



Brewster Culberson El Paso Hudspeth Jeff Davis Presidio

Request for Proposal

PY12-RFP-100-400

Call Center Services

Released Date

December 21, 2012 at 12:00 PM

Submission Deadline

January 27, 2013 at 5:00 PM

Workforce Solutions Upper Rio Grande

300 E. Main, Ste., 800

El Paso, Texas 79901

(915) 772-2002 p

(915) 351-2790 f

www.urgwdb.org

Copyright © 2011 Workforce Solutions Upper Rio Grande. Workforce Solutions Upper Rio Grande is an Equal Opportunity Employer/Program. Auxiliary aids available upon request to individuals with disabilities. Relay Texas:

Telecommunication Device for the Deaf (TDD) "711" or (800/735-2989), *800/735-2988 (Voice). Ayuda y servicios están disponibles para personas con discapacidades. Relay Texas: Sistema de comunicación para personas con problemas auditivos (TDD) "711" o (800/735-2989), *800/735-2988 (Tel.)

INTRODUCTION

The Upper Rio Grande Workforce Development Board (hereafter “Workforce Board”) is a 501(c) (3) non-profit corporation. It is governed by a twenty-five (25) member Board of Directors who is appointed by the local Chief Elected Officials in accordance with the provisions of Texas Senate Bill 642, Texas House Bill 1863 and the Federal Workforce Investment Act of 1998.

The Workforce Board is composed of volunteer community leaders representing business, labor, education, economic development and government. The Workforce Board is the oversight entity and fiscal agent for workforce development services and administers the procurement of goods and services that meets compliance with federal/state regulations. The primary responsibility of the Workforce Board is to identify the workforce needs and issues of the Upper Rio Grande Workforce Board Area, provide policy and program guidance and evaluation of workforce development programs and services that affect area employers, residents and job seekers.

The Workforce Board represents a public/private partnership that serves as a catalyst for building a workforce development system that meets the needs of local employers and job seekers. The Workforce Board consists of Brewster, Culberson, El Paso, Hudspeth, Jeff Davis and Presidio counties.

GENERAL INFORMATION

1.1 Issuing Office

Issuance of this RFP is coordinated by the Upper Rio Grande Workforce Development Board, 300 E. Main, Suite 800, El Paso, Texas 79901. The Workforce Board, as the administrative and fiscal agent, is the Issuing Office for this RFP.

1.2 Procurement Standards

Procurement of goods and services under Federal assistance programs, shall be in compliance with OMB Circular A-122 or A-110 (as applicable), as supplemented by the final rules promulgated by the Office of the Governor under the Uniform Grants Management Standards, and the TWC Financial Manual for Grants and Contracts. These guidelines require that procurement transactions be conducted in a manner that provides for maximum free and open competition, regardless of the dollar amount or the procurement method used. Additionally, awards may only be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of the contract.

1.3 Eligibility to Respond

Entities, Organizations or Individuals possessing the appropriate education, licensing/certification, capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the Board may respond to this RFP. Eligible entities include individuals, public, private non-profit, and private for-profit organizations. Eligible entities must possess experience and knowledge necessary to provide the services identified in the RFP. The Workforce Board is prohibited from awarding funds to any entity debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs in accordance with the DOL regulations at 29 CFR Part 98. Entities must have adequate personnel capabilities necessary to implement the services and to ensure compliance with the ensuing contract. Entities are responsible for being familiar with applicable laws, rules, regulations and

directives governing the programs and applying them in developing the RFP response (authorizing legislation and regulations may be found via the Internet). Entities selected will be required to assume full responsibility, including all risks and hazards, for all activities and services identified in the contract.

1.4 Authorized Board Contact

The authorized Workforce Board contact person for this procurement is Muriel Thomas-Borders, Contracts Administrator, Upper Rio Grande Workforce Development Board, 300 E. Main, Suite 800, El Paso, Texas 79901, Telephone: (915) 772-2002, Ext. 2220, Fax: (915) 351-2790 or via email at: Muriel.borders@urgjobs.org and/or, procurement@urgjobs.org.

1.5 Availability of RFP Packets

Request for Proposal packets will be available beginning on and after 12:00 pm. MST, December 21, 2012 at the above address. Packets may be picked up in person or requested in writing to the address in paragraph 1.4 above. The RFP will also be available on the Workforce Board Web Site at www.urgjobs.com under the Procurements section.

1.6 Proposal Closing Date and Delivery Method

The Procurement and Contracts Management staff (or Workforce Board representative) must physically receive responses to this RFP no later than;

5:00 p.m. January 27, 2013.

Response submitted after this time will not be accepted under this RFP.

Any reasonable delivery method, except facsimile or email may be used. Use of a traceable delivery method, such as certified mail-return receipt requested, guaranteed express service, or hand delivery is recommended.

1.7 Changes, Amendments, Withdrawal and/or Re-Issuance of this Proposal

Any Bidder may withdraw their bid either in person or by written request at any time. In addition, the Workforce Board reserves the right to:

- 1.7.1 Amend or withdraw this RFP at any time
- 1.7.2 Reject any and all applications
- 1.7.3 Re-issue this RFP

1.8 Expected Outcome of this Procurement

It is anticipated that the Workforce Board may award one or more contract(s) for the services in the Statement of Work in Part 2 of this RFP on an as needed basis. The term of the contract will be for one year with the option of two (2) one-year contract renewals, based on performance. The Workforce Board reserves the right to award more than one contract if it is determined to be in the best interest of the Workforce Board.

1.9 Schedule of Events

The following schedule delineates the significant activities and dates regarding this RFP. The Board reserves the right to amend this schedule as it deems necessary. If significant changes are made, all prospective Respondents on record will be notified.

Date	Activity
December 21 st , 2012 at 12:00 PM MST	Issuance of RFP
January 18 th , 2013 at 10:00 AM MST	Pre-bid Conference
January 21 st , 2013 at 12:00 PM MST	Question Submission Deadline
January 27 th , 2013 at 5:00 PM MST	Application Submission Deadline
February 4 th , 2013	Evaluation of Applications
February 7 th , 2013	Selection for Award(s)
February 12 th , 2013	Executed Contract(s)

1.10 Historically Underutilized Business (HUBs)

It is the policy of the Upper Rio Grande Workforce Development Board (Workforce Board) to continue promoting and expanding economic development for minority and women-owned businesses that are located in the Upper Rio Grande Region. The Workforce Board will ensure that local small minority-owned, disadvantaged and women-owned businesses are considered in the procurement process, whenever possible.

STATEMENT OF WORK

2.1 Purpose

The Workforce Board is seeking proposals from qualified service providers to furnish call center services. The objective of this Request for Proposal (“RFP”) is to identify a qualified vendor that can provide the required quality service at a reasonable cost to the Workforce Solutions Upper Rio Grande. The intent of the RFP is to select one vendor to provide call center services related to the Texas Workforce Commission.

2.2 Scope of work

This is an invitation to prepare a proposal that may result in a contract with Workforce Solutions Upper Rio Grande to provide call center for services to callers to the Workforce Solutions Upper Rio Grande Customer Service Line.

The successful Proposer shall provide call center services to all callers to the Workforce Solutions Upper Rio Grande Customer Service Line by answering calls live and disseminating thorough and accurate information regarding the Workforce Solutions Upper Rio Grande Customer Service Line information to caller. The successful proposer shall provide excellent customer service, have systems in place to notify Workforce Solutions Upper Rio Grande of calls that require follow-up, and be able to generate a variety of data reports.

The following are to be included as Required Deliverables in this proposal:

- 2.2.1 Inbound Contact Center Services-Information in English and Spanish available Monday through Friday 5pm – 9pm and Saturdays 8 a.m. – 1 p.m.
- 2.2.2 Toll Free Usage (800 number).
- 2.2.3 Call center will work with Workforce Solutions Upper Rio Grande Customer Service Line staff on project setup.

- 2.2.4 Call center operators will answer questions regarding the Workforce Solutions Upper Rio Grande Customer Service Line processes in a friendly, knowledgeable manner.
- 2.2.5 Call center will communicate regularly with Workforces Solutions staff to ensure the most up-to-date information is available for customers and will update their information systems and screens.
- 2.2.6 Train operators on a timely basis.
- 2.2.7 Call center must be able to fluctuate between somewhat unpredictable large and small volume of calls.
- 2.2.8 All calls must be answered live with no calls placed on hold.
- 2.2.9 Call Statistics Detail and Summary Reports which includes information on (reports can be broken down by current day, specific day, or date range):
- 2.2.10 Statistics
- 2.2.11 End of Call Disposition
- 2.2.12 Call Counts (daily, weekly, monthly and annual)
- 2.2.13 Reason for call (Call Disposition)
- 2.2.14 Duration of All Calls in Call Disposition by category
- 2.2.15 Average Call Duration for Category in Call Disposition
- 2.2.16 Grand Totals for all above information
- 2.2.17 Statistics w/interval filter reports- can be sorted also by city, date or date and city together.
- 2.2.18 Sending calls with questions (elevated calls) to a specified email address allowing TWC to pick up those calls requiring follow-up.
- 2.2.19 Report with detailed information on Escalated Calls.

SUBMISSION GUIDELINES

3.1 Submission

To be considered for funding, each respondent must submit an offer (proposal) and other supporting documentation in strict accordance with these instructions. When evaluating a proposal, the Workforce Board will consider how well the respondent complied with these instructions. The Workforce Board will consider any failure on the part of the respondent to comply with these instructions to be an indication of the type of conduct it can expect during contract performance. Therefore, the Workforce Board encourages respondents to contact the Contracts Administrator by facsimile transmission, email or regular mail to request any additional clarification that may be needed to comply with these instructions.

Workforce Solutions Upper Rio Grande
 Attn: Muriel Thomas-Borders
 El Paso, Texas 79901
 Phone (915) 772-2002, ext.2220
 Fax: (915) 351-6090
 E-mail: muriel.borders@urgjobs.org

3.2 Format

Each respondent is required to submit one (1) original and two (2) copies of the complete proposal response and (1) reproducible master disk prepared or converted to Microsoft Office Software (Word, Excel, etc.) . The original must clearly be marked "ORIGINAL" on the cover sheet and contain original signatures, where applicable. All responses must be typed and will become the property of the Workforce Board. Respondents are encouraged to identify "Proprietary" information as such. The packet must contain the RFP number, name and address of respondent, due date and time. All responses, forms and attachments must be submitted on standard 8 ½ inch by 11-inch paper, with all pages sequentially numbered and either stapled or bound together. Font size will be no smaller than 11 point, single space.

3.2.1 Cover Sheet Must be signed by the individual having Contract Signature Authority. (Attachment A)

3.2.2 Proposal Narrative The following specific information should be included in your proposal narrative:

Proposal Narrative

Section I -Organizational Capacity/Qualifications

- Provide a brief history of your organization including experience providing similar services.
- Qualifications of individual(s) that will be responsible for providing the requested Telecommunication Maintenance and Repair Services.

Section II-Demonstrated Performance

- Provide a minimum of three (3) references from your client roster for which your organization has provided similar services within the past two years. Including:
 - Name of Organization
 - Contact Name
 - Telephone Number and E-mail Address
 - Nature and scope of the services provided
 - Time frame of the services provided
- Identify the length of time your organization has been in business and the number of years in the related topics.

Section III-Cost Effectiveness

A detailed cost proposal shall include the following: hourly rate charged to provide the Telecommunication Maintenance and Repair Services; a detailed schedule of charges of supplies, equipment and travel expenses (if applicable). Respondents are required to itemize any and all costs that may be associated with these services.

3.2.3 Assurances and Certifications The individual having Contract Signature Authority, as indicated on the Cover Sheet at Attachment A, must sign the Assurances and Certification Document. Do not re-type this document; use the copy provided with this RFP. (Attachment B)

3.2.4 Certificate of Good Standing Attach a copy of the respondent's current (as of the date of the submission) Certificate of Good Standing or Certificate of Account Status from the Texas Comptroller of Public Accounts. The Web Site address to obtain this certificate is: <http://www.window.state.tx.us/m23taxes.html>.

3.2.5 Historically Underutilized Business (HUB) Certificate If the Respondent's organization is HUB certified and wishes to be considered for bonus points, enter the certification on the cover sheet and attach a copy of the HUB Certificate

3.3 Summary and Checklist

Each copy of a completed Request for Proposal must contain all of the following documents in the order indicated:

Cover Sheet (Attachment A)

Proposal Narrative

Assurances and Certifications (Attachment B)

Certificate of Good Standing

Historically Underutilized Business (HUB) Certificate

EVALUATION AND SELECTION PROCESS

4.1 Evaluation Process

The evaluation process will consist of:

4.1.1 An initial review for responsiveness and compliance with the technical specifications and other criteria specified in the RFP;

4.1.2 Only responsive (as determined by meeting 4.1.1 above) proposals will be evaluated and scored by a proposal evaluation panel. Responsive proposals will be evaluated on specific areas by all reviewers using the same standardized instrument;

4.1.3 Proposals will be deemed non-responsive for:

i. Failure to follow the prescribed format for submitting the proposal.

ii. Failure to sign and submit the Cover Sheet, Assurances, and Certifications, including the Certificate of Good Standing from the State Comptroller Office (if applicable). If the Certificate of Good Standing is not applicable, the respondent must indicate the same and provide a reason for non-applicability i.e., non-profit organization, etc.

4.1.4 Review and scoring by evaluators;

4.1.5 Presentation of evaluations, scoring and recommendations of proposal review team to the Workforce Board Chief Executive Officer;

4.1.6 Workforce Board may invite Respondent to make oral presentation in support of their proposal and may request to interview the Respondent's proposed team members. The Respondent's team making the presentation and responding to questions must include the key personnel who will work on the contract.

4.1.7 Discussion and appropriate action by the Workforce Board Chief Executive Officer in selecting proposed contractor(s) for contract negotiations.

4.2 Proposal Review Team

A proposal review team will be assigned to evaluate all responsive proposals received by the Workforce Board. The review team will use the evaluation criteria as outlined in paragraph 4.3 below. It should be noted that the contract(s) resulting from this RFP will be awarded to the respondent(s) whose proposal(s), conforming to the RFP, is determined to provide the "best value" to the Workforce Board. Therefore, the proposal(s) offering the lowest cost or receiving the highest technical score may not necessarily be the proposal that is selected for award.

4.3 Evaluation Criteria

There are 100 points available. Proposals that do not meet minimum standards and/or with an overall rating of less than 70 points (bonus points will not be included in this total) will be rated unacceptable and therefore, will be disqualified from further consideration. The review and evaluation of proposals shall be based on the following criteria:

- 4.3.1 Organizational Capacity (20 points)
- 4.3.2 Scope of Service (30 points)
- 4.3.3 Demonstrated Performance (20 points)
- 4.3.4 Cost (30 points)

GOVERNING PROVISIONS AND LIMITATIONS

The following provisions and limitations apply to this Request for Proposal.

5.1 The intent of the RFP is to identify various prospective contract alternatives and obtain cost analysis for services solicited. The Workforce Board is under no obligation to execute a contract(s) on the basis of any information received. Furthermore, this RFP does not commit the Workforce Board to pay for any costs incurred in the preparation of a response.

5.2 The Workforce Board reserves the right to accept or reject any or all information received, to cancel this RFP in part or in its entirety, or to reissue this RFP.

5.3 The Workforce Board is not responsible for any costs incurred in services provided by Respondents, prior to the commencement date of any contract.

5.4 All information and any attachments, appendices, or other information submitted as part of a response, become the property of the Workforce Board upon submission, and may be reprinted, published, or distributed in any manner the Workforce Board deems appropriate, in accordance with open record laws, and applicable state and federal policies and procedures.

5.5 The Workforce Board reserves the right to contact any individual, agencies or employers listed in a response to the RFP, to contact others who have experience and/or knowledge of the Respondent's relevant performance and/or qualifications and to request additional information from any and all Respondents.

5.6 The Workforce Board reserves the right to negotiate the terms of any and all purchase agreements with Respondents selected and such agreements negotiated as a result of this RFP may be re-negotiated and/or amended in order to successfully meet the needs of the local workforce development area.

5.7 The Workforce Board reserves the right to conduct a review of records, systems, procedures, etc., of any entity selected for funding. This may occur prior to, or subsequent to, any award. Misrepresentation in an application of a Respondent's ability to perform may result in termination of any award.

5.8 The Workforce Board reserves the right to withdraw or reduce the amount of an award, or to cancel any contract resulting from this procurement if adequate funding is not received from TWC.

5.9 Solicitation and selection of providers must conform to relevant state and federal laws and regulations and local policies governing procurement of supplies, equipment and any type of services. Successful Respondents will be responsible for familiarizing themselves with applicable laws and regulations.

5.10 Respondents 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 Workforce Board for the purpose of having the effect of influencing favorable disposition toward their own application or any other application submitted hereunder.

5.11 Respondents shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, Workforce Board of Directors, employee, application evaluator, or agent of the Workforce Board or elected official for purposes of having an influencing effect on this procurement.

5.12 No officer, Workforce Board of Directors, employee, application evaluator, or agent of the Workforce Board shall participate in the selection, award or administration of a contract supported by workforce development funds if a conflict of interest, or potential conflict, is involved.

5.13 Respondents shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a Respondent's application to be disqualified and rejected. This does not preclude joint ventures or subcontracts.

5.14 All applications submitted must be an original work product of the Respondent. The copying, paraphrasing or other use of substantial portions of the work product of another party and submitted hereunder as original work of the Respondent is not permitted. Failure to adhere to this instruction may cause the application to be disqualified and rejected.

5.15 The contents of a successful application may become a contractual obligation if selected for the award of a contract. Failure of a Respondent to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to successful Respondents as a basis for release from proposed services at the stated price/cost. Any damages accruing to the Workforce Board as a result of a successful Respondent's failure to contract with the Workforce Board may be recovered from the Respondent.

5.16 A contract with a selected Respondent may be withheld, at the sole discretion the Workforce Board, if issues of contract or questions of non-compliance, questioned/disallowed costs, audit/monitoring findings or legal issues exist, until such issues are satisfactorily resolved. The Workforce Board may withdraw the award of a contract if the resolution is not satisfactory to the Workforce Board.

5.17 The solicitation and selection of applications must conform to all relevant federal, state and local laws, regulations, rules, and policies governing the procurement of supplies, equipment and services. Respondents are responsible for familiarizing themselves with such matters.

5.18 Under Texas Government Code Section 552.003, the Workforce Board is subject to the Texas Public Information Act and the information provided in response to this RFP will be made accessible to the public. If a Respondent believes that any information contained in its

application qualifies for an exception to the Public Information Act, it must indicate which information in the application should be exempted from the Act and clearly state the grounds for the exception.

INQUIRY AND PROTEST PROCEDURES

6.1 Requests for Debriefing

Respondents who desire a debriefing must submit a written request within ten (10) business days of the receipt of the Workforce Board's notification of the procurement decision. In the debriefing, the respondent will obtain information on the procurement process and how their proposal or offer was received and ranked. The Workforce Board shall acknowledge receipt of the request for debriefing in writing within three (3) business 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) business days from the written receipt of request for debriefing.

6.2 Debriefing

The purpose of the debriefing is to promote the exchange of information, explain the Workforce Board's proposal evaluation system, and help unsuccessful respondents understand why they were not selected. Debriefings serve as an important educational function for new respondents, which hopefully, will help them to improve the quality of any future proposals. Workforce Board staff and/or independent evaluators will meet with the appealing party and review: (a) the proposal evaluation process and (b) how the appealing party's proposal for bid was scored or ranked. Bidders and respondents can gain a better understanding of the procurement process and how to improve their bids or proposals, while Workforce Board staff gets direct feedback to help improve future procurements. The debriefing process, however, is not an open-ended invitation for a bidder to obtain information and documentation on an evaluation. Although the Workforce Board will endeavor to provide as much information or documentation as possible in a debriefing, the Workforce Board must observe relevant legal restrictions on the timing and extent certain bid-related information and documentation can be disclosed. By way of example, the Workforce Board may not release confidential or proprietary information belonging to other bidders during any stage of the debriefing or appeals process.

6.3 Written Notice of Appeal

If after the debriefing, the appealing party wishes to continue with the appeal process, they must submit to the Workforce Board, a written Notice of Appeal within ten (10) business days of the date of the appealing party's debriefing. This written notice must clearly state that it is an appeal and identify the following:

- 6.3.1 The solicitation being appealed (i.e. RFP number and date).
- 6.3.2 The name, address, phone and fax number of the appealing party.
- 6.3.3 The specific grounds of the appeal.
- 6.3.4 Any relevant documents in the Respondent's possession or control and which are material to the consideration of the appeal

The Notice of Appeal must be sent by registered mail or hand delivered (please request a receipt), clearly identified externally as “Dated Material” and addressed to:

Ms. Caroline Kalman, Workforce Relations Director
Upper Rio Grande Workforce Development Board
300 E. Main, Suite 800
El Paso, Texas 79901

Telefax/facsimile/e-mail notices and/or any other documentation sent via these means will not be accepted at any stage of the appeals process. Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within five (5) business days of receipt of the notice. Such document will also include specific instructions for completing the appeal process and the date, time and place of the Informal Hearing.

6.4 Informal Hearing

An Informal Hearing will be held at the Workforce Board offices within ten (10) business days of receipt, by the Workforce Board, the Notice of Appeal. The Equity Officer, or a designee, shall act as the Hearing Officer for the Informal Hearing, and will meet with the appealing party to discuss the specific concerns and grounds for the appeal that were identified in the Notice of Appeal. The Hearing Officer may recommend to the Workforce Board Chief Executive Officer any appropriate actions allowable under program funding source rules and regulations and consistent with Workforce Board Procurement Policies to resolve issues at the Informal Hearing. If the appealing party agrees, the appeal may be ended at this point.

6.5 Request for Formal Hearing

The appealing party, if not satisfied with the results of the Informal Hearing, must inform the Hearing Officer, in writing, no later than five (5) business days from the date of the Informal Hearing, of the intent to proceed with the appeal. A request for a Formal Hearing must be made in writing and delivered to the Workforce Board pursuant to the instructions for submitting written notices of appeal in Section 3 above. Within ten (10) business days of receipt of this written request, the respondent will be sent written notice.

6.6 Formal Hearing and Final Decision

The Formal Appeals Hearing shall be conducted within fifteen (15) business days of the date of the request for Formal Hearing. An Independent Hearing Examiner (IHE) will conduct the Formal Hearing of the appeal. Once selected, consider the facts presented as grounds for the appeal and remedies requested. The IHE may request additional information. After full review, the IHE will render his/her decision no later than sixty (60) days from the date of the written Notice of Appeal. The IHE’s decision shall be the final decision and end the appeal process at the local level.

6.7 Miscellaneous

The Informal Hearing and Formal Hearing process set forth in this policy serves as any administrative grievance process required by applicable law. In all instances, information regarding the protest/dispute that reaches the formal appeal stage will be disclosed to TWC.

Attachment A
PROPOSAL COVER SHEET

RFP for Call Center Services

#PY12-RFP-100-400

Date and Time Submitted: _____ (obtain receipt from the Workforce Board Procurement Section if response is hand delivered; if response is mailed, use certified mail – return receipt requested).

Submitted by: _____

Legal Name of Respondent Agency: _____

Physical address: _____

Mailing Address: _____

Contact Person: _____ Title: _____ Telephone #: _____

Fax #: _____ e-mail address: _____

Signature and Title of Individual having Contract Signature Authority:

Signature

Title

Tax/ Legal Status:

_____ State Government Agency _____ Local Government _____ Union

_____ Community College _____ Local School District _____ Non-Profit

_____ Private for-Profit _____ Other _____

Federal Employer Identification Number: _____

Texas State Comptroller ID Number: _____

Historically Underutilized Business (HUB):

HUB Certification Number _____

Attachment B

PROVIDER ASSURANCES AND CERTIFICATIONS

The Texas Workforce Commission and all Workforce Investment Act (WIA) recipients are obligated to maintain the following assurance for the period during which WIA Title I financial assistance is extended as stated in 29 CFR 37.21. Each request for proposal, proposal and application for financial assistance under WIA Title I shall contain the following assurances as required by 29 CFR 37.20.

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

Section 188 of the WIA, 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 WIA 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 or national origin; Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against individuals with disabilities; the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the bases 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 recipient 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 recipient's operation of the WIA Title I-financially assisted program or activity, and to all agreements the recipient makes to carry out the WIA Title I-financially assisted program or activity. The recipient understands that the United States has the right to seek judicial enforcement of this assurance.

Debarment, Suspension, and Other Responsibility Matters: This certification is required by 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), Department of Health and Human Services (45 CFR Part 76).

The undersigned Respondent certifies that neither it nor its principals:

- (1) Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency;
- (2) Have not within a three-year period preceding this application been convicted of 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;
- (3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of offenses enumerated in Paragraph (2) of this section; and
- (4) Have not within a three-year period preceding this application had one or more public transactions terminated for cause or default.

Nondiscrimination: The undersigned respondent certifies that it shall comply with the nondiscrimination provisions outlined in the WIA of 1998 including title 1, Sec. 184 (f) and Sec. 188 (a); 20 CFR 667.266 (a) and 45 CFR 80 and 84.

Conflict of Interest: The undersigned respondent certifies that:

- (1) No manager, employee or paid consultant of the Bidder is a member of the Policy Board, President, or an employee of the Workforce Board;
- (2) No manager or paid consultant of the Bidder is married to a member of the Policy Board, the President, or an employee of the Workforce Board;
- (3) No member of the Policy Board, the President or an employee of the Workforce Board owns or controls more than percent share in the Bidder's organization;
- (4) No spouse of a member of the Policy Board, President, or employee of the Workforce Board receives compensation from Bidder for lobbying activities as defined in Chapter 305 of the Texas Government Code;
- (5) Bidder has disclosed within the proposal response any interest, fact or circumstance which does or may present a potential conflict of interest;
- (6) Should Bidder fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Bidder shall not be entitled to the recovery of any costs or expenses incurred in relations to any contract with the Workforce Board and shall immediately refund to the Workforce 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 Workforce Board relating to that contract.

Lobbying: This certification is required by the Federal Regulations, Implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned respondent certifies 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 any officer or employee of Congress, or an employee of a Member of Congress
- (2) 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.
- (3) 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, any 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.
- (4) The undersigned shall require that the language of this certification be included in the award 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 provide disclosure accordingly.

Drug-Free Workplace: This certification is required by the Federal Regulations, Implementing Section 5150-5160 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 Part 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).

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

- (a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;
- (b) Establishing an ongoing drug-free awareness program to inform employees of the dangers of drug abuse in the workplace, the Contractor's policy of maintaining a drug-free workplace, the availability of counseling, rehabilitation and employee assistance programs, and the penalties that may be imposed on employees for drug abuse violations in the workplace;
- (c) Providing each employee with a copy of the Contractor's policy statement;
- (d) Notifying the employees in the Contractor's policy statement that as a condition of employment under this contract, employees shall 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;
- (e) Notifying the Commission within ten (10) days of Contractor's receipt of a notice of a conviction of an employee; and,
- (f) Taking appropriate personnel action against an employee of violating a criminal drug statute or require such employee to participate in drug abuse assistance or a rehabilitation program.

These certifications are material representations 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.

WIA Sec. 184 (f): Discrimination Against Participants: -- If the Secretary determines that any recipient under WIA Title I has discharged or in any other manner discriminated against a participant or against any individual in connection with the administration of the program involved, or against any individual because such individual has filed any complaint or instituted or caused to be instituted any proceeding under or related to WIA Title 1, or has testified or is about to testify in any such proceeding or investigation under or related to WIA Title 1, or otherwise unlawfully denied to any individual a benefit to which that individual is entitled under the provision of WIA Title I or the Secretary's regulations, the Secretary shall, within 30 days, take such action or order such corrective measures, as necessary, with respect to the recipient or the aggrieved individual, or both.

WIA Sec. 188 (a):

- (1) Federal financial assistance. -- For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

- (2) Prohibition of discrimination regarding participation, benefits, and employment. -- No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.
- (3) Prohibition on assistance for facilities for sectarian instruction or religious worship. -- Participants shall not be employed under WIA title I to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing service to participants).
- (4) Prohibition on discrimination on basis of participant status. -- No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIA title 1, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.
- (5) Prohibition on discrimination against certain non-citizens. -- Participation in programs and activities or receiving funds under WIA title I shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

20 CFR §667.266 (a): WIA title I funds may not be spent on the employment or training of participants in sectarian activities.

Further, the undersigned respondent certifies that it shall comply with the provisions outlined by the U.S. Department of Health and Human Services (45 CFR 80 and 84).

With regard to section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the provider agrees to comply with the implementing regulations that require that each program of training services, when funded in all or in part with federal funds, shall be accessible to qualified individuals with disabilities. The provider further agrees to meet all applicable requirements regarding facility access.

By signing, the respondent certifies that it will comply with all other regulations implementing the laws cited above. This assurance applies to the respondent's operation of the WIA title I - financially assisted program or activity, and to all agreements the respondent makes to carry out the WIA title I-financially assisted program or activity. The respondent understands that the United States, the Texas Workforce Commission and/or the Local Workforce Development Board(s) has the right to seek judicial enforcement of this assurance. [NOTE: The new WIA non-discrimination regulations are to be published at 29 CFR 37.]

Education Standards and Procedures: The undersigned respondent certifies that it shall comply with the provision outlined in the Workforce Investment Act of 1998 [Sec. 195 (9)(B)]: Except as otherwise provided in this title [WIA title 1], the following conditions are applicable to all programs under this title: Standards and procedures with respect to awarding academic credit and certifying educational attainment in programs conducted under such chapter shall be consistent with the requirements of applicable State and local law, including regulation.

Documentation of Financial Stability: The undersigned respondent certifies that it shall comply with the Texas Workforce Commission rules including Subchapter C, Chapter 841 of 40 TAC with regard to providing documentation of financial stability. As part of their local application requirements, Local Workforce Development Boards are to specify their local protocol for documentation and submission requirements.

Reporting Requirements: The undersigned respondent certifies that it shall comply with the provisions of Sec. 122 of the Workforce Investment Act of 1998, the Texas Workforce Commission rules including Subchapter C, Chapter 841 of 40 TAC, and the reporting and procedural requirements issued by the Texas Workforce Commission.

Where the prospective recipient of federal assistance funds is unable to certify to any of the statements in this certification, such prospective recipient shall attach an explanation to this certification.

The undersigned authorized representative of the respondent herein certifies that the statements above pertaining to Debarment, Suspension and Other Responsibility Matters; Nondiscrimination; Conflict of Interest; Education Standards and Procedures; Documentation of Financial Stability and Reporting Requirements are true and correct as of the date of submission. This does not preclude a given Workforce Board from requiring additional assurances as part of their local application requirements.

Further, the authorized representative acknowledges that any information submitted will be attributed to the respondent and the respondent will be responsible and liable for any action taken by the Agency, Local Workforce Development Board(s) or training participants in reliance on that information.

Respondent must notify Workforce Board in writing if the authorized signatory changes.

Certified by:

Signature of Authorized Official

Typed/Printed Name of Signatory

Signatory's Official Title

Provider Name

Date: ____ / ____ / ____ (mm/dd/yyyy)