



**REQUEST FOR QUALIFICATIONS  
FOR  
LEGAL SERVICES  
JIM HOGG, WEBB AND ZAPATA COUNTIES**

**Release Date:  
April 7, 2023**

**Submission Deadline:  
May 5, 2023 by 12:00 PM (CST)**

**Issued by:  
Rogelio Treviño, Executive Director  
Workforce Solutions for South Texas  
500 E Mann Road, Suite B5  
P.O. Box 1757  
Laredo, TX 78041-1757  
(956) 722-3973  
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## **1. INTRODUCTION AND 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 of Directors represents business, education, labor, economic development, community-based organizations, and public entities.

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 is one of the 28 workforce boards established by the Texas Legislature in 1995.

The WSST 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 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 WSST Board has established three workforce centers located in Jim Hogg, Webb, and Zapata Counties.

Vision: The vision of the WSST Board is to establish and enhance a workforce development system that creatively changes and adapts to serve the needs of employers, job seekers and the general public with efficient and effective services by promoting awareness amongst stake holders, creating partnerships with other community organizations, encouraging harmony of political focus on workforce issues in the market place.

Mission: The mission of the WSST Board is to build a workforce system that will meet the needs of economic development and prepare the workforce to compete in a changing global economy.

## **2. PURPOSE OF REQUEST FOR QUALIFICATIONS (RFQ)**

WSST is soliciting proposals from qualified individuals or firms to provide professional legal services. The proposer selected as a result of this RFQ will serve as legal counsel to the WSST Board of Directors. Legal services to be provided include, but are not limited to the following:

1. Appropriate legal counsel to WSST and its Board of Directors in its capacity as administrative entity and grant recipient/fiscal agent for federal and state workforce funds, and any future sources of funding.
2. Review, analysis, interpretation, and opinions regarding federal, state and local laws, regulations, rules, policies, contracts and other related legal documents applying to WSST.
3. Legal counsel/advice regarding human resource matters such as FMLA, ERISA, workers' compensation; and labor laws such as EEO/Non- discrimination, sexual harassment, wrongful termination, civil rights protections, and other applicable federal, state and local employment laws and regulations.
4. Represent WSST Board of Directors in related litigation and legal affairs.
5. Advocacy and representation in grievance and/or complaint proceedings/hearings.

6. Review and comment on procurement and contract documents, including facility leases.
7. Advice on matters related to the Open Records Act and Public Information Act.
8. Advice on matters related to the Open Meetings Act.
9. Advice on all matters related to statutes and regulations pertaining to Texas non-profit corporations.
10. Attendance at Board and/or committee meetings as requested or required.
11. Other related legal matters as may be determined by the WSST Board of Directors and/or its Chief Executive Officers.

Legal services shall be available as follows:

- Through personal contact, telephone, email or fax Monday through Friday, during normal business hours, and on an emergency basis after business hours/days.
- By appointment to meet with WSST Board of Directors and/or designated staff, and to attend regular and/or special called meetings as requested or required.
- In emergencies within 24 hours or less of notice by phone and on-site within 48 hours written notice.

### **3. ELIGIBLE CONTRACTOR**

Proposer must have the necessary technical competence, skills and professional judgement to accomplish the work solicited in the RFQ. Proposer must be experienced in working with non-profit, governmental and quasi-governmental organizations. Proposer must be legally authorized to provide legal services in the State of Texas.

Proposer must be familiar with all applicable federal and state laws, regulations and rules that guide the WSST Workforce system. Proposer may not assign, transfer or otherwise dispose of any portion of a contract established as a result of this procurement, in whole or in part to any third party without the prior written approval of the WSST Board.

In accordance with the U.S. Department of Labor (DOL) regulations 29 CFR Part 98, WSST is prohibited from awarding funds to any party that is debarred, suspended or otherwise excluded from or ineligible for participation in federal assistance programs. 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. Minority, disadvantaged and women-owned businesses that are certified by the State as Historically Underutilized Businesses are encouraged to respond to this RFQ.

### **4. METHOD OF PROCUREMENT**

The procurement of goods and services outlined in this RFQ shall be conducted, to the maximum extent practical, in a manner providing full and open competition consistent with the standards of Office and Management and Budget Circulars, the Grant Management Common Rule, Uniform Grant Management Standards, and the Texas Workforce Commission's Financial Manual for Grants and Contracts (FMGC).

Procurement. Selection and award will be based upon established weighted criteria points and not on the lowest cost. WSST's intent is to execute a contract for legal services with a single selected Proposer. However, the Board retains the option to contract with multiple proposers with demonstrated expertise in specific legal areas.

## **5. FINANCIAL REPORTING**

The selected proposer shall be required to comply with applicable federal, state and WSST policies regarding financial management, recordkeeping and reporting. The selected proposer will be reimbursed within thirty (30) days of the receipt of a detailed and properly documented request for payment/invoice submitted to WSST.

## **6. GOVERNING PROVISIONS AND LIMITATIONS**

1. This RFQ is not to be construed as a purchase agreement, contract, or commitment of any kind; nor does it obligate WSST to the award of a contract or to pay for costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by WSST.
2. It is the policy of WSST to encourage and support equal opportunity in the purchase of goods and services. WSST will comply with all Equal Opportunity requirements in the procurement of goods and services.
3. WSST reserves the right to accept or reject any or all responses received, to cancel or reissue this RFQ in whole or in part at its sole discretion.
4. WSST reserves the right to award a contract for any services solicited under this RFQ in any quantity it determines is in its best interest.
5. WSST reserves the right to correct any error(s) and/or make any changes to this solicitation as deemed necessary. Any corrections/changes will be posted on the Board's website.
6. WSST reserves the right to negotiate the final terms of any contract awarded as a result of this solicitation with the selected proposer and any such terms negotiated may be renegotiated and/or amended during the contract period to meet the needs of WSST.
7. WSST reserves the right to contact any individual or entity listed in the response that may have knowledge of the proposer's experience, performance and qualifications.
8. WSST reserves the right to terminate or cancel this RFQ and any resulting contract if sufficient funding is not available.
9. Proposer shall not, under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, board member, employee, or agent of WSST for the purpose of having an influencing effect toward their own proposal or any other proposal submitted hereunder. In addition, no officer, board member, or employee of WSST shall participate in the selection, award, or administration of a contract supported by WSST funds if a conflict of interest, real or apparent exists.
10. Proposer shall not engage in any activity which would restrict or eliminate competition. Violation of this provision may cause a proposal to be rejected.
11. The contents of a successful proposal may become a contractual obligation if selected for contract award. No pleas of error or mistake shall be available to a successful proposer as a basis for release of proposed services at stated price/cost.
12. WSST reserves the right to award without discussion.

13. WSST reserves the right to reject any proposal that fails to conform to the requirements and specifications of this RFQ.
14. WSST reserves the right to select and award to other than the lowest cost and/or highest scoring proposer.
15. WSST reserves the right to employ or contract with other legal counsel during the contract award as a result of this RFQ.
16. The selected proposer will be precluded from providing legal services to any WSST contractor during the contract period.
17. WSST reserves the right to extend, shorten, increase or decrease any contract awarded as a result of this RFQ.

## 7. RFQ SCHEDULE OF PROCUREMENT PROCESS

The following schedule of events is subject to change at the discretion of the WSST Board. All requestors of this RFQ will be notified of any and all changes. All times shown in the RFQ are Central Standard Time (CST).

Issuance of RFQ	April 7, 2023
Deadline for Submitting Bidder's Questions	April 19, 2023 by 12:00 P.M.
Questions and Answer Release	April 21, 2023
<b>Proposal Due Date</b>	<b>May 5, 2023 by 12:00 P.M.</b>
Evaluation Review Period	May 8 – May 19, 2023
WSST Board Approval	May 25, 2023
Contract Start Date	June 1, 2023

## 8. RFQ RELEASE

The Request for Qualifications is available on the WSST Board's website at [www.southtexasworkforce.org](http://www.southtexasworkforce.org). Copies of the RFQ are also available at the following address:

**Workforce Solutions for South Texas**  
**500 E Mann Road, Suite B5**  
**Laredo, TX 78041**  
**(956) 722-3973**

## 9. QUESTION AND ANSWER PERIOD

Prospective proposers may submit written questions beginning April 7, 2023. Questions may be faxed, emailed, or mailed. A question and answer document will be prepared and posted at: [www.southtexasworkforce.org](http://www.southtexasworkforce.org) on April 21, 2023. Questions concerning this procurement will not be accepted after 12:00 P.M. (CST) April 19, 2023. Submit questions to: fax: (956)725-2341, e-mail: [bertha.millan@southtexasworkforce.org](mailto:bertha.millan@southtexasworkforce.org) or mail: P.O. Box 1757 Laredo, TX 78041-1757.

The WSST Board members, WSST Board staff, and associated parties are precluded from entertaining any questions outside 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 procurement updates, WSST Board will post all updates to the WSST Board's website: [www.southtexasworkforce.org](http://www.southtexasworkforce.org).

## **10. SUBMISSION OF PROPOSALS**

Proposals are due no later than 12:00 P.M. (CST) on May 5, 2023. Proposers who send proposals via private or public mail will be sent (or faxed) a copy of this receipt form upon request. Faxed or e-mailed proposals are not acceptable. Proposals submitted after the indicated due date and time will not be accepted. There will be no exceptions. Proposals must be hand delivered or sent via private or public mail carrier to:

Bertha Millan  
Workforce Solutions for South Texas  
500 E Mann Road, Suite B5  
Laredo, TX 78041

Timely delivery of proposals to the above address is the sole responsibility of the proposer. Proposals submitted via private or public mail carrier services will be considered to be hand-carried and must be submitted by the deadline.

## **11. GENERAL INSTRUCTIONS**

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

A signed original and three (3) copies of the proposal must be submitted. The bidder is responsible for ensuring that the copies contain all of the required elements of the proposals. Incomplete copies may result in the bidder being deemed non-responsive to the RFP. No additional material may be submitted after the due date and time. Any proprietary information should be clearly marked as confidential. All proposals and their accompanying attachments will become the property of the WSST Board after submission. Materials submitted will not be returned.

Proposals may be withdrawn upon written request. The cost of returning proposals that are withdrawn before the due date shall be the responsibility of the proposer.

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. (Also, this person must sign the various certification forms.)

Sequence of Submission -- Proposals must be submitted with elements in the following order:

- Proposal cover sheet (Attachment A)
- Proposal Narrative – Criteria Questions
- Budget
- Resumes
- Certificate of Historically Under-utilized Business, if applicable

- Attachment B: Debarment
- Attachment C: Conflict of Interest
- Attachment D: Drug Free Work Place
- Attachment E: Lobbying
- Attachment F: Texas Corporate Franchise Tax
- Attachment G: Certification of Bidder
- Attachment H: General Assurances
- Attachment I: Public Subsidy Restriction
- Attachment J - Certification of Non-Discrimination & Equal Opportunity

## **12. CONTRACT TYPE AND TERM PERIOD**

The WSST Board intends to negotiate a fixed-fee cost-reimbursement contract as a result of the RFQ. The contract will be contingent upon availability of funds from the U.S. Department of Labor and/or Texas Workforce Commission. The contract term period will begin June 1, 2023 - July 31, 2024. Thereafter the contract may be renewed up to four (4) times in one-year increments at the WSST Board's discretion based on contractor's annual performance and availability of funding.

## **13. DEBRIEFING AND APPEAL PROCESS**

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 ranked. The WSST Board shall acknowledge receipt of the Request for Debriefing in writing within ten (10) days of receipt, along with the date and time of the scheduled Debriefing. 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.

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 with the WSST Workforce Supervisor/EO Officer/504 Coordinator. Final WSST Board action shall be considered to be the WSST Board meeting 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.

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 and how their proposal or offer was submitted and ranked. 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) 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) 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 debrief.

During pre-award 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.

## **14. PROPOSAL REVIEW AND SELECTION PROCESS**

### **Minimum Standards of Review for Proposals**

Selection of the Contractor 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 them identify the most qualified and responsive proposal for legal services. The process for evaluating proposals submitted in response to this Request is summarized below.

All proposals submitted by the submission deadline will be reviewed for timeliness, responsiveness and compliance with the technical specifications – have no missing elements contained in the RFQ. The process for evaluating proposals submitted in response to this Request includes the following steps:

- All responsive proposals will be subject to review and scoring using a standardized scoring instrument that aligns with the criteria below. Evaluators will award proposals scores for specific criteria with the highest possible total being 105. Proposals that contain all of the required elements will be deemed responsive if they score at least 70 points based on the evaluation criteria listed below. Proposals will be ranked from highest to lowest average score.



EVALUATION CRITERIA	Points
(1) Attorney Qualifications	35
(2) Demonstrated Experience	35
(3) Reasonableness of Cost	30
(4) Historically Underutilized Business (HUB)	5
<b>Total Possible Points</b>	<b>105</b>

**Attorney Qualifications 35 Points**

This criterion includes a review of the organization’s ability to accomplish its work through the knowledge, skills, and abilities of its people directly and indirectly assigned to this Contract (i.e. qualifications and experience of management/corporate staff). Criteria will review years in service, and background of proposed staff.

**Demonstrated Experience 35 Points**

This criterion includes a review of demonstrated ability to successfully provide described legal services. The proposing entity must demonstrate a history of successfully providing the same or similar services. Experience working with workforce boards, non-profits, governmental and quasi-governmental entities.

**Reasonableness of Cost 30 Points**

Costs are deemed to be fair and reasonable as long as professional fees are consistent with published fees of professional associations and do not exceed any maximum provided by state law.

**HUB - 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.

## **Proposal Narrative Statement of Work**

### **Instructions for Proposal Narrative Statement of Work**

Every question that follows is required to be answered in a thorough manner that remains focused on the criteria topic in question. Be concise and to the point. In answering the questions avoid the following:

- Imposing responsibilities on any party that has not agreed to those responsibilities in advance. A memorandum of understanding is to be submitted if you assign responsibilities to another party.
- Including promises to perform an activity or provide a service that your organization does not have the capacity to provide or ensure.
- Making assumptions that the readers of your proposal know or understand your organization, its capacity, activities, services or budget assumptions.
- Using jargon and abbreviations that may not be understood outside your organization or industry.

Please limit narrative to no more than 12 pages, (do not count resumes and required Attachments in page limit):

### **Attorney Qualifications – 35 Points**

- 1.1 How long has the proposing attorney firm been in business?
- 1.2 Under what other or former names has the firm operated?
- 1.3 Describe the ownership of the firm and principle location (headquarters of the firm) and any office located in or near the WSST workforce area that includes, Jim Hogg, Webb and Zapata Counties.
- 1.4 Identify the owners, principals and/or partners of the firm.
- 1.5 Are there any judgments, claims, arbitration proceedings or lawsuits pending or outstanding against your firm or its offices that could impact your ability to provide services to WSST? If yes, explain.
- 1.6 For each attorney assigned to the contract, provide the following information:
  - a. Year law degree was awarded and name of awarding institution
  - b. Year licensed by the State Bar of Texas to practice
  - c. Area(s) of board certified/licensed legal specialization, if any
  - d. Attach a copy of each assigned attorney's resume.

### **Demonstrated Experience – 35 Points**

- 2.1 Provide a summary of your firm's experience in providing legal services similar to those solicited under this RFQ, specifically workforce boards.

2.2 Describe your firm's expertise and experience in dealing with laws, regulations and rules related to workforce federal and state grant funded programs; the operation and requirements of governmental and/or quasi-governmental entities; employment/labor laws; and contracts/leases.

2.3 Provide at least three (3) current client references for which your firm has provided services similar to those solicited under this RFQ. For each reference, please include contact name, phone number, mailing address, email, types of services provided, and the outcomes of any litigation or arbitration for which your firm represented the client.

2.4 Provide any other information that would support your experience and demonstrated performance in providing legal services similar to those solicited under this RFQ.

### **Reasonableness of Cost – 30 Points**

3.1 All potential fees and charges related to the performance of contracted services should be identified. Fees and charges identified will be incorporated into the contract. Provide a budget/cost summary that identifies each of the following items:

3.2 Hourly Rates/Fees – Identify the standard hourly rate/fee for all personnel that will provide various services under a contract: attorneys, paralegals, stenographers, secretaries, legal researchers, etc.

3.3 Non-Personnel Costs – Identify all other costs that may be associated with the provision of services under a contract: i.e. travel, long-distance phone/fax, copying, mailing/shipping, and other. Provide a brief explanation for each item. Please note that travel costs must be consistent with State of Texas reimbursement rates.

### **Historically Underutilized Business (HUB) – 5 Points**

4.1 HUB is defined as "Businesses (i.e. sole proprietorships, partnerships, corporations, limited liability partnerships/companies, joint ventures) which are formed for the purpose of making a profit, provided that at least 51% of the assets and interest of all classes of stock, and equitable securities are owned by one, or more individuals who are economically disadvantaged, and who have been historically underutilized because of their identification as members of the following groups: Asian-Pacific Americans, Black Americans, Hispanic Americans, Native Americans, and American Women." WSST is committed to maximize HUB utilization. Five bonus points will be awarded to responsive proposals certified by the Texas Comptroller of Public Accounts or another bona fide certifying agency. HUB's must indicate their certification number and the certifying agency on the Proposal Cover Sheet, and attach a copy of the notice of certification to be eligible for bonus points. Certification must be current.

**Attachment A**  
**Proposal for WSST Legal Services**  
**Proposal Cover Sheet**

<b>Name of Proposer:</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>Email:</b>	
<b>Contract Signatory Authority Printed Name &amp; Title:</b>	
<b>Contract Signatory Authority Signature:</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 <input type="checkbox"/> Profit <input type="checkbox"/> Partnership <input type="checkbox"/> Other <input type="checkbox"/> Public <input type="checkbox"/> Non-Profit	
<b>Date Established:</b>	
<b>State Controller Identification Number:</b> (If available)	
<b>Federal Taxpayer I D Number:</b>	
<b>Is proposer certified as a historically underutilized business?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, attach copy of certification	

**Attachment B**  
**Certification Regarding Debarment, Suspension,  
Ineligibility and Voluntary Exclusion**

**Lower Tier Covered Transaction**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participant's Responsibilities. The regulations were published as Part VII of the May 26, 1988, Federal Register (pages 19160-19211).

(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 statements in this certification, such prospective participants shall attach an explanation to this proposal.

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**Name of Authorized Representative**

**Title**

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**Signature**

**Date**

**Attachment C**  
**Certification Regarding**  
**Conflict of Interest**

By signature of this proposal, Proposer affirms that:

- (1) No manager, employee or paid consultant of the Proposer is a member of the WSST Board;
- (2) No manager or paid consultant of the Proposer is a spouse to a member of the WSST Board or Staff of the WSST Board;
- (3) No member of WSST Board or employee of the WSST Board owns or controls more than a 10 percent interest in the Proposer;
- (4) No spouse of a member of the WSST Board or employee of the WSST Board is a manager or paid consultant of the Proposer;
- (5) No member of the WSST Board, or employee of the WSST Board 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 that does or may present a potential conflict of interest;
- (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 WSST Board and shall immediately refund to the WSST 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 WSST Board relating to that contract.
- (8) Proposer shall comply with the standards of conduct stated in the Assurances and Certifications, Section 11 Conflict of Interest and be in accordance with Texas Administrative Code, Chapter 801, Title 40, and Part 20.

Name of Proposer: \_\_\_\_\_

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

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

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

## **Attachment D**

### **Certification Regarding Drug-Free Workplace**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-procurement and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Workforce Solutions for South Texas determines to award the covered transaction, grant or cooperative agreement.

#### **DRUG-FREE WORKPLACE**

##### **(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610

- A. The applicant certifies that it will or will continue to 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 grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing an on-going drug-free awareness program to inform employees to include:
- (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation and employee assistance programs;
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace; and
  - (5) Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (A);
- C. Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant, the employee will:
- (1) Abide by the terms of the statement; and
  - (2) 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 a conviction;
- D. Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (C)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position and title to the Executive Director Workforce Solutions South Texas. Notice shall include the identification number(s) of each affected grant.
- E. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D)(2), with respect to any employee who is so convicted:

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee(s) 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;
- F. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D) (E) and (F).
- G. 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 (street address, city, county, state, zip code)

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Check here , if there are work places on file that are not identified in this certification.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed/Typed Name

\_\_\_\_\_  
Printed/Typed Title



**Attachment E**  
**Certification Regarding Lobbying**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 34 CFR Part 85, "Government-wide Debarment and Suspension (Non-procurement and Government-wide Requirements for Drug-Free Workplace (Grants))." The certifications shall be treated as a material representation of fact upon which reliance will be placed when Workforce Solutions for South Texas determines to award the covered transaction, grant, or cooperative agreement.

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Section 82.105 and 82.110, the applicant certifies 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 any agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant 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, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant 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 times (including sub-grants, contracts under grants and cooperative agreements, and subcontracts) and that all Sub-recipients shall certify and disclose accordingly.

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Signature of Authorized Representative

Date

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Printed/Typed Name

Printed/Typed Title

**Attachment F**  
**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 subcontracting entity.

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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.

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Name of Proposer/Organization

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Name and Title of Authorized Representative

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Signature of Authorized Representative/ Date

**Attachment G**  
**Certification of Bidder**

I hereby certify that the information contained in this proposal and all attachments is true and correct and may be viewed as an accurate representation of proposed services to be provided by this organization. I certify that no employee, WSST Board member or agent of the WSST Board has assisted in the preparation of this proposal. I acknowledge that I have read and understood the requirements and provisions of the request for proposal and that this organization will comply with all pertinent regulations, WSST Board policies, and other applicable local, state and federal regulations and directives in the implementation of these programs. I certify that I have read and understand the Governing Provisions and Limitations and the Administrative Requirements and Procedures sections of this RFP and will comply with the terms.

I, \_\_\_\_\_, certify that I am the \_\_\_\_\_  
(Typed name) (Title)

of the corporation, partnership, or sole proprietorship, or other eligible entity named as a proposer and Respondent herein and that I am legally authorized to sign this proposal and submit it to the WSST Board on behalf of said organization by authority of its governing body.

Person Authorized to sign for the organization:	Board member signature of authorizing Board:
Signature:	Signature:
Typed Name	Typed Name
Typed Title	Typed Title
Date:	Date:

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2018 in \_\_\_\_\_ (city), \_\_\_\_\_, \_\_\_\_\_ (county), \_\_\_\_\_ (state).

Notary Public in and for \_\_\_\_\_ County,

State of \_\_\_\_\_. Commission expires: \_\_\_\_\_

[SEAL]

**Attachment H**  
**General Assurances**

We understand and agree that procurement is not a contract and does not obligate the WSST Board to pay for costs incurred in the preparation of your proposal or costs incurred prior to the execution of a written contract or prior to the receipt of funds designated for this program from the Texas Workforce Commission.

We understand and agree that the contract provisions may vary from the provisions set forth in this request, when deemed necessary by the WSST Board, however, we agree to abide by the contract provisions contained in the proposed contract.

We understand and agree that the WSST Board may utilize information provided outside of this request in evaluating this proposal.

We understand and agree that the WSST Board has the right to reject any and all proposals and negotiate outside of the terms of this proposal.

We understand and agree that the WSST Board is not required to select the lowest cost proposal.

We understand and agree that any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

We understand and agree that any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

We understand and agree to abide by all federal, State and local laws, policies and regulations governing the Workforce Investment Act, as amended, and those additional rules which may be promulgated subsequent to the execution of a contract.

We understand and agree that we may be subject to a monitoring review or audit by the U.S. Department of Labor, Texas Workforce Commission, Office of Inspector General, or WSST Board. We also understand that we may be required to provide a copy of the most recent audit as part of the contracting process.

We understand and agree to submit this proposal in a good faith effort to provide services as outlined in this "RFP" issued by the WSST Board.

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

Printed Name and Title \_\_\_\_\_

**Attachment I**  
**Certification on The Use of Public Subsidy Restriction**

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Pursuant to Texas Government Code 2264.051, a business that applies to receive a public subsidy from a state agency or state funded agency shall certify that the business, or a branch, division, or department of the business does not and will not knowingly employ an undocumented worker as defined in the Texas Government Code, 2264.001(4).

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The undersigned authorized representative of the entity making the offer or application herein understands and certifies that:

- (1) the following indicated statement is true and correct;
- (2) making a false statement is a material breach of contract and grounds Contract cancellation; and
- (3) If, after receiving a public subsidy, the entity is convicted of a violation under 8 United States Code 1324a(f) (relating to the unlawful employment of undocumented workers) the entity shall repay the amount of the public subsidy with interest, at the rate provided under the contract issued pursuant to this offer or application, within 120 days of receiving the notice of violation.”

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Name and Title of Authorized Representative

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Signature

## Attachment J

### Certification of Non-Discrimination & Equal Opportunity Provisions of the WORKFORCE INNOVATION AND OPPORTUNITIES ACT (WIOA)

#### 29 CFR PART 37—IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITIES ACT (WIOA)

(a)(1) Each application for financial assistance under Title I of WIOA, as defined in §37.4, 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 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA 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.

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Signature

Date

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Printed Name and Title