



**WORKFORCESolutions**  
S O U T H P L A I N S

**REQUEST FOR PROPOSALS  
FOR**

**AUDITING SERVICES  
FOR**

**WORKFORCE SOLUTIONS SOUTH PLAINS**

**ISSUED Wednesday, May 23, 2018 BY**

**WORKFORCE SOLUTIONS SOUTH PLAINS  
South Plains Regional Workforce Development Board  
1301 Broadway, Ste. 201  
Lubbock, Texas 79401  
(806) 744-1987**

**Proposals due: 4:00 p.m., June 20, 2018**

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## **I. Background**

The South Plains Regional Workforce Development Board dba Workforce Solutions South Plains (hereinafter, "the Board" or "Workforce Solutions") is a 501(c)(3) Non-profit Corporation that administers workforce development services for the 15-county South Plains Regional Workforce Development Area (SPRWDA) which consists of Bailey, Cochran, Crosby, Dickens, Floyd, Garza, Hale, Hockley, King, Lamb, Lubbock, Lynn, Motley, Terry and Yoakum Counties. The Board's workforce services contractors operate five full-service Workforce Solutions Career Centers to provide employment and training services to employers and residents of the South Plains. The Board receives funding from various State and Federal sources to fund these services.

## **II. Purpose**

Through this Request for Proposals (RFP), the Board is requesting proposals from qualified and experienced public accounting firms, whose principal officers are independent certified public accountants to obtain independent audit services for performance of our organization's annual financial audit for the program year beginning July 1, 2017 and ending June 30, 2018, with the option of auditing our financial statements for each of the two (2) subsequent years, based upon satisfactory performance. As a result of this RFP, Workforce Solutions South Plains will enter into a contract with the successful proposer for audit services for a one-year period beginning August 1, 2018.

## **III. Scope of Work**

- 1) The Board oversees and manages approximately \$13.8 million in workforce development and child care funds which are subcontracted to other agencies to provide services in our 15-county region.
- 2) For the period covered by the audit, the primary sub-contractor for workforce development and childcare services is South Plains Community Action Agency, Inc. Subcontractors are required to obtain annual audits if applicable.
- 3) The Board has an automated networked accounting system that uses MIP NPS accounting software (a Windows-based system); we use the Accounting, Payroll, Accounts Payable, and Budget modules.
- 4) We averaged 23 deposits per month and 475 disbursements per month during the period in question. During the 2017-2018 audit year, the Board had 17 full-time employees.
- 5) The audit for the Board will be a Single Audit in compliance with the requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance); Generally Accepted Government Auditing Standards; the State of Texas Single Audit Circular; and The Texas Workforce Commission Financial Manual for Grants and Contracts.
- 6) The auditor's principal contact will be Lisa Rivera, Chief Financial Officer (CFO), who will coordinate the assistance provided by the Board to the auditor. The Finance staff and responsible management personnel will be available during normal working hours throughout the course of the audit to assist the firm by providing information, documentation, and explanations.

- 7) The selected auditor will schedule, at a minimum, an entrance conference, periodic progress reports, and an exit conference with the CFO.
- 8) The Board will provide the auditor with reasonable workspace, tables and chairs for the conduct of fieldwork. The auditor will also be provided with access to telephones, photocopying equipment and fax machines subject to the following restrictions:
  - Long distance telephone charges will not be charged to the Board’s phone lines. Any anticipated long distance charges should be included in the cost fee estimate as other charges.
  - Report preparation, editing, typing, and printing will be the responsibility of the auditor.
- 9) The auditor shall provide the Board with a list of all schedules and other assistance to be prepared by Board staff in preparation for the audit. This list should be submitted to the CFO no later than 30 days prior to commencing field work.
- 10) Activities are expected to occur according to the following schedule:

| Activity  | Begin no later than: | Completion no later than: |
|---|----------------------|---------------------------|
| Pre-work and on-site audit  | November 1, 2018     | December 31, 2018         |
| Draft audit report  |                      | January 31, 2019          |
| final audit report  |                      | February 28, 2019         |
| Presentation of audit at Executive/Oversight Committee Meeting and at Board meeting |                      | February 28, 2019         |
| Data Collection Form  |                      | March 29, 2019            |

- 11) At the request of the Board, copies of any or all the working papers prepared in conjunction with the audit engagement will be provided, on a timely basis, at no cost to federal and State of Texas grant agencies. In addition, the firm shall respond to the reasonable inquiries of successor auditors and allow successor auditors to review working papers relating to matters of continuing accounting significance. All working papers and reports must be retained, at the auditors’ expense, for a minimum of five (5) years.

**IV. Procurement Standards**

A. This procurement is conducted in compliance with Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance); Generally Accepted Government Auditing Standards; the State of Texas Single Audit Circular; The Texas Workforce Commission Financial Manual for Grants and Contracts; and the provisions of applicable Federal law or Executive Orders, as well as applicable state laws, rules, regulations and policies governing procurement. Solicitation under this RFP is intended to ensure that services are obtained efficiently, economically, and provide for complete, free and open competition in the selection of service providers.

B. Under Texas Government Code sec. 552.003, the Board is subject to the Texas Public Information Act and the information provided in response to this Request for Proposals will be made accessible

to the public. If a proposer believes that any information contained in its proposal qualifies for an exception to the Public Information Act, the proposer must indicate in the proposal which information should be excepted from the Act and the grounds for the exception. If there is a request for this information under the Public Information Act, the Board will make a good faith effort to inform the proposer of the request for access to the information.

#### **V. Funding**

Funding for this procurement is State and Federal funds received from the Texas Workforce Commission.

#### **VI. Contracting**

A. The actual amount of a contract award will be based on the proposed budget, availability of funds, and the standards for the use of public funds (i.e. all costs must be reasonable and necessary to carry out the planned functions, allowable, and allocable to the proper grant/cost categories). The proposal(s) most advantageous to the Board in terms of quality and cost will be recommended for contract negotiations.

B. This contract will be for a period of one year, beginning August 1, 2018 and ending July 31, 2019, with options to renew for an additional two years based on contractor performance.

C. The Board may, at any time by written notice, make changes in or additions to work or services within the general scope of the agreement. If such changes are made, an equitable adjustment will be made in the cost of the audit using the rates specified in the agreement. If the Contractor believes that a change in or addition to work is beyond the general scope of the agreement, it must notify the Board in writing within 10 days before beginning that work. Changes to the scope of work and/or resultant contract(s) shall be subject to the availability of funds, successful contract negotiations, applicable procurement standards, and the laws, rules, regulations and policies governing the programs funded under this RFP. Only the Chief Financial Officer will have authority to make changes or additions to the contracted items. Changes or additions made by anyone other than Workforce Solutions authorized personnel will not be accepted or paid for by Workforce Solutions.

D. Contractors may request payment monthly by completing a Contractor Expenditure Report on the form to be provided and submitting an invoice accompanied by an interim report of progress. Payment will be made within 10 business days.

#### **VII. Proposal Deadline**

All proposals must be received and recorded by the Board no later than 4:00 p.m. (CDST) on June 20, 2018. Official receipt of proposals submitted will be by entry on a proposal receipt log. A receipt form will be issued upon request. Bidders who mail a proposal will be sent a copy of the receipt form upon request.

**Proposals may be hand-delivered prior to the required deadline between 8:00 a.m. and 5:00 p.m. Monday through Friday or mailed to the following address:**

Workforce Solutions South Plains  
1301 Broadway, Ste 201  
Lubbock, Texas 79401  
Attn: Procurement  
(806) 744-1987; (806) 744-5378 fax

Proposals submitted by mail, courier or overnight mail services must be received at the above address by the deadline (regardless of postmark or date shipped). *Proposals received after the due date and time will not be accepted or considered under this procurement. No exceptions will be made to this requirement for any reason. The timely delivery of proposals is the sole responsibility of the bidder.*

Any modifications or amendments to a proposal must also comply with the above requirements and response deadline. A bidder may withdraw a proposal at any time during the procurement process by submitting a written request to Erin Rea, Director of Strategic Planning and Procurement, 1301 Broadway, Ste 201, Lubbock, Texas 79401.

**VIII. Procurement Timeline**

A copy of the RFP can be obtained beginning May 23, 2018, by contacting erin.rea@spworkforce.org. The RFP will be e-mailed or faxed to prospective bidders or may be picked up in person at the above address from 8:00 a.m. - 5:00 p.m., Monday through Friday (except for holidays), or may be accessed on the Board’s website at <http://workforcesouthplains.org/doing-business-with-us/current-open-procurements/>

The timeline for soliciting proposals, review, selection and negotiation is presented below. The dates are tentative and may be changed at the Board’s discretion.

| <b>Activity</b>             | <b>Due Date</b>                     |
|-----------------------------|-------------------------------------|
| Deadline for Questions      | June 11, 2018 – 4:00 PM             |
| Proposal Due Date           | June 20, 2018 – 4:00 PM             |
| Proposal Review             | June 21, 2018 through June 27, 2018 |
| Contract Negotiations Begin | July 2, 2018, through July 20, 2018 |
| Contract Award Date         | July 31, 2018                       |
| Contract Start Date         | August 1, 2018                      |

Note: Dates are subject to change. Organizations *submitting an intent to respond* will be notified in writing of any changes in the procurement schedule. Notice will also be posted on the Board’ website.

**Questions** are to be submitted in writing electronically, via facsimile or via private or public mail carrier until 4:00 p.m. on June 11, 2018, to the address listed below. All questions will be answered as expeditiously as possible and responses posted on the Board website. All questions should be addressed to Erin Rea, erin.rea@spworkforce.org.

Other than as specified above, all members of the Board of Directors, Board staff, authorized representatives or agents of the Board are precluded from entertaining or answering questions concerning this RFP or the procurement process. Other than written questions submitted to the Board prior to the deadline, potential bidders are prohibited from making any contact with Board staff or the Board of Directors at any time during this procurement. Violations of this prohibition will result in the automatic disqualification of the offending bidder.

**IX. Proposal Requirements**

Submit one (1) complete original with authorized signatures. ***Please do not place in a binder.*** Proposal narratives should be no more than 20 pages in length. Pages over the 20-page limit will not be considered. Material submitted that has not been requested will not be considered. Provide contact information for the individual who can respond to questions regarding the proposal.

## **X. Qualifications for Proposers**

**1. Eligible Proposers:** Eligible organizations include public entities, community-based organizations, faith-based organizations, non-profit organizations, private-for-profit corporations, and other qualified providers are invited to respond to this request. Workforce Solutions South Plains encourages proposals from Historically Underutilized Businesses (HUBS) and Small Businesses.

Under Texas House Bill 1863 and the Texas Government Code, the Board is prohibited from entering into a contract for workforce services with any entity that provides workforce education or workforce training services. The Board is also prohibited from awarding a contract to a party excluded from federal procurement or non-procurement programs by the U.S. General Services Administration or any entity that has outstanding Unemployment Insurance overpayment balance payable to the State of Texas or any for-profit corporation that is delinquent in its franchise tax payments to the State of Texas.

### **2. Proposer Competency:**

Proposers will be asked to provide evidence that they are legally organized and authorized to do business in the State of Texas. The successful Proposer must have the technical competence and management and administrative skills to accomplish the work of this RFP and will be expected to meet high standards of customer service and performance. Auditing firms must certify that they have not been suspended or debarred from performing governmental audits.

In addition, each proposal must include information that clearly indicates that proposer meets each of the following minimum qualification requirements:

- Proposer is current with the State of Texas Comptroller of Public Accounts.
- Proposer can provide Certificate of Franchise Tax status:  
<https://ourcpa.cpa.state.tx.us/coa/Index.html>.
- Proposer can demonstrate evidence of certifications, permits, licenses and insurances as appropriate to perform as required.

Except as otherwise provided by Government Code §403.055, no awards shall be made to a person or the assignee of a person who is indebted to the state or who has a tax delinquency.

No awards shall be made to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in federal assistance programs or been suspended or debarred from performing government audits under Executive Order 12549, "Debarment and Suspension." Proposer must sign the certification provided as Attachment 3.

**3. Authorized Signatory Authority:** The proposer's authorized signatory authority must sign all signature documents in the proposal. This individual should typically be the owner, director, president or chief executive officer of the organization or any individual who has the authority to negotiate and enter into and sign contracts on behalf of the proposer.

**4. Subcontracting:** Subcontracting is not allowed for this procurement.

**5. Partnerships/Consortia:** Proposals from partnerships and consortia are not allowed.

#### **XI. Proposal Evaluation:**

1. The proposal criteria identified herein are a guideline for proposers and reviewers; however, the final decision for contract award rests solely with the Board. The Board is not required to contract with the entity receiving the highest score in the proposal review process.
2. Evaluation Process: The evaluation process will consist of:
  - ✓ An initial review for responsiveness and compliance with the technical specifications and other criteria specified in the RFP;
  - ✓ All responsive proposals will be evaluated and scored by a committee of board staff. Proposals will be evaluated on specific areas by all reviewers using the same standardized instrument.
3. Evaluation Criteria: The proposal will be evaluated based on proposer's responses to the service proposal questions provided in Section XII of this RFP.

#### **XII. Proposal Narrative**

Proposals should include a proposal narrative, a budget proposal, contact information for three professional references, a completed cover sheet (Attachment 2) and signed certifications (Attachment 3).

A. The proposal narrative should include:

1. A brief narrative demonstrating the following:
  - An understanding of the audit's objective, our organization's needs and the final products to be delivered;
  - A commitment to perform the work within the time period;
  - A statement why the firm believes itself to be best qualified to perform the audit;
  - A statement that the proposal is a firm and irrevocable offer and a stated offer period;
  - The names of persons authorized to represent your firm, their title, address, and telephone number.
2. A profile of your firm including the following:
  - The organization and size of your firm; whether it is local, regional, national, or international in operations;
  - The location of the office from which the work is to be done and the number of professional staff by staff level employed at that office;
  - A description of the range of activities performed by the local office such as auditing, accounting, tax service, or management services;
3. A positive statement that the following mandatory criteria are satisfied.
  - An affirmation that you are properly licensed for practice as a certified public accountant;



- An affirmation that your firm meets applicable independence requirements;
  - An affirmation that your firm does not have a record of substandard audit work;
  - An affirmation that your firm meets all specific requirements imposed by state or local law, rules, and regulations;
4. A summary of your firm’s qualifications, including:
    - The name of the external quality control review organization of which the firm is a member and the length of membership. **Also, provide a copy of the latest review report and state the frequency of reviews;**
    - A description of the firm’s audit approach for the initial and subsequent years;
    - A list of the audit managers and field supervisors and other staff who will work on the audit, including staff from other than the local office along with resumes outlining each auditor’s qualifications and experience (specific audit engagements) and continuing education received during the last three years with a more comprehensive listing for the supervising auditor/auditor in charge up to the individual with final responsibility for the audit;
    - A description of the recent governmental, non-profit and other audit experience that is applicable to this audit;
  5. Contact information from three references from entities for which your firm has performed similar audits;
  6. A schedule of events demonstrating how your firm plans to meet the reporting deadline requirements of the audit;
  7. Describe the level of assistance that will be expected from Board staff.
  8. Discuss the auditor’s privacy policy regarding our organization’s financial information.
  9. State the firm’s policy regarding notification of changes, especially regarding changes in key personnel.

B. The budget proposal should include:

1. An estimated total for comprehensive services, including all direct and indirect costs and out-of-pocket expenses relative to performing the audit as described in the proposal along with a schedule of professional fees and expenses that supports the total. The estimate should be submitted for both one year’s costs and as a 3-year proposal;
2. An explanation of how cost/time overruns will be charged.

**XIII. Selection of Service Provider**

After the review for initial compliance, proposals will be evaluated based on the following criteria. Workforce Solutions South Plains reserves the right to conduct personal interviews of any or all firms prior to selection.

Workforce Solutions South Plains will consider the following in evaluating proposals:

| Criteria   | Points |
|--|--------|
| Responsiveness to the request for proposal; the results of external quality control reviews; relevant experience; availability of staff with professional qualifications and technical abilities (including qualifications of supervisory personnel, consultants, and the field audit team); general direction and supervision to be exercised over the audit team by the firm's management personnel. | 50     |

|  |     |
|--|-----|
| Clear understanding of the work to be performed; comprehensiveness of the audit work plan; realistic time estimates of each major segment of the work plan, and the estimated number of hours for each staff level including consultants assigned. | 30  |
| Budget and other cost factors; financial stability.  | 20  |
| Oral Interviews (If Necessary)<br>Interview Points Awarded   | 15  |
| Historically Underutilized Business (HUB)  | 5   |
| Total Points   | 120 |

**This space is intentionally left blank.**

## **Attachment 1**

### **Appeals**

1. The Board is the responsible authority for handling complaints or protests regarding the proposal review and selection process. This includes, but is not limited to, disputes, claims, protests of award or non-selection for award, or other matters of a contractual or procurement nature. Matters concerning violation of law shall be referred to such authority, as may have proper jurisdiction.
2. Once a proposer has been selected, all proposers will be notified in writing of the results within ten (10) working days of the decision.
3. Any unsuccessful proposer has the option to protest the procurement decision. Complaints or protests must be submitted in writing by registered mail to the Director of Operations, Workforce Solutions South Plains, 1301 Broadway, Ste. 201, Lubbock, Texas 79401. A clear statement of the complaint or protest and the reason(s) or grounds must be made. The appeal must be submitted in writing, filed within fourteen (14) calendar days of the mailing date of determination/notification of non-selection, and include the party's proper mailing address. An acknowledgment of receipt of the protest will be provided to the protestor along with specific instructions and dates for the protest process.
4. The protesting party is first given an opportunity for an informal review of the evaluation, ranking and selection process with the Board staff. This review is designed to allow the protesting party an opportunity to examine documentation related to the procurement, understand the reasons for their evaluation score, provide them with information that may allow them to prepare a more successful response in future solicitations. The objective of this informal review is to provide an opportunity for resolution and avoid, if possible, the need for a formal hearing.
5. If after the informal review, the protesting party is not satisfied, a formal hearing conducted by an Independent Hearing Officer will be scheduled. Hearings will be conducted within thirty (30) days of the filing of a protest and decisions will be made not later than sixty (60) days after such filing. Except for complaints alleging fraud or criminal activity, complaints must be made within one year of the alleged occurrence.
6. Proposers not selected for award of a contract may receive a debriefing to determine the reasons for non-selection if the debriefing is requested in writing to the contact person for this procurement, and the request is made within thirty (30)

### **Governing Provisions and Limitations**

1. Offerors shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause an offeror's proposal to be disqualified and rejected. This does not preclude joint ventures or subcontracts.
2. All proposals submitted must be an original work product of the offeror. The copying, paraphrasing or other use of substantial portions of the work product of another party and submitted hereunder as original work of the offeror is not permitted. Failure to adhere to this instruction may cause the proposal to be disqualified and rejected.
3. The contents of a successful proposal may become a contractual obligation if selected for the award of a contract. Failure of an offeror to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to successful offerors as a basis for release from proposed services at the stated price/cost. Any damages accruing to the Board because of a successful offeror's failure to contract may be recovered from the offeror.
4. The Board reserves the right to:
  - a. award from one or more contracts as a result of this RFP for any combination of services as necessary to obtain the best value for the State;
  - b. accept or reject any or all proposals received, to cancel or reissue this RFP in part, or its entirety;
  - c. extend, shorten, increase or decrease any contract awarded as a result of this RFP;
  - d. contact any individual, agency, employer or granting agencies listed in a proposal, contact others who may have experience and/or knowledge of the offeror's relevant performance and/or qualifications;
  - e. request additional information from any and all offerors to obtain clarification of or explanation for any aspect of a response to this RFP;
  - f. where it may serve the Board's best interest, to allow corrections of errors or omissions.
  - g. waive any defect in this procurement process or to correct any error(s) and/or make changes to this solicitation it deems necessary;
  - h. negotiate the final terms of any and all contracts or agreements with selected offerors and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in

- order to successfully meet the needs of the South Plains Area;
- i. conduct on-site reviews of records, systems, procedures, including credit and criminal background checks, etc., of any entity selected for funding under this RFP either before or after the award of a contract or agreement;
  - j. cancel any contract or agreement awarded if there is found to be misrepresentation of the offeror's ability to perform as stated in the offeror's proposal.
  - k. Offers must be valid for a period of 90 days following the date and time designated for receipt of proposals and may not be withdrawn or canceled during that period without the written permission of the Board. A statement to this effect must be submitted with the offeror's proposal.
5. As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the offeror assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
- a. Section 188 of the Workforce Innovation and Opportunity Act of 2014 (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;
  - b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
  - c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
  - d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
  - e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
  - f. The offeror 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 offeror's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant offeror makes to carry out the WIOA Title I-financially assisted program or activity. The offeror understands that the United States has the right to seek judicial enforcement of this assurance.
6. An offeror may withdraw the offeror's proposal either in person or by written request by a duly authorized representative at any time prior to the scheduled closing time for receipt of applications.
7. Funding for goods or services requested in this RFP is contingent upon the Board's actual receipt and availability of funds from the Texas Workforce Commission.
8. Workforce Solutions South Plains is an equal opportunity employer and complies 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 basis 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.
9. The offeror certifies that the individual or organization submitting the proposal is not ineligible, pursuant to Texas Family Code §231.006, to receive the specified payment and acknowledges that if the certification is inaccurate, no contract will be made with offeror.
10. The offeror certifies that it will notify the Board immediately in the event of any significant change affecting the offeror and offeror's identity, such as ownership or control, name change, governing board membership and vendor identification number.
11. The offeror certifies that it will comply with the requirements of the Immigration Reform and Control Act of 1986 regarding employment verification and retention of verification forms for any individuals hired on or after November 1, 1986, who will perform any services under the proposed contract.
12. No contract may be awarded until the offeror has complied with Executive Order 12549, 29CFR, Part 98 by submitting to the Board a signed Certification of Debarment, which states that neither the offeror, nor any of its principals, are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in a procurement by any Federal department or agency.
13. Contracts will contain provisions for maintaining participants' confidentiality. The Service Provider agrees

to maintain the confidentiality of any information, regarding program participants and the immediate family of any applicant or participant, that identifies or may be used to identify them and which may be obtained through application forms, interviews, tests, reports from public agencies or counselors or any other source. The Service Provider agrees not to divulge such information without the written permission of the participant, except that such information which is necessary as determined by the Board for purposes related to the performance or evaluation of the contract may be divulged to the Board or such other parties as they may designate having responsibilities under the contract for monitoring or evaluating the services and having responsibilities under the contract, or to governmental authorities to the extent necessary for the proper administration of the law. All unauthorized release of information shall be construed as a breach of this section.

14. The contract with the successful offeror will include general provisions set forth in the contract between the Board and the Texas Workforce Commission and other applicable requirements. A copy of the general provisions is available upon request.
15. The offeror certifies and assures that it has not been found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year. The Applicant further certifies and assures that no officer of the offeror has served as an officer of any company found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year.
16. The offeror certifies that it will disclose to the Board and any applicable federal or state agencies the name of any person who has an ownership or control interest in or is an agent or managing employee of the offeror who has been convicted of a criminal offense related to the person's involvement in any program under Title XVIII, SIX, or SS of the Social Security Act since the inception of these programs.

**Attachment 2  
Cover Sheet**

|   |   |
|---|---|
| <b>Name of Proposing Organization<br/>(Include legal name of parent company, if applicable)</b> |   |
| <b>Name of Parent Company CEO</b>   |   |
| <b>Mailing Address and Physical Address (if different)</b>                                      |   |
| <b>Telephone Number</b>   |   |
| <b>Fax Number</b>   |   |
| <b>E-mail of Proposal Liaison</b>   |   |
| <b>Phone Number of Proposal Liaison</b>   |   |
| <b>Name &amp; Title of Proposal Liaison</b>   |   |
| <b>Name &amp; Title of Signatory Authority</b>  |   |
| <b>Legal/Tax Status of Proposing Organization<br/>(check all that apply)</b>                    | <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> for Profit<br><input type="checkbox"/> Not for Profit <input type="checkbox"/> Corporation<br><input type="checkbox"/> Partnership <input type="checkbox"/> Sole Ownership<br><input type="checkbox"/> Other (Please Specify) _____ |
| <b>Federal Tax ID Number</b>  |   |
| <b>Historically Underutilized Business?<br/>(If "Yes", attach certification)</b>                | <input type="checkbox"/> Yes <input type="checkbox"/> No  |
| <b>Total Amount Proposed</b>  |   |

## Appendix 19: Certifications and Assurances



1. CERTIFICATION OF OFFEROR
2. PROPOSAL LANGUAGE CHANGE CERTIFICATION
3. CERTIFICATION REGARDING DEBARMENT, SUSPENSION  
AND OTHER RESPONSIBILITY MATTERS
4. CERTIFICATION REGARDING LOBBYING
5. CERTIFICATION REGARDING DRUG-FREE WORKPLACE
6. CERTIFICATION REGARDING CONFLICT OF INTEREST
7. CERTIFICATION REGARDING TEXAS CORPORATE  
FRANCHISE TAX
8. CERTIFICATE OF COMPLIANCE WITH TEXAS FAMILY CODE
9. 231.006 REGARDING PAYMENT OF CHILD SUPPORT
10. STATE ASSESSMENT CERTIFICATION

## CERTIFICATION OF OFFEROR

The Workforce Solutions South Plains Board (hereinafter, “the Board”) contracts for the operation of the Board’s regional workforce system using resources from the federal Workforce Innovation and Opportunity Act of 2013, portions of the public welfare programs under the Social Security Act, Child Care and Development Block Grant Act of 1990, and section 5082 of the Omnibus Budget Reconciliation Act of 1990, P.L. 101-508, as amended, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Funds originating with the United States Departments of Labor, Health and Human Services, and Agriculture are passed through the Texas Workforce Commission to the Board according to requirements of federal law. When submitting a proposal, organizations are required to assure and certify the following:

**Non-discrimination and equal opportunity.** As a condition to the award of financial assistance from the Board, the 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 of 2013 (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 applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the applicant makes to carry out the WIOA Title I-financially assisted programs or activities. The applicant understands that the United States has the right to seek judicial enforcement of this assurance.

**Environmental compliance.** Applicant assures and certifies that to the extent required by law, it will comply with applicable provisions of the Clean Air Act (42 USC §7401 *et. seq.*) the Federal Water Pollution Control Act, as amended (233 USC §1251 *et. seq.*), Section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and the Environmental Protection Agency regulations at 40 CFR Part 5.

**Labor Standards.** Applicant agrees and certifies that it will comply with applicable provisions of the Davis-Bacon Act (40 U.S.C. 276a- 276a-7), the Copeland Act (40 U.S.C.



276c), and the Contract Work Hours and safety Standards Act (40 U.S.C. 327-332), as set forth in Department of Labor Regulations at 20 CFR 5.5a.

**Texas Family Code.** Applicant certifies that the individual or organization submitting the proposal is not ineligible, pursuant to Texas Family Code §231.006, to receive the specified payment and acknowledges that if the certification is inaccurate, no contract will be made with Applicant.

**Unfair business practices.** Applicant certifies and assures that it has not been found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year. The Applicant further certifies and assures that no officer of the Applicant has served as an officer of any company found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year.

**Criminal Convictions.** Applicant certifies that it will disclose to the Board and any applicable federal or state agencies the name of any person who has an ownership or control interest in or is an agent or managing employee of the Applicant who has been convicted of a criminal offense related to the person's involvement in any program under Title XVIII, SIX, or SS of the Social Security Act since the inception of these programs.

**Identity Change.** Applicant certifies that it will notify the Board immediately in the event of any significant change affecting the Applicant and Applicant's identity, such as ownership or control, name change, governing board membership and vendor identification number.

**Immigration Reform and Control Act.** Applicant certifies that it will comply with the requirements of the Immigration Reform and Control Act of 1986 regarding employment verification and retention of verification forms for any individuals hired on or after November 1, 1986, who will perform any services under the proposed contract.

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, board member, or agent of the Workforce Solutions South Plains 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 Sections **I.F. State and Federal Governing Authority and II.I. Contract Terms and Related Contract Provisions** and that this organization will comply with all pertinent regulations, board policies, and other applicable local, state and federal regulations and directives in the implementation of these programs in the event of an award.

Any exceptions taken to the assurances and certifications as set forth in this document must be identified in detail and accompany your organization proposal response. Any exception not identified and accompanying your proposal response will not be considered if later presented. Workforce Solutions South Plains will not be bound by any oral statement or representation contrary to the RFP except for changes or addenda that are issued in writing as part of the RFP or resulting contract.

**This proposal is a firm offer for a minimum of 90 days.**

I, \_\_\_\_\_ (typed name), certify that I am the \_\_\_\_\_ (title) of the corporation, partnership, or sole proprietorship, or other eligible entity named as an Offeror and Respondent herein and that I am

legally authorized to sign this proposal and submit it to the Workforce Solutions South Plains on behalf of said organization by authority of its governing body.

|   |  |
|---|--|
| Typed name of person authorized to sign for the organization: |  |
| Title:  |  |
| Signature:  |  |
| Typed name of authorizing Board Member:                       |  |
| Title:  |  |
| Signature:  |  |

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

Notary Public in and for \_\_\_\_\_ County, State of \_\_\_\_\_  
\_\_\_\_\_. Commission expires: \_\_\_\_\_ SEAL

## PROPOSAL LANGUAGE CHANGE CERTIFICATION

### Certification

I hereby certify that the terms and conditions of this Request for Proposal and/or any of its appendices have not been altered in any way from the original document e-mailed or downloaded from the Board's website on \_\_\_\_\_ (date) including change, addition or deletion except as specifically set forth in the space provided below. I further acknowledge that any alteration described below shall not be binding until expressly approved by the Executive Director of the Workforce Solutions South Plains Board or the Executive Director's designee.

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

Title: \_\_\_\_\_

Company/Organization: \_\_\_\_\_

Changes, additions or deletions (please describe below):

**CERTIFICATION OF LEGAL AND SIGNATORY AUTHORITY**

I, \_\_\_\_\_(typed or printed name) certify that I am the \_\_\_\_\_(typed or printed title) of the corporation, partnership, or sole proprietorship, or other eligible entity named as Respondent and respondent herein, and that I am legally authorized to sign and submit this proposal to the South Plains Regional Workforce Development Board on behalf of said organization by authority of its governing body.

I certify that\_\_(typed or printed name) who signed the Cover sheet of this proposal has the legal authority to enter into and execute a contract with the South Plains Regional Workforce Development Board to provide their services and activities authorized and detailed in this proposal. I agree to submit upon request by the South Plains Regional Workforce Development Board such information and documentation as may be necessary to verify the certification contained herein.

I further certify that the information contained in this proposal and all attachments is true and correct. I certify that no officer, employee, board member, or authorized agent of the South Plains Regional Workforce Development Board has assisted in the preparation of this proposal. I acknowledge that I have read and understood the requirements and provisions of this Request for Proposal and that this organization will comply with all applicable federal, state and local laws, rules, regulations, policies and directives in the implementation of this proposal. I certify that I have read and understand the governing provisions and limitations and administrative requirements of this Request for Proposal and will comply with all terms and conditions.

\_\_\_\_\_  
Name of Organization

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

\_\_\_\_\_  
Typed/Printed Name and Title of Authorized Representative

## ACKNOWLEDGEMENT OF TERMS AND CONDITIONS

The undersigned acknowledges that he/she has read the Assurances and Certification included with this RFP and agrees to manage and operate the proposed program and services as detailed in the proposal response and in compliance with applicable federal, state and local laws, rules, regulations, policies and plans relating to the programs funding this RFP.

By signing below, your organization agrees to provide the services described and agrees to abide by all terms and conditions as specified in this RFP and in any contract resulting from an award based on the RFP. Any exceptions taken to the assurances and certifications as set forth in this document must be identified in detail and accompany your organization's proposal responses. Any exceptions not identified and accompanying your proposal response will not be considered if later presented.

Workforce Solutions Plains Board will not be bound by any oral statement or representation contrary to the RFP except for changes or addenda that are issued in writing as part of the RFP or resulting contract.

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Name of Organization

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Typed/Printed Name and Title of Authorized Representative

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Signature of Authorized Representative      Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER  
RESPONSIBILITY MATTERS**

*This certification is required by the Federal Regulations Implementing Executive Order 12549, Debarment and Suspension, 45 CFR Part 93, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668 and 682), Department of Health and Human Services (45 CFR Part 76).*

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

1. Are not 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 contract 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 government entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
4. Have not within a three-year period preceding this contract had one or more public transactions terminated for cause or default.

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

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Name of Organization/Firm

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Signature of Authorized Representative/Date

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Print Name and Title of Authorized Representative

## **CERTIFICATION REGARDING 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 certifies, to the best of his or her knowledge and belief, that:

No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee or a Member of Congress in connection with the awarding of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of a federal contract, grant, loan, or cooperative agreement.

If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

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

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Name of Organization

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Signature of Authorized Representative Date

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Print Name and Title of Authorized Representative

## **CERTIFICATION REGARDING DRUG-FREE WORKPLACE**

Applicant/Contractor certifies that it will provide a drug free work place by:

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the contractor's work place and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing a drug free awareness program to inform employees about:
  - 1. The dangers of drug abuse in the work place;
  - 2. The contractor's policy of maintaining a drug free work place;
  - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
  - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. 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;
- D. Notifying the employee in the statement required by paragraph A that, as a condition of employment under the contract, the employee will:
  - 1. Abide by the terms of the statement, and
  - 2. Notify the employer of any criminal drug statutes conviction for a violation occurring in the work place no later than five working days after such conviction.
- E. Notifying the South Plains Workforce Board within 5 days of receipt of notice from employee, under subparagraph D.2.
- F. Taking one of the following actions, within 30 days of receipt of 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; or
  - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by Federal, State, or local health, law enforcement, or other appropriate agency;
- G. Making a good faith effort to continue to maintain a drug free work place through implementation of paragraphs A, B, C, D, E, and F.
  - 1. Certification is a precondition of receiving a new contract after July 1, 1990.



- 2. This policy does not require drug testing.
- 3. Costs incurred to comply with the requirements of this policy are allowable costs under the contract.
- 4. Contractors are not required to pay for rehabilitation programs for employees.
- 5. The requirements of this policy must be in place and certification must be made to the Capital Area Workforce Board at the time that the contract is executed.
- 6. Alcohol is not covered by this policy.

Contractor will provide a Drug Free Work Place in compliance with the Drug Free Work Place Act of 1988. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited on the contractor's premises or any of its facilities. Any employee who violates this prohibition will be subject to disciplinary action up to and including termination. All employees, as a condition of employment, will comply with the policy.

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Signature Date

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Typed Name and Title

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Organization

**CERTIFICATION REGARDING CONFLICT OF INTEREST**

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

No manager, employee or paid consultant of the proposer is a member of the Workforce Solutions South Plains Board;

No manager or paid consultant of the proposer is a spouse to a member of the policy board, the chairman or a manager of the South Plains Workforce Development Board;

No member of the policy board, the president or an employee of the South Plains Workforce Development Board owns or controls more than 10 percent in the proposer;

No spouse of a member of the policy board, president or employee of the Workforce South Plains Workforce Development Board is a manager or paid consultant of the proposer;

No member of the policy board, president or employee of the South Plains Workforce Development Board receives compensation from proposer for lobbying activities as defined in federal laws or Chapter 305 of the Texas Government Code;

Proposer has disclosed within the proposal any interest, fact or circumstance which does or may present a potential conflict of interest;

Should proposer fail to abide by the forgoing covenants and affirmations regarding conflict of interest, proposer shall not be entitles to recovery of any costs or expenses incurred in relation to any contract with the South Plains Workforce Development Board and shall immediately refund to the South Plains Workforce Development Board any fees or expenses that may have been paid under the contract and shall further be liable for any costs incurred or damages sustained by the South Plains Workforce Development Board relating to that contract.

Name of Organization Submitting Proposal: \_\_\_\_\_

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

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

**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.

The undersigned authorized representative of the entity subcontracting herein certifies that the following indicated statement is true and correct and that the undersigned understands that 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 it 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 taxes to the State of Texas.

Name of Business: \_\_\_\_\_

Type of Business (if not corporation): Sole proprietor \_\_\_\_\_; Partnership \_\_\_\_\_; Other \_\_\_\_\_

IRS Tax Number: \_\_\_\_\_

Name of Authorized Representative: \_\_\_\_\_

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

**CERTIFICATE OF COMPLIANCE WITH TEXAS FAMILY CODE 231.006 REGARDING  
PAYMENT OF CHILD SUPPORT**

Pursuant to 231.006, Texas Family Code, a child support obligor who is more than 30 days delinquent in paying child support and a business entity in which the obligor is a sole proprietor, partner, shareholder, or owner with an ownership interest of at least 25 percent is not eligible to receive payments from state funds under a contract to provide property, materials or services.

The undersigned authorized representative of the respondent hereby certifies that the individual or business entity named in the proposal is not ineligible to receive payments based on Texas Family Code 231.006 and acknowledges that a contract may be terminated and payment may be withheld if this certification is not true and accurate.

\_\_\_\_\_  
Signature      Date

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

\_\_\_\_\_  
Organization

## STATE ASSESSMENT CERTIFICATION

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Offerors must certify that they are current in all Unemployment Insurance taxes, Payday and Child Labor Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas. Proposers must also certify that they have not outstanding Unemployment Insurance overpayment balances due to the State of Texas.

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The undersigned authorized representative of the proposer certifies that the following statements are true and correct and that the undersigned understands that making a false statement will prevent Workforce Solutions South Plains from contracting with the organization.

The corporation certifies, by checking the boxes below, that:

It is current in Unemployment Insurance taxes, Payday and Child Labor Law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas.

It has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.

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Authorized Signatory

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Name of Offeror's Organization

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Typed Name & Title

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Date