#

# **PERMIAN BASIN WORKFORCE**

**DEVELOPMENT BOARD**

## REQUEST FOR QUALIFICATIONS

For

CHILD CARE SERVICES

COMPLIANCE MONITORING SERVICES

Issued November 11, 2022

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| **S**ubmit all responses to:gail.dickenson@workforcepb.orgRESPONSE DEADLINE December 5, 2022Noon, Central Time |

Permian Basin Workforce Development Board

PO Box 61947 ▪ 2911 La Force Blvd. Midland, TX 79711 ▪ 432.563.5239

[www.workforcepb.org](http://www.workforcepb.org)

 *Permian Basin Workforce Development Board is an equal opportunity employer with equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities.*

 *TTD: 1-800-735-2989*

*TTY: 1-800-735-2988*



PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD

**CHILD CARE SERVICES COMPLIANCE MONITORING**

**REQUEST FOR QUALIFICATIONS**

###### BACKGROUND

The Permian Basin Workforce Development Board (PBWDB) is charged with the planning, administration, oversight, and evaluation of a consolidated workforce system for the Permian Basin. The mission of PBWDB is “investing in the future through jobs and training”.

PBWDB is the administrator and grant recipient of federal and state funds to design and administer programs and systems to assist employers, job seekers, low-income adults and families, dislocated workers, and youth to meet their employment needs in the 17 counties of the Permian Basin. Included in the array of programs administered by PBWDB to assist these groups is subsidized child care for eligible low‐income parents/guardians who work, attend school, or participate in job training.

PBWDB contracts with Arbor E&T, dba Equus Workforce Services, to operate and deliver child care services for the Permian Basin. The Permian Basin counties include Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, and Winkler. The child care services staff are in Odessa, Texas.

For additional information about PBWDB and the services it provides, please see our website at

<http://www.workforcepb.org>

###### PURPOSE OF THIS REQUEST FOR QUALIFICATIONS

The purpose of this RFQ is to solicit proposals from interested parties to conduct program compliance monitoring of the PBWDB’s child care services program. It is PBWDB’s intent to contract with a single entity to provide this service.

This Request for Qualifications (RFQ) provides a uniform method for the procurement of compliance monitoring for the programs. The solicitation is being done to comply with federal, state, and local procurement procedures.

**GENERAL INFORMATION**

#### RFQ Availability

RFQ packages may be obtained beginning November 11, 2022, Monday through Friday, 8:00 AM to 5:00 PM. RFQ packets may be requested by calling 432.563.5239, by emailing gail.dickenson@workforcepb.org or accessing the RFQ document at [www.workforcepb.org](http://www.workforcepb.org). Individuals/organizations requesting a RFQ package via email or by calling PBWDB’s office will be asked to provide their company/organization name, contact person, address, phone number, and email address of the contact person.

#### Contact Person

All questions regarding this RFQ should be directed to:

 Gail Dickenson

gail.dickenson@workforcepb.org

Questions regarding this RFQ must be in writing and submitted on or before **November 21, 2022**. No questions will be accepted after this date. No verbal questions will be accepted or answered. All questions and answers will be sent by email to potential responders that have provided their name and email address.

Responses will only be provided to questions or inquires requesting general information about this RFQ or the content of this RFQ. No technical assistance will be provided.

PBWDB staff or PBWDB Board members may not help a responder either by providing information, answering questions, or assisting with writing proposals through personal contact, by phone, by text, by email, by fax, or any other method of contact. ***PBWDB is not responsible for the accuracy of information obtained from sources other than the authorized contact person for this procurement. Communication with any PBWDB staff person or PBWDB Board member other than the PBWDB contact person for this RFQ is prohibited unless prior written approval is obtained by the PBWDB contact person. Failure to follow this provision will result in the disqualification of the proposal.***

#### Performance Period

The planned contract period is **January 1, 2023 through December 31, 2024**. PBWDB has the option to renew this contract for three (3) additional contract periods contingent upon successful contract completion and the availability of funds.

**Funding for this contract is subject to the availability of federal and state funds received by the PBWDB.**

#### Submission Instructions

#### All proposals must be typed on 8½” by 11” paper in no less than a 12-point font.

#### The responder must sign and scan and email the proposal to:

 gail.dickenson@workforcepb.org

* All proposals must be received no later than Noon on November 7, 2022. Proposals received after this date and time will be considered non-responsive and will not be reviewed.
* All proposals received will be screened to determine responsiveness. A proposal must meet the following requirements to be considered responsive and evaluated for selection. Proposals determined non-responsive will not be evaluated.
* Be submitted by the due date and time.
* Respond to the specific information/documents solicited by the RFQ.
* Include the RFQ Response Form and all required documents.
* Include all required and original signatures as specified.
* Include a proposed budget and budget narrative.
* Contain the most recent Certificate of Good Standing or Certificate of Account Status from the Comptroller of Public Accounts, if applicable.
* Not contain evidence of real or apparent conflict of interest.
* In addition, a proposal will be considered non-responsive if:
* a responder solicits technical assistance, information from a PBWDB staff member or PBWDB Board member regarding the content of the RFQ, the RFQ process, writing the responder’s proposal, and other questions regarding the RFQ;
* a responder has an Unemployment Insurance payment 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;
* a responder is debarred or suspended pursuant to Executive Order 12549;
* a responder is barred from participating in State contracts pursuant to Texas Government Code § 2155.077, as implemented by 34 TAC §§ 20.105 – 20.107; or
* a responder is found on the Excluded Persons List System (EPLS) in compliance with Executive Order 13224 (Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), as implemented by 29 C.F.R., Ch. XII, Part 1471**.**

If information in the proposal contains personally identifiable information (PII), responders are strongly encouraged to protect their PII by encrypting the proposal when emailing it to PBWDB’s contact person.

Proposals may be withdrawn at any time prior to the due date by notifying the PBWDB’s contact person in writing. A proposal may be modified prior to the due date by submitting an amended proposal to the contact person before the due date and time.

This Request for Qualifications does not commit PBWDB to award a contract, to pay any cost incurred in the preparation of a response to this request, or to procure for services or supplies.

PBWDB reserves the right to accept or reject any or all proposals as a result of this request and to negotiate with all qualified responders if it is in the best interest of the PBWDB to do so.

Proposal Contents

Each proposal must contain:

* Proposal Cover Page
* Request for Qualifications Response Form. All proposals must be submitted on the attached form or a comparable reproduction and signed by the interested party and must include **all** requested documents listed on the Response Form. Note the following.
	+ The budget shall include all costs (labor, supplies, travel, etc.) necessary to complete the contract performance requirements. Labor costs are to be based on an hourly rate(s) and shall include an estimated number of hours for completion. Costs associated with travel shall be in accordance with the State of Texas Travel regulations.
	+ The budget narrative is to include information to support the proposed costs and provide a basis for determining if the proposed costs are necessary, allowable, and reasonable. Provide a detailed explanation of the planned travel.
* Signed Attachments listed in the Proposal Checklist document.
* Corporation Certification (only applicable if the submitting entity is an organization, company, corporation, institution. Individuals or independent contractors are not required to submit the certification).

Evaluation Criteria

Responses received from this solicitation will be evaluated based upon the following evaluation criteria.

Demonstrated experience 30 points

Quality of program design 25 points

Cost effectiveness 35 points

Organizational capacity 10 points

Historically Underutilized Business (Tiebreaker)

All proposals will be reviewed using the same standardized evaluation document. Proposals receiving less than 70% of the available points will not be considered for funding. All Responders will be notified in writing regarding PBWDB’s final decision.

An explanation of each criterion is listed below.

Demonstrated Experience

All proposals will be reviewed for the Responder’s history and experience in the delivery of services similar to the requested services detailed in the RFQ.

Quality of Program Design

The overall plans for the delivery of the requested services to ensure program success will be evaluated. All proposals will be reviewed for specificity in the description of services to be provided, completeness and clarity of responses, and consistency and understanding of program goals and requirements.

Reasonableness of Cost and Cost Effectiveness

All proposals will be reviewed for overall necessity and reasonableness of cost, the efficient use of funds, and the competitiveness of costs. Clarity in identifying and explaining costs will be rated.

Organizational Capacity

Proposals will be reviewed for the Responder’s capacity and of the Responder’s key staff to successfully operate and deliver the requested services.

Historically Underutilized Businesses (HUB)

If there is a tie score between two or more responsive proposals, a responder’s HUB certification may be used as a tiebreaker. Bonus points will not be added to the total score, but a HUB certification will be used to break the tie scores between responders. In the case that the tie score continues after applying a HUB certification, a “best value” criteria will be used to break the tie scores.

Responder Qualification

Qualified responders must possess the following knowledge, skills, and abilities.

* Knowledge of the program requirements of the Child Care Services programs administrated by PBWDB.
* Experience in monitoring federal programs, specifically federal child care programs.
* Analytical skills to review documents and analyze results for compliance with applicable program regulations, policies, etc.
* Ability, knowledge, and skills to produce and maintain supportive documentation that identifies deficiencies and concerns.
* Skill and ability to prepare and produce clear, concise, and timely reports.

###### PERFORMANCE

PBWDB proposes to contract with a selected responder to perform program monitoring activities of its child care program. All monitoring activities will include a review of the program against the program requirements, rules, policies, federal law, and federal regulations.

The monitoring service must include, but is not limited to:

* completion of a risk assessment;
* development of a schedule and plan for monitoring program activities;
* development of appropriate monitoring instruments;
* conducting monitoring through on-site and/or virtual reviews;
* providing regular updates to PBWDB staff regarding monitoring issues;
* preparation of monitoring reports, including findings and recommendations for improvement;
* maintenance of all reports, responses, and supportive documentation;
* recommending solutions to problems as they are identified;
* coordination of follow-up reviews with PBWDB staff to determine finding resolution; and
* preparing and submitting a written report covering all aspects of the monitoring activities, findings, observations, and recommended corrective actions.

The review shall include as a minimum the following areas:

* Parent/family case files to include, but not limited to:
* Eligibility validated and documented using the correct forms and within the required time periods
* Income calculated correctly
* Work/training activities
* Parent share of cost
* Child care authorization
* Parent rights and responsibility agreement
* Citizenship, age, and immigration status of the child
* Appropriate identification
* Timely terminations, specifically of Child Protective Services referrals
* Compliance with policy timelines for paperwork
* Timeliness and accuracy of TWIST or applicable child care case management system reporting
* Accurate recoupment calculation
* Accurate provider payment
* Timely and accurate action on Child Care Exception Reports and early warning reports, including the recoupment process and recoupment of funds determined to be repaid due to fraud, etc.
* Children Too Old for Care
* Child Care Provider file review is to include, but is not limited to:
* Agreement
* Data Integrity

The scope of the review may be expanded during this performance period or future performance periods to address any identified or potential issues/concerns or to incorporate additional program compliance requirements.

Sample sizes may be expanded upon completion of the risk assessment. The sample size may also be expanded in the event problems are identified during the monitoring process.

Reviews may be conducted on-site or virtually. On-site reviews will be conducted at the Workforce Solutions Permian Basin office in Odessa, Monday through Friday, between the hours of 8:00 a.m. – 5:00 p.m. The child care services staff is located at this office. The responder may also be granted access to all applicable case management systems to conduct the monitoring review virtually.

The selected responder will make routine and frequent verbal and/or electronic reports to the Chief Operating Officer (COO) or other designated staff during the review. The report will include any issues, areas of concern, and/or potential findings the selected responder has identified.

The selected responder will prepare and submit reports upon completion of the review. The report shall be submitted to the PBWDB’s COO no later than ten (10) calendar days following the last day of the monitoring visit. The selected responder will submit supporting documentation, including notes, completed monitoring guides, completed workpapers, copies of relevant participant or provider documents, and other appropriate information to support the monitoring report and any findings contained in the report. An original monitoring report must be submitted.

The reports submitted will be structured to address not only whether the service is performed in compliance with applicable requirements, regulations, rules, policies, but will also provide insight and suggestions that PBWDB may employ to enhance the overall quality of performance.

The selected responder will conduct entrance and exit interviews, as directed by PBWDB’s COO, with PBWDB staff and PBWDB’s contractor designated staff. The selected responder will report all results to PBWDB’s COO. PBWDB will provide its contractor with the final written report.

# **GOVERNING PROVISIONS AND LIMITATIONS**

1. A response to this Request for Qualifications (RFQ) does not commit PBWDB to pay any costs incurred in the preparation of such response.

B. PBWDB reserves the right to accept or reject any or all proposals received, to cancel this RFQ in part or in its entirety, and to reissue this RFQ.

C. Unless the responder specifies in its proposal, PBWDB may award the contract for any items/services or group of items/services in the RFQ and increase or decrease the quantity in the RFQ.

D. PBWDB reserves the right to hold and select any proposal that has been submitted in compliance with the previously stated deadline for a period of sixty (60) days after the response deadline.

1. PBWDB reserves the right to negotiate the final terms of all purchase agreements with responders selected. Such agreements negotiated as a result of this RFQ may be re-negotiated and/or amended in order to successfully meet the needs of the Workforce Development Area.

F. PBWDB reserves the right to waive any defect in this procurement process or to make changes to this solicitation, as it deems necessary. PBWDB will provide notifications of such changes to all responders recorded in the official record as having received or requested an RFQ.

G. PBWDB reserves the right to contact any individual, agencies or employers listed in a proposal, to contact others who may have experience and/or knowledge of the responder's relevant performance and/or qualifications; and to request additional information from all responders.

H. PBWDB reserves the right to conduct a review of records, systems, procedures, etc., of any entity selected for funding. This may occur prior to, or after the award of a contract. Misrepresentation of the responder's ability to perform as stated in the proposal may result in cancellation of the contract award.

I. PBWDB 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 the Texas Workforce Commission.

J. Responders 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 PBWDB for the purpose of or having the effect of influencing favorable disposition toward their own proposal or any other proposal submitted hereunder.

K. No employee, officer, or agent of PBWDB shall participate in the selection, award or administration of a contract supported by federal or state funds if a conflict of interest, real or apparent, would be involved.

L. Responders shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a responder's bid to be rejected. This does not preclude joint ventures or subcontracts.

1. All proposals submitted must be an original work product of the responder. The copying, paraphrasing or other use of substantial portions of the work product of others and submitted hereunder, as original work of the responder is not permitted. Failure to adhere to this instruction may cause the proposal(s) to be rejected.

N. The only purpose of this RFQ is to ensure uniform information in the selection of proposals and procurement of services. This RFQ is not to be construed as a purchase agreement or contract, or as a commitment of any kind, nor does it commit PBWDB to pay for costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by PBWDB.

O. The contents of a successful proposal may become a contractual obligation, if selected for award of a contract. Failure of the responder to accept this obligation may result in cancellation of the award. No plea of error or mistake shall be available to successful responder(s) as a basis for release of proposed services at stated price/cost. Any damages accruing to the PBWDB as a result of the responder's failure to contract may be recovered from the responder.

1. A contract with the selected provider may be withheld at PBWDB's sole discretion if issues of contract compliance or questioned/disallowed costs exist, until such issues are satisfactorily resolved. PBWDB may withdraw award of contract.
2. Procurement Dispute Resolution Policy. PBWDB is the responsible authority for handling complaints or protests regarding the proposal selection process. This includes, but is not limited to, disputes, claims, protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of law shall be referred to such authority, as may have proper jurisdiction.

All responders will be notified in writing of the results of this RFQ. Any protest regarding this process must be filed with the PBWDB by contacting:

Willie Taylor, Chief Executive Officer

Permian Basin Workforce PBWDB

P.O. Box 61947

Midland, TX 79711

Willie.taylor@workforcepb.org

1. Solicitation and selection of proposals must conform to relevant State and Federal laws and regulations and local policies governing the procurement of supplies, equipment, and services. Responders are responsible for familiarizing themselves with these laws and regulations.
2. All proposals and their accompanying attachments become the property of PBWDB upon submission. Materials submitted will not be returned. All proposals are subject to the Texas Open Records Act.
3. This is a negotiated procurement utilizing the Request for Qualifications method and as such, award does not have to be made to the responder submitting the lowest price proposal, but rather the responder submitting the most responsive proposal satisfying PBWDB’s requirements.
4. Solicitation and selection of proposals must conform to relevant State and Federal laws and regulations and local policies governing the procurement of supplies, equipment, and services. Responders are responsible for familiarizing themselves with these laws and regulations.
5. If awarded a contract, the responder agrees to adhere to PBWDB’s system security policies and procedures. The security policies and procedures apply to the collection, usage, maintenance, and/or destruction of all personally identifiable information of all workforce system customers. Failure to comply would result in immediate cancellation of the contract.
6. If awarded a contract, the responder shall follow all TWC Security Standards and Guidelines (SG) (available on the Texas Workforce Commission (TWC) intranet at <https://intra.twc.state.tx.us/intranet/its/html/iris_home.html>) when making use of TWC information resources, TWC-provided data, and/or TWC-administered systems.

If the selected responder makes use of TWC information resources, TWC-provided data, and/or TWC-administered systems, the responder must complete a P-41, TWC Information Security Agreement, All Employees Form, prior to the contract start date. The Form P-41 must be completed annually, with the renewal of any contract. In addition, PBWDB requires all persons to whom it grants access to TWC applications to annually complete the Cybersecurity Awareness training provided by TWC. The training must be completed, and a certificate of completion submitted to PBWDB within 30 days of the contract start date.

1. Responders must agree to comply with requirements for custody and retention of records as set forth UGMS and Appendix K of the Texas Workforce Commission Financial Manual for Grants and Contracts.

1. The selected responder will maintain confidentiality of any information that identifies or may be used to identify any child care services participant or child care provider. Contractor will not divulge any such information without the written permission of the applicant/participant, unless the information is to be used for right of access for program/performance monitoring or reporting purposes by PBWDB.

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

**CHILD CARE SERVICES COMPLIANCE MONITORING SERVICES**

**REQUEST FOR QUALIFICATIONS**

**CHECKLIST**

Verify that each proposal contains the following required documents.

|  |  |
| --- | --- |
|  | Proposal Cover Page  |
|  | Authorized Signature Designation |
|  | RFQ Response Form |
|  | Proposed Budget and Budget Narrative |
|  | Attachment A: Assurances  |
|  | Attachment B: Certifications Regarding Lobbying, Debarment, Drug-free Workplace, and Other Certifications |
|  | Attachment C: Texas Corporate Franchise Tax Certification and State Assessment Certification |
|  | Attachment D: Certification of Conflict of Interest |
|  | Attachment E: Certification on The Use of Public Subsidy Restriction |
|  | Attachment F: Certification of Responder |
|  | Certificate of Good Standing or Certificate of Account Status from the Comptroller of Public Accounts (if applicable)  |
|  | Resolutions\* |

\* **Private non-profit organizations and agencies of state or local government (including independent school districts and community college districts)** responding to this Request for Applications must include the following: (1) a resolution from Responder’s governing body or Board authorizing the submission of the proposal and (2) a letter of transmittal from the chief executive officer of the Responder’s organization.

\* **Private for-profit corporations** submitting a proposal must include a statement signed by an authorized representative of the corporation authorizing submission of the proposal.

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PERMIAN BASIN **REQUEST FOR QUALIFICATIONS**

WORKFORCE **CHILD CARE SERVICES COMPLIANCE MONITORING**

DEVELOPMENT BOARD  **Proposal Cover Page**

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|   |

1. Responder Name:

1. Mailing Address:
2. Physical Address (if different):

4. Telephone number Fax Number:

5. Contact Person Title:

 Email Address

6. Tax/Legal Status:

 [ ]  Unit of Government [ ]  Public, Non-Profit

 [ ]  State [ ]  Private, Non-Profit

 [ ]  County [ ]  Private, For-Profit

 [ ]  City [ ]  Other

1. Is your organization a Certified Historically Underutilized Business?

 [ ]  Yes [ ]  No

 **If yes, attach the certificate to this page.**

1. If non-profit, is the organization chartered for specific services?

 [ ]  Yes [ ]  No **If yes, please specify.**

 Please attach a copy of IRS Form 990.

9. State of Incorporation: Date Established:

 State Comptroller ID Number: IRS Number:

10. Is the organization a Small Business (employing less than 500)? [ ]  Yes [ ]  No

**AUTHORIZED SIGNATURE DESIGNATION**

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**COMPANY/ORGANIZATION NAME:**

I, certify that I am the

(Typed Name)

 of

 (Title) (Typed Name of Organization)

 , and that the authority of the named organization herein to submit the attached proposal is derived from the following provisions (check one):

|  |  |
| --- | --- |
| Bylaws |  |
| Articles |  |
| Governing Board Resolution/Minutes |  |
| Other (specify): |  |

The individual whose signature appears below has the legal authority to enter into and execute a contract with the Permian Basin Workforce Development Board to provide the activities authorized and detailed in this RFQ. The individual agrees to submit upon request by the Permian Basin Workforce Development Board such information and documentation as may be necessary to verify the certification contained herein.

The individual understands it is his/her responsibility to notify the Permian Basin Workforce Development Board of any changes. Notification of changes shall be provided within five (5) calendar days of the change at which time this authorization will be updated.

|  |
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|  |
| Signature |
|  |
| Typed Name |
|  |
| Typed Title |
|  |
| Date  |

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

**CHILD CARE COMPLIANCE MONITORING SERVICES RFQ**

**RESPONSE FORM**

|  |  |
| --- | --- |
| Responder: |  |
| Contact Person: |  |

1. Briefly describe your organization including its history. Attach a copy of the résumé(s) of the individual or individuals who will provide the service if awarded the contract.
2. Briefly describe your experience in monitoring federally funded child care programs. Provide the names of organizations for which you or your organization has provided monitoring services. Include the date(s) of the service and a contact person(s) and contact information (email address, phone number) for each organization for which you provided the service.
3. Describe the services that will be provided. The services must include the areas listed in the Performance section of the RFQ. The start and completion date for the services must be clearly identified.
4. State the proposed price proposal for this service, including your hourly rate. Include a budget, detailing all associated expenses for the services sought through this proposal and a narrative explaining the budget/proposed costs. The proposal is to include all costs.

**CERTIFICATION**

I certify that this offer will remain in effect for a period of sixty (60) days. I authorize PBWDB to contact the references, which I have provided.

Signature of Authorized Representative

Name of Authorized Representative

Title

Date

**ATTACHMENT A**

**ASSURANCES**

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**Each organization submitting a proposal in response to this PBWDB Request for Qualifications warrants and assures:**

1. The information contained in this proposal is true and correct.
2. The costs described in the proposed budget accurately reflect the Responder’s cost of providing services or goods.
3. No employee, member of a governmental board or Board of Directors, or any other individual associated with an organization or individual person offering a proposal under this RFQ has offered or will offer any gratuities, favors, or anything of monetary value to any member of the Permian Basin Workforce Development Board or any employee of the Permian Basin Workforce Development Board for the purpose of or having the effect of influencing the decisions of the Permian Basin Workforce Development Board with respect to the organization or the individual’s proposal or any other proposal.
4. No employee, member of a governmental board or Board of Directors, or any other individual associated with an organization or individual person offering a proposal under this RFQ has engaged or will engage in any activity which may be construed in restricting or eliminating competition for funds available under this RFQ.
5. The organization possesses the legal authority to offer this proposal.
6. If the Responder is an organization, a resolution, motion, or similar action has been duly adopted or passed as an official act of the Responder’s governing body authorizing the submission of this proposal.
7. No person will be excluded from participation in, be denied the benefits of, be subjected to discrimination under, or be denied employment in the administration of or in the connection with any program operated with funds from this RFQ because of race, color, religion, sex, national origin, age, disability, sexual orientation, or political affiliation or belief.

**Each organization submitting a proposal also warrants and assures that they will, as a condition of contract award to operate and manage PBWDB funded programs or activities, carry out PBWDB funded programs or activities to:**

1. Comply with all requirements of 29 CFR Part 96 (Single Audit Act); 29 CFR Part 33 and 34 (Non-discrimination and Equal Opportunity requirements); provisions of the grants/agreements under which the State of Texas and PBWDB have received funding under this RFQ process; and provisions of the grants/agreements that will result from this RFQ process.
2. Comply with:
* The Age Discrimination Act of 1975, 42 U.S.C. 1681 – 1688, as amended;
* Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 2000f et seq., as amended;
* The Rehabilitation Act of 1973, 504,29 U.S.C. 794, as amended;
* Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 – 1688, as amended;
* The Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq., as amended;
* The Women in Apprenticeship and Non-Traditional Act, 29 U.S.C. 2501 et sew, as amended;
* Section 188 of the Workforce Innovation and Opportunity Act; and
* All applicable rules and regulations issued under these laws.
1. Comply with the Office of Management and Budget “Uniform Administrative Requirement, Cost Principles, and Audit Requirements for Federal Awards” (OMB Uniform Guidance (UG), 2 Code of Federal Regulations Part 200), as supplemented by the Uniform Grant Management Standards (UGMS) or Texas Grant Management Standards (TxGMS), as applicable, as promulgated by the Texas Comptroller of Public Accounts;
2. Comply with all requirements of any relevant policies issued by the U.S. Departments of Agriculture, Education, Health and Human Services, or Labor; the State of Texas; or the Permian Basin Workforce Development Board which concern the operation of programs and services funded under each appropriate funding source.

By signing I acknowledge that I have read these assurances and certifications and that I am authorized to bind the organization I represent to these requirements should this proposal be accepted for funding by the Permian Basin Workforce Development Board.

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|  |
| Signature |
|  |
| Typed Name and Title |
|  |
| Responder’s Organization |
|  |
| Date  |

**ATTACHMENT B**

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

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**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 that:

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

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

(3) 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 subrecipients shall certify and disclose accordingly.

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

The undersigned certifies that neither it nor its principals:

(1) Are presently debarred, suspended, proposed for debarment, and 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 governmental 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.

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

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

* + - 1. 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;
			2. 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;
			3. Providing each employee with a copy of the Contractor's policy statement;
			4. 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 days after any conviction for a violation by the employee of a criminal drug statute in the workplace;
			5. Notifying the PBWDB within ten days of Contractor's receipt of a notice of a conviction of an employee; and
			6. Taking appropriate personnel action against an employee convicted of violating a criminal drug statute or requires such employee to participate in a drug abuse assistance or rehabilitation program.

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| **Other Certifications**The undersigned certifies that neither it nor its principals are barred from participating in State contracts pursuant to Texas Government Code § 2155.077, as implemented by 34 TAC §§ 20.105 – 20.107; **OR** found on the Excluded Persons List System (EPLS) in compliance with Executive Order 13224 (Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), as implemented by 29 C.F.R., Ch. XII, Part 1471. |

These certifications are a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction.

Name and Title of Authorized Representative

Signature Date

**ATTACHMENT C**

**TEXAS CORPORATE FRANCHISE TAX CERTIFICATION**

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 corporation entering into this contract is current in its franchise taxes must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolution, to sign the contract for the corporation.

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

Indicate the certification that applies to your corporation:

\_\_\_\_\_\_\_ The Corporation is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.

\_\_\_\_\_\_\_ The Corporation is a non-profit corporation or is otherwise not subject to payment of franchise taxes to the State of Texas.

Name and Title of Authorized Representative

Signature

**STATE ASSESSMENT CERTIFICATION**

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

The corporation certifies 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.

Name and Title of Authorized Representative

Signature

**ATTACHMENT D**

**CERTIFICATION OF CONFLICT OF INTEREST**

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

1. no manager, employee or paid consultant of the Responder is a Board Member of PBWDB, the Chief Executive Officer, or an employee of PBWDB;
2. no manager or paid consultant of the Responder is a spouse to a Board Member of PBWDB, the Chief Executive Officer, or an employee of PBWDB;
3. no Board Member of the PBWDB, the Chief Executive Officer, or an employee PBWDB owns or controls more than a ten (10) percent interest in the Responder;
4. no spouse of a Board Member of PBWDB, Chief Executive Officer or employee of PBWDB is a manager, employee, or paid consultant of the Responder;
5. no Board Member of PBWDB, Chief Executive Officer, or employee of PBWDB receives compensation from Responder for lobbying activities as defined in federal laws or Chapter 305 of the Texas Government Code;
6. Responder has disclosed within the proposal any interest, fact or circumstance which does or may present a potential conflict of interest;
7. Should Responder fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Responder shall not be entitled to the recovery of any costs or expenses incurred in relation to any contract with PBWDB and shall immediately refund to PBWDB 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 PBWDB relating to that contract; and
8. Responder shall comply with the standards of conduct stated in the Assurances and Certifications, and be in accordance with Texas Administrative Code, Title 40, Part 20, Chapter 802.

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| Name of Entity  |
|  |
| Name and Title of Authorized Signatory |
|  |  |  |
| Signature |  | Date |

**ATTACHMENT E**

**CERTIFICATION ON THE USE OF PUBLIC SUBSIDY RESTRICTION**

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

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

(1) the following indicated statement is true and correct;

(2) making a false statement is a material breach of contract and grounds

Contract cancellation; and

(3) If, after receiving a public subsidy, the entity is convicted of a violation under 8 United States Code 1324a(f) (relating to the unlawful employment of undocumented workers) the entity shall repay the amount of the public subsidy with interest, at the rate provided under the contract issued pursuant to this offer or application, within 120 days of receiving the notice of violation.”

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| --- | --- | --- | --- | --- | --- |
| Signature |  |  | Date |  |  |
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| Printed Name and Title |  |  |
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| Organization Name |  |  |

**ATTACHMENT F**

**CERTIFICATION OF RESPONDER**

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I hereby certify that the information contained in this proposal and all attachments are 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, PBWDB Board member, officer, or agent of PBWDB has assisted in the preparation of this proposal. I acknowledge that I have read and understood the requirements and provisions of the RFQ, and that this organization will comply with all pertinent regulations, PBWDB policies and other applicable local, state, and federal regulations and directives in the implementation and provision of child care services. I certify that I have read and understand the General Condition section of this RFQ and agree to comply with all terms.

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| I, |  |
|  | Typed Name |
| certify that I am the |  |
|  | Typed Title |

of the corporation, partnership, sole proprietorship, public or other eligible entity named as the Responder and respondent herein and that I am legally authorized to sign this proposal and submit it to the Permian Basin Workforce Development Board on behalf of said organization by authority of its governing body.

|  |  |
| --- | --- |
| Signature of Person Authorized to Signfor the Entity |  |
| Typed Name |  |
| Typed Title |  |
| Date |  |