



Request for Proposal (RFP)

For Marketing Services

Release of RFP Date: July 12, 2021

Proposal Submission Deadline: August 6, 2021 by 3 p.m. (CST)

Issued by:
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Part 1 Introduction and Background

1.1 Background

The Workforce Solutions for South Texas (WSST) Board serves as the leadership and governing body for the Jim Hogg, Webb and Zapata Counties. The WSST Board Members are appointed by the Chief Elected Officials of each of the three counties of the Workforce Solutions for South Texas Workforce Development Area (WSST WDA), in accordance with the Workforce Innovation and Opportunity Act and the Texas Workforce and Economic Competitiveness Act (HB 1863 and SB642).

The WSST Board is organized as a non-profit corporation in the State of Texas, with **tax-exempt status** under IRS code 501(c)3. The WSST Board serves as the designated grant recipient and administrative entity for workforce development program funds allocated to the Workforce Solutions for South Texas workforce development area.

The effect of the COVID-19 pandemic on the 2020 – 2021 planning year for the South Texas workforce area has caused a health crisis, brought business shutdowns and limits on operations, high unemployment numbers, fluctuation in the labor force numbers and a workforce transition to essential, virtual and digital remote home office workers. This program funded by the Texas Workforce Commission's Helping Offices Manage Electronically (HOME) Grant will provide the opportunity to assist one of the hardest hit industries – the construction industry. The opportunity to assist selected employers with promotion materials and strategies to expand their virtual and electronic capacity will make an impact for these employers.

1.2 Services Solicited

WSST is investing the HOME Grant funds to support the expansion of a minimum of 20 construction related businesses located in the WSST three-county workforce area through virtual and electronic strategies. WSST is accepting proposals from qualified marketing or other firms that are willing to participate in a grant funded program awarded from the State of Texas Workforce Commission's HOME IKEA Grant Program.

The grant award will provide 20 construction industry employers with virtual and electronic marketing tools that would provide the business an opportunity to increase their capacity or expand their customer base. Individual employers selected for the program will have a not to exceed \$3,500 per of marketing items and/or services.

Some suggested marketing and promotion strategies include contactless payment technology codes such as QR (Quick Response) codes and Point of Sale (POS); Technology supported communication channels for providing remote consultations and initial quotes or analysis of need (such as for plumbing, electrical, remodeling services, internet service providers, etc.); and Digital marketing, sales, business signage or any other tools to assist businesses with marketing and advertising.

The WSST will be responsible for implementing a fair and equitable process to select the benefiting employers. Once the marketing firm (s) is selected, WSST will work with a construction industry related employer list based on labor market information from the TWC employer list data and will advise the employers of the available menu of services the program via the marketing firm (s) will provide. WSST will provide a staff liaison (s) between the selected employer and the marketing firm.

The marketing firm should provide a response that is inclusive of different stand-alone menu items of service deliverables that can be provided that are within the maximum appropriated per employer. WSST reserves the right to contract with more than one vendor.

1.3 Impact and Program Outcomes

- This program is projected to assist 20 employers to increase their capacity to maintain and increase their customer base.

- The Virtual capacity increase may reduce the overall fixed cost of doing business; i.e. on-line.

1.4 Eligible Proposers

Entities possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the WSST Board are encouraged to respond. The successful applicant will demonstrate in the proposal and through an evaluation review they have the capacity to perform the requested services to the WSST Board’s expectations.

The WSST Board is prohibited from contracting with any entity debarred, suspended, or otherwise excluded from or ineligible for participation. Accordingly, a contract requires contractors to certify that they are in compliance with the Federal regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98-510, Participant’s Responsibilities.

The contractor must certify that to the best of its knowledge and belief that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by a Federal department or agency, by submission of this proposal, the proposer affirms 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.

Minority, disadvantaged and women-owned businesses that are certified by the State as Historically Underutilized Businesses (HUB) are encouraged to respond to this RFP.

1.5 Funding

The funding for this procurement is funded from the State of Texas Workforce Commission’s HOME IKEA Grant Program. Funding available for this procurement is **\$70,000, with a not to exceed \$3,500 per employer.** Contract executed as a result of this RFP will be cost reimbursement based on a negotiated fixed unit cost. WSST Board will make payments within 30 days of receipt of invoice and supporting documentation from vendor.

Part 2 Information and General Instructions

2.1 Procurement Schedule

RFP Release	July 12, 2021
Virtual Bidder’s Conference	July 21, 2021 at 10:00 AM CST
Bidder’s Question Submission Period and Deadline	July 12 – July 22, 2021 by 5 PM CST
Questions and Answers Released	July 23, 2021
Proposal Due Date	August 6, 2021 by 3 PM CST
Evaluation Period	August 9 – August 24, 2021
WSST Board Approval	August 26, 2021
Contract Negotiations Begin	August 27, 2021
Anticipated Contract Start Date	September 1, 2021

2.2 RFP Release

The Request for Proposal (RFP) will be issued on – **July 12, 2021** and available at the WSST office at 500 E. Mann Road, Suite B5, Laredo, Texas or may be downloaded from the WSST website: www.southtexasworkforce.org.

2.3 Response Deadline

The proposal must be officially received by WSST Board staff no later August 6, 2021 by 3 p.m. CST Late proposals or amendments will not be accepted. WSST is not responsible for any errors of omission or otherwise on the part of the delivery service regarding proof of delivery. No faxed or e-mailed proposal will be accepted. A proposal must meet minimum standards before being considered for further evaluation:

- a. Submitted by the deadline;
- b. Submitted in the required format;
- c. Contains all required elements, required signatures on the Original;
- d. Format complies with proposal instructions
- e. Contains no evidence of conflict of interest.
- f. The number of copies and USB are complete as requested

2.4 Withdraw of Proposal

The vendor authorized representative may withdraw the submitted proposal prior to the deadline by written request sent by registered mail or in person, provided that the identity and authority of the individual making the request is made known and a receipt for the return of the proposal is provided.

2.5 Virtual Bidders Conference/Questions and Answers

A virtual conference for prospective proposers to learn more about this RFP and to ask questions will be conducted:

July 21, 2021 at 10 a.m. CST

Interested parties may call or e-mail Bertha Millan at bertha.millan@southtexasworkforce.org to obtain call-in information to participate in the virtual bidder's conference. Attendance is not mandatory, but strongly recommended. The conference offers potential proposers the opportunity to obtain guidance on the scope and nature of the work required or to ask technical questions.

Prospective Proposers may submit written questions **beginning July 12 – July 22, 2021 by 5 p.m. CST** Questions may be faxed, e-mailed, or mailed to Bertha Millan. The Questions and Answers (Q&A) document will be sent via e-mail to the bidder conference attendees and will be posted on the WSST website on **July 23, 2021**.

Board members, Board staff, and associated parties are precluded from entertaining any questions outside the bidders' conference and/or the written question process described above. Potential applicants are asked to respect these conditions by not making personal requests for assistance. No unauthorized methods or sources of responses or clarification are considered valid. Any violation of this process may disqualify an applicant.

To ensure that all prospective proposers have access to the most current RFP addenda, questions and answers, and other pertinent information updates will be posted to the Board's website during the procurement period, at www.southtexasworkforce.org. E-mail updates will be sent directly to all who attend the Bidder's Conference. Respondents may submit questions via e-mail to:

Bertha Millan
Workforce Solutions for South Texas
500 E Mann Road, Suite B5
Laredo, TX 78041
(956) 722-3973
bertha.millan@southtexasworkforce.org

2.6 Agreement and Contract Term Period

The selected vendor (s) will receive a vendor agreement unless another type is determined by WSST to more advantageous. WSST Board reserves the right to contract with more than one vendor, depending on the proposed submitted menu items and the proposed cost of items. Final Agreement will be subject to any changes in the legislation, regulations or policies promulgated by the funding sources. The contract resulting from this procurement will be for the following period: **September 1, 2021 to March 31, 2022.**

2.7 Method of Procurement

Services solicited under this RFP shall be procured under the competitive negotiation method of procurement where the selection of proposals is made based on cost and other weighted criteria. This RFP provides a uniform method for the procurement of these marketing services. It contains the necessary background, instructions, and forms for responding to this RFP. This procurement is conducted in conformance with the Federal Uniform Administrative Requirements, supplemented by the TWC Financial Manual for Grants and Contracts (FMGC) and WSST Board policy.

2.8 Governing Provisions and Limitations

1. The main purpose of this RFP is to ensure uniform information in the solicitation of proposals and procurement of Marketing Services. This RFP is not to be construed as a purchase agreement or contract, or as a commitment of any kind; nor does it commit the Board to pay for costs incurred in the preparation of a response, or any other costs incurred prior to the execution of a formal contract, unless such costs are specifically authorized in writing by the Board.
2. The Board reserves the right to accept or reject any or all proposals received, to cancel and/or reissue this RFP in part or its entirety.
3. The Board reserves the right to correct any error(s) and/or make changes to this solicitation as it deems necessary.
4. The Board reserves the right to negotiate the final terms and conditions of any and all contracts or agreements with bidders selected and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the local Board and impose additional requirements and refinements in the terms and conditions, scope of work, and funding amounts during the course of any contract.
5. All Board Directors, officers, and staff, or any agents of the Board, are precluded from entertaining questions concerning the proposal or this procurement process outside the confines of the Questions and Answers process. Potential bidders are asked to respect these conditions by not making personal requests for assistance. No employee, member of a Board of Directors or other governing body, or representative of a bidder who submits a proposal under this RFP may have any contact outside of the formal review process with any employee of the Board, or any member of the Board of Directors for purposes of discussing or lobbying on behalf of bidder's proposal. This contact includes written correspondence, telephone calls, personal meetings, e-mail messages, or other kinds of personal contact. The Board will reject proposals of those bidders who violate this condition.
6. The Board reserves the right to contact any individual, agency employer, or grantees listed in a proposal, to contact others who may have experience and/or knowledge of the bidder's relevant performance and/or qualifications; and to request additional information from any and all bidders.
7. Misrepresentation of the bidder's ability to perform as stated in the proposal(s) may result in cancellation of any contract or agreement awarded.
8. WSST Board reserves the right to cancel the contract if the vendor fails to perform as agreed or for convenience if it is in the best interest of the WSST Board.

9. Bidders 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.
10. No Board member, officer, or employee, or any agent of the Board shall participate in the selection, award or administration of a contract/agreement if a conflict of interest, real or apparent, would be involved.
11. Bidders shall not engage in any activity which will restrict or eliminate competition. Violation of this provision may cause a bidder to be disqualified. This does not preclude joint ventures or subcontracts.
12. All proposals submitted must be an original work product of the bidder. The copying, paraphrasing or otherwise using of substantial portions of the work product of others and submitted hereunder as original work of the bidder is not permitted. Failure to adhere to this instruction may cause the proposal(s) to be disqualified and rejected.
13. The contents of a successful proposal may become a contractual obligation and is incorporated by reference if selected for award of a contract. Bidders must intend to fulfill all of the representations made in this proposal. Failure of the bidder to accept this obligation may result in cancellation of the award. No plea of error or mistake shall be available to successful bidder(s) as a basis for release of proposed services at stated price/cost. Any damages accruing to the Board as a result of the bidder's failure to contract may be recovered from the bidder.
14. No contract/purchase agreement may be awarded until the bidder has complied with Executive Order 12549, 29CFR, Part 98 by submitting to the Board a signed Certification of Debarment, which states that neither the vendor, nor any of its principals, are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in a procurement by any Federal department or agency.
15. The bidder will comply with conflict of interest requirements contained in TAC Title 40, Part 20, Chapter 801, Subchapter C - The Integrity of the Texas Workforce System by signing the Certification regarding Conflict of Interest.
16. Selected vendor may not charge customers eligible for marketing services a fee for any of the service outside of the agreed negotiated amount for the employer customer. If the proposer intends to offer any fee-for-additional services, the service and fee structure must be fully described in their proposal.

2.9 Selection of Vendor

Selection of the Vendor shall be in accordance with federal procurement principles and the TWC Financial Manual for Grants and Contracts, which requires "full and open competition", fair and equal treatment, and "arms length" relationships with all potential applicants. The selection process used by the WSST Board is intended to help identify the most qualified and responsive proposal for WSST HOME Program. The process for evaluating proposals submitted in response to this Request is summarized below.

All proposals received by the submission deadline will be reviewed for responsiveness and compliance with the technical specifications contained in the RFP prior to release to the evaluation team.

Phase One: All responsive proposals will be subject to review and scoring. The Board will assign appropriate staff to review and score each responsive proposal using a standardized instrument. Evaluators will award proposals scores for specific criteria with the highest possible total being 105 in Phase One. Proposals that contain all the required elements will be deemed responsive and eligible for contracting if they score at least 75 points based on the evaluation criteria listed below. Proposals will be ranked from highest to lowest average score.

Phase Two: The top three proposals ranked in the 1st phase evaluation that meet the 75-point threshold will be invited to attend a 2nd evaluation step. During phase two, assigned evaluators will ask each proposer questions based on the proposal submitted. Each proposer will have 15 minutes to respond the questions. The responses provided during phase two will be scored, up to ten points, by assigned evaluators and will be averaged with the scores from the Phase One Evaluation. The entity with the highest overall average score will be recommended to the full Board of Directors to enter contract negotiations.

If negotiations are not successful with the top ranked vendor, negotiations may begin with the next vendor in the order of the ranking until a contract is reached or WSST has rejected all proposals. WSST reserves the right to request Best and Final

Offers (BAFO) from all responsive vendors.

2.10 Selection Criteria and Description

WSST will evaluate proposals and rank vendors based on the following four criteria areas and weights, the description of each criteria also follows:

Criteria (1) Demonstrated Experience in Providing and Delivering Services	30
Criteria (2) Marketing and Promotion Plan Description	40
Criteria (3) Budget – Reasonableness of Proposed Cost	30
Criteria (4) Historically Underutilized Business (HUB)	5
Total Possible Points – Phase One	105
Total Possible Points – Phase Two	10
Total Possible Combined Points Phase One and Two	115

(1) DEMONSTRATED EXPERIENCE IN PROVIDING AND DELIVERING SERVICES: 30 Points

Bidders must demonstrate organizational, effectiveness and competency in delivering requested services that is comparable or related within the last three years. Proposed staff should be identified in the proposal with resumes submitted as attachments.

(2) MARKETING AND PROMOTION PLAN DESCRIPTION: 40 Points

The Bidder in their response must demonstrate a thorough understanding of services requested. Bidders should provide details regarding the type or menu of services proposed – proposed length of time to complete the menu items, any minimum or maximum requirements, whether the content is provided in both English and Spanish, how services will be provided virtually and electronically. Any tracking mechanism that would provide assistance to program outcomes should also be described.

(3) BUDGET: 30 Points

Cost proposed should be inclusive of all applicable cost, including any applicable fees, expenses, and other requirements associated with providing the requested services to the Board. Cost affected by the minimum or maximum participation requirements should be clearly identified in the proposed budget.

(4) HISTORICALLY UNDERUTILIZED BUSINESS (HUB): 5 Points

Bidders who are certified as a HUB must attach a copy of the notice of certification to the proposal.

2.11 Proposal Submission Instructions

Proposers should prepare their responses to align with each of the criteria areas found in Section 2.10. The responses to the questions should be composed in a concise, direct style that can readily be converted to a contractual Statement of Work. The name of any subcontractor who the vendor's firm is interested in contracting with on this project must be included in the proposal responses. All subcontractors will be evaluated according to their proposed role in the project. Proposal responses to questions should be no longer than 25 pages, excluding the required attached pages.

2.12 Proposer Inquiry and Appeal Process

WSST Board is the responsible authority for handling complaints or protests regarding the procurement and proposal selection process. No protest shall be accepted by the grantor (State) until all administrative remedies at the grantee level have been exhausted. This includes, but is not limited to, disputes, claims, protests of selection or non-selection for award,

or other matters of a contractual or procurement nature. Matters concerning violation of laws shall be referred to such authority, as may have proper jurisdiction.

Proposers not selected by this procurement process may submit within ten (10) days of the receipt of notification of the procurement decision, a written Request for Debriefing to obtain information on the procurement process and how their proposal or offer was submitted and scored. The WSST Board shall acknowledge receipt of the Request for Debriefing in writing within ten (10) days of receipt. The Debriefing shall be scheduled as soon as possible and no later than ten (10) days from the receipt of the Request for Debriefing.

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.

To be entitled to a debriefing, a proposer shall submit within ten (10) days of the receipt of WSST Board notification of the procurement decision, a written Request for Debriefing to obtain information on the procurement process. Untimely requests shall not be entitled to a debriefing, unless the Executive Director determines that a justifiable excuse exists. 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 debrief.

During debriefings, proposers are entitled to receive (1) WSST Board's evaluation of the offeror's 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.

Proposers 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 with the WSST Workforce Supervisor/EO Officer/504 Coordinator. Final WSST Board action shall be considered to be the WSST Board meeting on August 26, 2021 at which final selection of the proposals is made. Inquiries shall be directed to:

Bertha Millan

Workforce Supervisor//EO Officer/504 Coordinator
Workforce Solutions for South Texas
500 E Mann Road, Suite B5
Laredo, TX 78041

The appeal must indicate the WSST Board action appealed and the violation 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. 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.

2.13 Instructions for Submittal of Proposal

1. **Format** - Proposals must be typed or printed in no less than 12-inch font throughout the document and submitted on 8 1/2 x 11 inch paper in accordance with the instructions of this request. Emphasis must be placed on addressing all the requirements of this RFP in a clear and concise manner and in the format requested.
2. **Number of Copies** - One complete original hard copy with executed certificates (i.e. original signatures of the authorized signatory authority) and required notarizations, plus three (3) exact copies must be submitted (four documents). Proposers must also submit a USB drive copy that contains all the elements contained in the original proposal including the signature attachments to complete the responsiveness of the proposal's submission determination. Any proposal lacking required copies of required proposal signatures on the original copy or the USB drive, will be deemed unresponsive and will not be evaluated. All documents submitted must be legible, complete and fully assembled. All original documents requiring a signature must be signed using blue ink.
3. **Proposal Labeling and Submission** - Proposals must be addressed and externally labeled. Regulations do not permit evaluation or consideration of proposals which are submitted after the RFP deadline.
4. **Proposal Modifications and Amendments** - Any modifications or amendments to a proposal must also comply with above requirements and the response deadline. Any proposals or amendments delivered/received or post marked after the deadline will not be considered, but will be deemed late and non-responsive to this RFP and procurement process. Late proposals and/or amendments will be returned without review.

2.14 Sequence of Submission

The original proposal and proposal copies should be submitted with elements in the following order:

1. **Attachment A** Proposal Cover Sheet: All items on the Proposal Cover Sheet must be completed. Identify a liaison or primary contact person, as well as the Signatory Authority--a person with the legal authority to negotiate and sign a contract on behalf of the proposing organization. (This is also the person who must sign the various certification forms.) 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 to proposal.
2. **Responses to Evaluation Criteria Questions and Requests.** Submit a written response to each of the criteria questions contained in Part 3. Failure to follow the Narrative Question format will result in a reduced evaluation score. Submit resumes of the persons who will have day to day oversight of the WSST HOME Program Contract. Budget must be included.
3. Attachment B Certifications Regarding Lobbying, Debarment, Lobby, and Drug Free Workplace
4. Attachment C Certification Regarding Conflict of Interest
5. Attachment D Non-Discrimination Statement
6. Attachment E Texas Corporate Franchise Tax Certification

ATTACHMENT A – COVER SHEET

Company name	
Mailing address	
Physical address (if different from above)	
City/State/Zip	
Contact person	
Contact Person Phone Number	
Contact Person Fax Number	
Contact Person Email Address	
Type of organization	<input type="checkbox"/> Private for-profit <input type="checkbox"/> Private non-profit <input type="checkbox"/> Other: _____
Federal Employer ID	
Texas State Comptroller ID	
HUB Certification ID	

Typed Name & Title of Authorized Signatory	
Signature & Date	

Part 3 – CRITERIA QUESTIONS FOR PROPOSER RESPONSE

3.1 Criteria One: Demonstrated Experience in Providing and Delivering Services (30 Points)

- (1) Describe your organization, include the length of time in business and record of providing marketing and promotion services.
- (2) Provide the qualifications and experience of professional staff that would deliver the marketing services proposed, include the resumes of proposed staff. Include any proposed sub-contractors and their role in the project.
- (3) Provide information where virtual or electronic marketing and promotion has been provided within the last three years.

3.2 Criteria Two: Marketing and Promotion Plan Description (40 Points)

- (1) Describe your proposed marketing and promotion plan details regarding the type of menu of services proposed and length of time to complete the menu items and how the services will be provided to the selected employers.
- (2) Describe any technical support for the delivery of the services proposed and whether the deliverables can be provided for non-English speakers.
- (3) Describe any explanations of minimum or maximum requirements, or any other requirements affecting the cost of deliverables proposed.
- (4) Describe any proposed tracking and reporting of deliverables per selected employer that will assist WSST to meet program outcomes.

3.3 Criteria Three: Budget – Reasonableness of Proposed Cost (30 Points)

- (1) Provide the proposed menu of marketing deliverables and associated cost. The budget menu item cost must be all-inclusive including delivery and implementation, technical support, administrative and any other applicable cost. Any minimum or maximum costs should be clearly identified in the proposal budget.

3.4 Criteria Four: Historically Underutilized Business (HUB) (5 Points)

Points for the Criteria will only be awarded to the proposing vendor. Proposer must attach a current signed certification to receive points. Pending certifications will not be considered.

ATTACHMENT B

CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS, AND DRUG-FREE WORKPLACE REQUIREMENTS

Lobbying: This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Acts, Title 31 U.S. Code, for the Department of Agriculture (7 CFR part 3018), Department of Labor (20 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned contractor states that:

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 Congress, or any employee of a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.

If any funds other than federal appropriated funds have been 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, and officer or employee of Congress, or an employee of a Member of Congress in connection with this 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.

The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

* * * * *

Debarment, Suspension and Other Responsibility Matters: This certification is required by the Federal Regulations implementing Executive Order 12549, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), and Department of Health and Human Services (45 CFR Part 76).

The undersigned contractor certifies that it or its principals:

Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency

Have not within a three-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph 2 of this certification; and

Have not within a three-year period preceding this contract had one or more public transactions (federal, state, or local) terminated for cause or default.

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.

* * * * *

Drug-Free Workplace: This certification is required by the Federal Regulations, implementing Sections 5151-5160 of the Drug-Free Workplace Act, 41 U.S.C. 701; for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR parts 85, 668 and 682) and Department of Health and Human Services (45 CFR Part 76).

The undersigned contractor certifies that it shall provide a drug-free workplace by:

Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibition.

Establishing an on-going drug-free awareness program to inform employees of the dangers of drugs in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of drug counseling, rehabilitation, and employee assistance programs; and the penalties that may be imposed on employees for drug abuse violations occurring in the workplace.

Providing each employee with a copy of the Contractor's policy statement.

Notifying the employees in the Contractor's policy statement that, as a condition of employment under the grant, employees will abide by the terms of the policy statement and notifying the Contractor in writing within five (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace.

Notifying the grantor agency, South Texas Workforce Development Board in writing, within ten (10) calendar days of the Contractor's receipt of a notice of conviction of an employee.

Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

These certifications are 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.

Signature

Date

Title

ATTACHMENT C
CERTIFICATION REGARDING CONFLICT OF INTEREST

By signature of this proposal, the applying company covenants and affirms that:

- (1) No manager, employee or paid consultant of the applying company is a member of the Board, or a manager of the Board;
- (2) No manager or paid consultant of the applying company is a spouse to a member of the Board or a manager of the Board;
- (3) No member of the Board or an employee of the Board owns or controls more than ten percent (10%) in the applying company;
- (4) No spouse of a member of the Board or employee of the Board is a manager or paid consultant of the applying company;
- (5) No member of the Board, President, or employee of the Board receives compensation from the applying company for lobbying activities as defined in federal laws or Chapter 305 of the Texas Government Code;
- (6) The applying company has disclosed within the Proposal any interest, fact or circumstance that does or may present a potential conflict of interest;
- (7) Should a applying company fail to abide by the foregoing covenants and affirmations regarding conflict of interest. The applying company shall not be entitled to the recovery of any costs or expenses incurred in relation to any contract with the Board and shall immediately refund to the Board 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 Board relating to that contract.

Name of Applying Company: _____

Name/Title of Authorized Signatory: _____

Signature: _____

Date: _____

Attachment D

Certification of Non-Discrimination & Equal Opportunity

If awarded funding, Contractors must conduct all programs and services in accordance with provisions of the follow laws:

- Titles VI and VII of the Civil Rights Act of 1964, as amended;
- Titles VIII of the Civil Rights Act of 1968, as amended;
- Section 504 or the Rehabilitation Act of 1973, as amended;
- Title IX of the Education Amendments of 1972, as amended;
- Federal Fair Labor Standards Act and the Intergovernmental Personnel Act of 1970, as related to Minimum wage and maximum work hours;
- The Age Discrimination Act of 1975, as amended;
- Drug Abuse Office & Treatment Act of 1972, as amended
- Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, as amended
- Public Health Service Act of 1912, Section 523 & 527, as amended
- Americans with Disabilities Act, as amended;
- The Women in Apprenticeship and Non-Traditional Occupations Act, as amended;
- CFR 37.4 - Implementation of the Nondiscrimination And Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014
- CFR 37.20 - Implementation of the Nondiscrimination And Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014
- Public Law 105-220, Workforce Innovation and Opportunity Act (WIOA) of 2014
- 20 CFR Part 652 et al Workforce Innovation and Opportunity Act (WIOA) of 2014
- Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014; and
- Contractors may not deny services under any grant to any person and are prohibited from discrimination against any employee, applicant for employment, or beneficiary because of race, color, religion, sex, national origin, age, physical or mental disability, temporary medical condition, political affiliation or belief, citizenship or his or her participation in any WIOA or other financially assisted program and/or activity.

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

Attachment E
Certification Regarding Texas Corporate
Franchise Tax

Pursuant to Article 2.45, Texas Business Corporation Act, state agencies may not contract with for profit corporations that are delinquent in making state franchise tax payments. The following certification that the entity entering into this subcontract is current in its franchise taxes or is not subject to the payment of franchise taxes to the State of Texas must be signed by the individual authorized to sign the subcontract for the subcontract for the subcontracting entity.

The undersigned authorized representative of the entity subcontracting herein certifies that the following indicated statement is true and correct and that the undersigned understands making a false statement is a material breach of subcontract and is grounds for subcontract cancellation.

Indicate the certification that applies to your subcontracting entity:

The subcontracting entity is a for-profit corporation and certifies that is not delinquent in its franchise tax payments to the State of Texas.

The subcontracting entity is a non-profit corporation or is otherwise not subject to payment of franchise tax to the State of Texas.

Name of Proposer/Organization

Name and Title of Authorized Representative

Signature of Authorized Representative/ Date