall be considered to be the WSST Board meeting at which final selection of the proposals is made. Appeal shall be directed to:

Workforce Solutions for South Texas  
Attn: Rogelio Trevino  
500 E. Mann Rd. Suite B5  
Laredo, Texas 78041

The appeal must indicate the WSST Board action appealed and the violation of law forming the basis of the appeal, and shall be signed by the appellant organization's authorized representative. Fax and e-mail transmittals will not be accepted. The filing of the appeal within the time frame is a condition precedent; it is a non-waivable requirement. There is no relief accorded appellants for not filing within the published deadlines. Hearings shall be conducted in accordance with existing WSST Board's procedures, which will be provided to the appellant as soon as practicable after the WSST Board receives the appeal.

**Proposal for Program Monitoring Services  
Workforce Solutions for South Texas**

**Proposal Cover Sheet**

<b>Name of Bidder:</b>	
<b>Mailing Address:</b>	
<b>Physical Address (if different):</b>	
<b>Phone Number:</b>	<b>Fax Number:</b>
<b>Proposal Contact Person:</b>	
<b>Title:</b>	
<b>Contract Signatory Authority Name:</b>	
<b>Contract Signatory Authority Signature:</b>	
<b>Title:</b>	
<b>Amount of Funding Proposed: \$</b>	
<b>Tax/Legal Status:</b> <input type="checkbox"/> Corporation <input type="checkbox"/> Sole Ownership <input type="checkbox"/> Private For Profit <input type="checkbox"/> Partnership <input type="checkbox"/> Other <input type="checkbox"/> Public Non-Profit	
<b>Date Established:</b>	
<b>State Controller Identification Number:</b> (If available)	
<b>Federal Taxpayer I D Number:</b>	
<b>Is bidder certified as a historically underutilized business?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copy of certification	

## CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

- A. The grantee certifies that it will continue to provide a drug-free workplace by:
- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against employees for violation of such prohibition.
  - (2) Establishing an ongoing drug-free awareness program to inform employees about:
    - (a) The dangers of drug abuse in the workplace;
    - (b) The grantee's policy of maintaining a drug-free workplace;
    - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
    - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
  - (3) Making it a requirement that each employee be engaged in the performance of the grant be given a copy of the statement required by paragraph (1).
  - (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will
    - (a) Abide by the terms of this agreement;
    - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
  - (5) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless The Federal agency has

designated a central point for the receipt of such notices. Notices shall include the identification number (s) of each affected grant.

- (6) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4) (b), with respect to any employee who is convicted-
  - (a) Taking appropriate personnel action against an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

B. The grantee may insert in the space provided below the site (s) for the performance of work done in connection with the specific grant:

Place of Performance:

Check [ ] if there are workplaces on file that are not identified here. Not applicable

Name of Applicant Organization: \_\_\_\_\_

Name of Title of Authorized Signatory: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY  
AND VOLUNTARY EXCLUSION  
LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations and implementing Executive Order 12549. Debarment and Suspension, 20 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19610-19211).

(Before completing certification, read attached instructions which are an integral part of the certification)

- 1.) The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2.) Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Name and Title of Authorized Representative:

---

---

Signature

---

Date



**CERTIFICATION REGARDING LOBBYING, CERTIFICATION FOR CONTRACTS,  
GRANTS, LOANS AND COOPERATIVE AGREEMENT**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, or an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any Federal loan, the entering into any federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant local, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying" in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each failure.

Name of Applicant Organization:

\_\_\_\_\_

Name and Title of Authorized Signatory:

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## CERTIFICATION REGARDING CONFLICT OF INTEREST

By signature of this proposal, Proposer covenants and affirms that:

- (1) no manager, employee or paid consultant of the Proposer is a member of the Policy Board, the President, or an manager of the STWDB;
- (2) no manager, or paid consultant of the Proposer is a spouse to a member of the Policy Board, the President, or an manager of the STWDB;
- (3) no member of the Policy Board, the President or an employee of the STWDB owns or controls more than a 10 percent of the proposing agency;
- (4) no spouse of a member of the Policy Board, President, or employee of the STWDB is a manager, or paid consultant of the Proposer;
- (5) no member of the Policy Board, President or employee of the STWDB receives compensation from Proposer for lobbying activities as defined in federal laws or Chapter 305 of the Texas Government Code;
- (6) Proposer has disclosed within the Proposal any interest, fact or circumstance which does or may present a potential conflict of interests;
- (7) should proposer fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Proposer shall not be entitled to the recovery of any costs or expenses incurred in relation to any contract with the STWDB and shall immediately refund to the STWDB any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by the STWDB relating to that contract.

Name of Applicant Organization: \_\_\_\_\_

Name and Title of Authorized Signatory: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Certification of Non-Discrimination & Equal Opportunity Provisions of  
the Workforce Innovation and Opportunity Act (WIOA)**

**29 CFR PART 38—IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY  
PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

(a)(1) Each application for financial assistance under Title I of WIOA, as defined in §38.4, must include the following assurance:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I—financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

Applicant's signature below indicates organization is agreeing to comply fully with the assurance and certifications as part of its responsibilities as a successful contractor.

---

Signature

Title

Date

---

Printed Name and Title