

# **PERMIAN BASIN WORKFORCE**

**DEVELOPMENT BOARD**

## REQUEST FOR QUALIFICATIONS

For

CHILD CARE QUALITY SERVICES

Issued January 24, 2023

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| **S**ubmit all responses to:  [gail.dickenson@workforcepb.org](mailto:Monica.foster@workforcepb.org) RESPONSE DEADLINE FEBRUARY 13, 2023Noon 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/program.*

*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 QUALITY SERVICES**

**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 Workforce Development Area (WDA). The mission of PBWDB is “investing in the future through jobs and training”.

PBWDB is the grant administrator and grant recipient of federal and state funds for programs and systems to assist employers, job seekers, low-income adults and families, dislocated workers, and youth to meet their employment needs in 17 counties of the Permian Basin WDA. The counties include Andrews, Borden, Crane, Dawson, Ector, Gaines, Glasscock, Howard, Loving, Martin, Midland, Pecos, Reeves, Terrell, Upton, Ward, and Winkler. PBWDB Workforce Solutions offices are in Big Spring, Midland, Odessa, Pecos, and Ft Stockton.

PBWDB contracts with Arbor E&T, dba Equus Workforce Services, to deliver Child Care Services (CCS)in our 17-county WDA. CCS provides federally funded child care subsidies for eligible low‐income parents/guardians who work, attend school, or participate in job training. PBWDB is also responsible for the child care quality services delivered in the Permian Basin. The primary goal of the child care quality program is to improve the quality of child care and to support the WDA’s Texas Rising Star (TRS) providers.

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

PBWDB is soliciting proposals from interested parties to plan, coordinate, arrange, and produce two child care conferences for PBWDB’s CCS providers.

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

**GENERAL INFORMATION**

#### RFQ Availability

RFQ packages may be obtained beginning **January 24, 2023,** Monday through Friday, 8:00 AM to 5:00 PM. RFQ packets may be requested by calling 432.563.5239, by emailing [pbprocurement@workforcepb.org](mailto:pbprocurement@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 are to be directed only to:

Gail Dickenson, Chief Operating Officer

[pbprocurement@workforcepb.org](mailto:pbprocurement@workforcepb.org)

**All emails submitted to the Contact Person are to include “CC Quality Services RFQ” in the subject line.**

Questions regarding the RFQ must be in writing and submitted on or before **February 6, 2023**. No questions will be accepted after this date. All questions and answers will be sent by email to all potential responders who have provided their name and contact information, including their email address. **No verbal questions will be accepted or answered.**

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, phone, text, email, 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 performance period is from **March 1, 2023 through February 29, 2024**. PBWDB has the option to renew the contract on an annual basis for a maximum of two (2) additional years. **Funding for this contract is subject to the availability of federal and state funds received by 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: [pbprocurement@workforcepb.org](mailto:pbprocurement@workforcepb.org).

* All proposals must be received no later than Noon on **February 13, 2023**. 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.

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 the following.

* Proposal Cover Page
* RFQ Response Form. All proposals must be submitted on the attached form or a comparable reproduction and signed by the responder. Attach any additional pages as necessary. Consider the following in the response to the RFQ.
  + The proposed price is to include the responder’s budget detailing all costs necessary to complete the contract performance requirements. Budgeted items should include staffing costs, training space, travel and lodging expenses, handouts, and any additional vendor costs. 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 proposed price/cost of providing the service must be accompanied by a budget narrative. The narrative is to include sufficient information to support the proposed costs and provide a basis for determining if the proposed costs are necessary and reasonable. Provide a detailed explanation of the planned travel.
  + The selected responder will be responsible for securing a location for the conferences in either Midland or Odessa, Texas. The number of attendees for each conference will be limited to 350. Lunch will not be provided at the conferences.
  + The description of the services is to be in line with the services described in the Performance section of this RFQ. Include a proposed schedule to implement the services. The schedule should include the required documentation and reports and the completion date.
* Assurances
* Corporate Certifications. Required only if the responder 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. Proposals will be evaluated upon:

Demonstrated Experience 30 Points

Quality of Program Design 30 Points

Cost Effectiveness 30 Points

Organizational Capacity 10 points

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 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 Qualifications

###### Qualified responders must possess the following qualities/abilities:

* Knowledge of early childhood education/child care best practices (environments, classroom management, child/staff interactions);
* Knowledge of child growth and developmental of children ages infant through school-age;
* Knowledge of the components to provide quality trainings and how to implement those components;
* Experience in delivering quality trainings to child care providers;
* Experience and skills in arranging trainings/conferences for large groups;
* Skills and abilities to produce timely, clear and concise reports; and
* Ability to maintain and produce accurate financial reports and supporting documentation.

###### PERFORMANCE

PBWDB proposes to contract with one selected responder to plan, coordinate, arrange, and produce two conferences for child care providers within the 17-county Permian Basin WDA. The selected responder must accurately document and report these activities.

**Conferences**

Two conferences are to be provided on a Saturday from 8:30 am through 12:30 pm in the spring and in the fall. PBWDB will be responsible for participant registration, participant check-in, and the distribution and collection of evaluation forms at each conference. PBWDB will prepare and complete the participant certificates based on their attendance.

**Conference 1** – The conference will be titled “Environments and Classroom Management”. The conferenceis to include a keynote speaker. The breakout sessions will be for teachers in these age groups and for administrators and the following topics listed below.

|  |  |
| --- | --- |
| GROUP | TOPIC |
| Infants (00-17 Months) | Benefits of not using restrictive devices |
| Toddlers (18 months – 2 Years) | Environments/classroom management for the Toddler age group, including understanding what are age appropriate equipment and materials |
| Two Year Olds | Use of rich/descriptive language in the classroom |
| Pre-K (3-4 Year Olds) | Using choices driven learning centers (including a center tag system) |
| School-age (5-12 Year Olds) | Working with wide age range of children; meeting the developmental needs of children within this age range |
| Administrators | Age appropriate curriculum for all age groups and writing behavior plans. |

The training should encompass a balance of:

* Interactive, hands-on activities and
* Group discussion and question and answers.

**Conference 2** – The conference will be titled “Developmental Milestones – Working with Behavior Issues and Children with Special Needs”. The conference is to include a keynote speaker and six breakout sessions for the following age groups and for administrators.

* Infants
* Toddlers
* Two-year-olds
* Preschool
* School-age
* Administrators

Each breakout session listed above is to address the importance of assessments and focus on the participants becoming knowledgeable about assessments. The breakout sessions are to ensure the participants receive tools to help them feel comfortable talking with and sharing assessment information with the parents. Opportunities for role play conversations is to be included in each breakout group.

# **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.

E. PBWDB reserves the right to negotiate the final terms of any and all purchase agreements with the selected responder. 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 (Notification and Receipt Log) 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 subsequent to 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 proposal 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 PBWDB because 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 in writing with PBWDB by contacting:

Willie Taylor, Chief Executive Officer

Permian Basin Workforce Board

PO Box 61947

Midland, TX 79711

[Willie.taylor@workforcepb.org](mailto: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 Qualification 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.

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

**CHILD CARE QUALITY SERVICES RFQ**

**CHECKLIST**

Verify that each proposal contains the following required documents.

Proposal Cover Page

RFQ Response Form (all sections completed and all requested documents/information)

Assurances

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.)



PERMIAN BASIN REQUEST FOR QUALIFICATIONS

# WORKFORCE **CHILD CARE QUALITY SERVICES**

# 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 a 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

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

**CHILD CARE QUALITY SERVICES RFQ**

# **RFQ RESPONSE FORM**

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

1. Briefly describe your organization, if applicable, 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 providing the services requested in this RFQ. Provide a list of organizations for which you or your organization have provided such services. Include when the services were delivered and the contact persons and the email address, phone number and address of the contact persons.
3. Describe the services that will be provided. The services must include the areas listed in the Performance section of the RFQ. Include a timeline for the services requested in this 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. 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

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

**QUALITY CHILD CARE SERVICES RFQ**

**ASSURANCES**

Each organization or individual submitting a proposal in response to this PBWDB Request for Qualifications warrants and assures the following.

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 Request for Qualification 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 Request for Qualifications has engaged or will engage in any activity which may be construed in restricting or eliminating competition for funds available under this Request for Qualifications.
5. The organization or individual 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 Request for Proposal because of race, color, religion, sex, national origin, age, disability, sexual orientation, or political affiliation or belief.

By signing I acknowledge that I have read these assurances and I bind myself or 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.

|  |  |
| --- | --- |
|  |  |
| Signature | Date |
|  | |
| Typed Name and Title | |
|  | |
| Responder’s Organization, If Applicable | |

**PERMIAN BASIN WORKFORCE DEVELOPMENT BOARD**

# **CHILD CARE QUALITY SERVICES RFQ**

**CORPORATE CERTIFICATIONS**

*Complete only if the responder is an organization, company, corporation, institution. Individuals or independent contractors are not required to submit the certification.*

**CERTIFICATIONS REGARDING LOBBYING, DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS, DRUG-FREE WORKPLACE REQUIREMENTS, TEXAS CORPORATE FRANCHISE TAX, AND STATE ASSESSMENT CERTIFICATION**

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

(a) Publishing a policy statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the consequences of any such action by an employee;

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

(c) Providing each employee with a copy of the Contractor's policy statement;

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

(e) Notifying PBWDB within ten days of Contractor's receipt of a notice of a conviction of an employee; and

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

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

**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.

|  |
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| **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.

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