BID# WF-RCCSP20R-2

Re-Bid Child Care Services Provider 2020 RFP-2

Due Date/BID Opening: March 9, 2020

Time Due: 11:00 A.M. CDT

David A. Cleveland, Executive Director

Doug Shryock, Director of Workforce Development and Economic Development

All programs and employers under the auspices of ETCOG and WSETB are in compliance with EO (29 CFR 38.25). Auxiliary aids and services are available, upon request, to individuals with disabilities.
BID ACKNOWLEDGEMENT FORM

(Proposers may acknowledge intent now by returning this form)

Request for Proposal: Re-Bid Child Care Services Provider 2020 RFP-2

Please fill-out and email this page to: patricia.hudspeth@etcog.org upon receipt of this bid invitation, or mail to: ETCOG, Attn: Patricia Hudspeth, Procurement Services Dept., 3800 Stone Road, Kilgore, Texas 75662.

Please check one:

☐ Yes, I will be able to submit a bid proposal based on the bid document received by:

☐ Email

☐ Online/Website

☐ No, I will not be able to participate in this bid process for the following reason(s):

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

☐ However, please keep me active to receive future bidding opportunities.

☐ Yes, the RFP proposal will contain proprietary information.

☐ No, the RFP proposal will not contain proprietary information.

PROPOSER INFORMATION:

Date: ____________________________

Company: ______________________________________________________________________

Name: __________________________________________________________________________

Address: _______________________________________________________________________

City: ___________________________ State: ___________________ Zip: ______________________

Phone: ________________________ Fax: ______________________________________________

Email: __________________________

Please email this form upon receipt to patricia.hudspeth@etcog.org
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SECTION I. GENERAL INFORMATION

EAST TEXAS COUNCIL OF GOVERNMENTS

The East Texas Council of Governments (ETCOG) is a voluntary association of counties, cities, school districts and special districts within the 14-county East Texas region. ETCOG assists local governments in planning for common needs, cooperating for mutual benefit and coordinating sound regional development. ETCOG is an equal opportunity organization and encourages all vendors who wish to propose to do so.

WORKFORCE SOLUTIONS OF EAST TEXAS (WSET)

The Workforce Solutions of East Texas (WSET) service area consists of the following counties: Anderson, Camp, Cherokee, Gregg, Harrison, Henderson, Marion, Panola, Rains, Rusk, Smith, Upshur, Van Zandt and Wood. The 14 County East Texas Workforce Development Area had a population of 849,397 in 2017.

WORKFORCE SOLUTIONS OF EAST TEXAS BOARD

The Workforce Solutions of East Texas Board (WSETB) is a volunteer board appointed by the Chief Elected Officials (CEO Board) of the East Texas Workforce Development Area and operates all facets of procedure and function in accordance with established WSETB Policies and Procedures. WSETB is composed of a majority membership of individuals from the private sector along with individuals representing labor, education, social services, community based organizations, rehabilitation agencies and other local interests.

Through an agreement with the WSETB, the ETCOG serves as grant recipient and administrative unit for WSETB and the CEO Board. This procurement is being conducted by ETCOG under the policy direction of these governing bodies.


CHILD CARE SERVICES PROVIDER

The Child Care Services (CCS) Provider, hereafter known as ‘Successful Proposer’, will be the awarded proposer best suited to perform the required and necessary services identified in this RFP. The Selected Proposer shall implement this grant award in compliance with the following:

PURPOSE

To identify an operator of Child Care Services (CCS). The Child Care and Development Program is the Child Care delivery system that assists families in becoming self-sufficient by providing direct services to children. Parents choose Child Care Providers who have a Provider Agreement with Child Care Services or choose Relative Providers. Child Care for eligible families is purchased by the government through Child Care Services. At present Child Care Services is being managed by BakerRipley.

GRANT AUTHORITY

- Child Care and Development Block Grant Act of 1990, 42U.S. Code (U.S.C) §§ 9858 et seq.;
- Social Security Act, 42 U.S.C. §603-619, as amended;
WHO MAY APPLY?

1. Proposers may be governmental units, economic development corporations, community and technical colleges, public agencies, business organizations, labor organizations, public or private not-for-profit corporations, or private for-profit corporations organized in accordance with state and federal laws.
2. Joint proposals or Co-proposals are allowable. A description of the relationship of the joint Proposers must be included in the Proposal Narrative.

3. Contracting opportunities for historically underutilized (disadvantaged) business (HUBs) as defined in Texas Government Code 481.101(1) shall be considered in the procurement process. Proposer must submit verification of its HUB status with its response to the RFP. • The WSETB shall ensure small, minority, disadvantaged, and women’s businesses are considered as sources for acquisitions whenever possible by:

- choosing the HUB organization in the case of tie bids;
- soliciting these businesses whenever they are potential sources;
- dividing total desired services into smaller components when economically possible to permit maximum participation by these businesses;
- establishing delivery schedules, if the requirement permits that will encourage small, minority, disadvantaged, and women’s businesses to participate; and,
- using the services and assistance of the Small Business Administration or the Minority Business Development Agency, as needed.

**Note:** The successful Proposer, if any, will be solely selected by the judgment of ETCOG and WSETB.

**Proposal options:**

**Traditional Turn-Key Child Care Services** - The Proposer provides the management and staffing of all positions for Child Care Services operations through one company or organization. The management and staff are employees of the proposing entity. This will include all personnel, payroll and administrative duties for staff providing services at the Longview and Tyler workforce center locations. All costs associated with “indirect” charges must be detailed in the proposal budget.

**Managing Director with an Employer of Record Organization (EOR)** - The proposing individual or entity must submit a proposal for the managing director function in partnership with an Employer of Record organization, to include the staffing function for Child Care Services programs and operations. The Managing Director/EOR arrangement must be completed prior to submission of the proposal and must be included in the proposal. Under this option the proposer’s proposed budget shall include and be combined with the proposed EOR’s costs for staffing the WSET locations. The Managing Director will ensure all personnel, payroll and administrative duties for staff providing services at each workforce center locations are performed. The Managing Director will ensure the management of all workforce programs and operations are performed.

4. Joint proposals or co-proposals are allowable. A description of the relationship of the joint Proposers must be included in the Proposal Narrative.

**SECTION II. RFP TIMELINE SCHEDULE (dates are subject to change)**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date/Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>RFP Advertisement/Bid Release</td>
<td>Friday, February 7, 2020</td>
</tr>
<tr>
<td>Pre-Bid Conference</td>
<td>Thursday, February 13, 2020 (10:30 A.M. CST)</td>
</tr>
<tr>
<td>Deadline Questions</td>
<td>Wednesday, February 19, 2020</td>
</tr>
<tr>
<td>Staff Responses</td>
<td>Monday, February 24, 2020</td>
</tr>
<tr>
<td>RFP Submissions Due</td>
<td>Monday, March 9, 2020 (11:00 A.M. CST)</td>
</tr>
</tbody>
</table>
PRE-BID Conference – A Pre-Bid Conference is an opportunity for potential Proposers to ask questions and receive responses from key staff concerning RFP and scope of service requirements pertaining to proposal content. Although attendance is not mandatory, it is highly recommended. Physical attendance is preferred by ETCOG and WSETB; however, if proposer’s presence involves a hardship, (i.e. out-of-state), a call-in may be arranged. Please advise if attending and a pre-registration form will be provided.

SECTION III. BID INFORMATION

SUBMISSION INSTRUCTIONS:

1. Proposers are strongly encouraged to read the complete bid document and any related exhibits and attachments entirely to avoid last-minute preparation and to better improve submitting a thorough and complete bid proposal on time.

2. Proposers shall submit one (1) original hardcopy of the bid submission marked ‘Original’ along with ten (10) copies marked ‘Copy’ and must include one (1) electronic copy of the complete bid submission and any related bid documentation scanned or compiled into a single PDF document on a USB Flash Drive.

3. RFP submissions must be clearly identified on the outermost return envelope/packaging and received by ‘Bid Opening’ date/time of 11:00 A.M., March 9, 2020, regardless if by mail, courier/delivery services, or hand delivered, at:

   East Texas Council of Governments (ETCOG)
   Attn: Trish Hudspeth, CTPM
  _procurement Services Department
   3800 Stone Road, Kilgore, TX 75662

   Write: Company Name, RFP# WF-RCCSP20R-2, March 9, 2020, 11:00 AM in bottom left-hand corner of the outermost Return Envelope/Package

4. It is the Proposer’s sole responsibility to prepare, submit, and deliver or arrange delivery of the RFP proposal(s) with all required exhibits and materials to the designated location on or before the published submittal deadline.

5. ETCOG and WSETB will not bear liability for any costs incurred in the preparation and submission of proposals in response to this RFP.

6. RFP submission deadline time will be determined by the ETCOG lobby clock.
7. Courier or delivery services may not deliver directly to the specified location; therefore, it is strongly recommended:
   - Proposers should allow sufficient time for the delivery of a proposal prior to the published deadline to the location specified in, Section III. Bid Information, item 3, p. 8.
   - Proposers understand that failure to submit a proposal by the designated deadline, for whatever reason, may not be grounds for disputing the procurement solicitation process or any resulting subaward.

8. It is the Proposer’s sole responsibility to ensure any addenda or additional materials pertinent to their proposal be included in or with the RFP submission. ETCOG and WSETB will not be held liable for missing addenda or materials at the time of the RFP Opening, and said addenda or additional materials may not be accepted past the RFP submission deadline date and time.

9. ETCOG and WSETB reserve the right to discern ‘errors and omissions’ for non-material issues and discoveries during the review process.

10. Incomplete proposals and proposals not in adherence to any RFP guidelines, specifications, and requests put forth in this RFP, and proposals missing required signatures may be deemed null and void, disqualified for award consideration, and treated as a ‘No Bid’.

11. Failure to provide a complete and mathematically correct budget, or participant planning summary, could result in a submitted proposal being disqualified.

**RFP RETRIEVAL:**


**PROPOSER COMMUNICATION**

Upon issuance of this RFP, unless otherwise noted, employees and representatives of ETCOG are not at liberty to answer questions or otherwise be contacted or approached at any time to discuss the RFP contents, potential competitors, or any other related information with any potential Subrecipient or their representatives during an active RFP process. In addition, communication regarding this RFP with other potential Subrecipients who may respond competitively, is prohibited. This restriction does not prohibit discussions between affected parties for the purpose of conducting business unrelated to this proposal. Failure to observe the above restriction may result in disqualification of a submitted proposal at any time during the entirety of this formal competitive proposal process.

**QUESTIONS & RESPONSES**

Questions - As referenced in Section II., RFP Timeline Schedule, p. 7, Subrecipient questions are due by February 19, 2020. Subrecipient questions, requests and any inquiries for additional information regarding this RFP process must be emailed to Trish Hudspeth at: patricia.hudspeth@etcog.org. Verbal communications for clarification from ETCOG and program staff are not allowed and will not be addressed, with no exceptions. Failure to follow this directive may result in the rejection of a proposal.
Responses: Subrecipients must go online at http://www.etcog.org/procurements and click on ‘Re-Bid Child Care Services Provider 2020 RFP-2’ to retrieve responses to all questions asked, no earlier than February 24, 2020.

Please Note: Subrecipients who email questions will not receive a personal response to their question(s) but must retrieve question responses online which is to the benefit of all Subrecipients. Therefore, it is the sole responsibility of Subrecipients to review the ETCOG and WSETB websites periodically for RFP responses to questions, RFP amendments or updates.

SEALEO PROPOSAL PROCESS:

Upon issuance of this RFP, other than written communication as described above, other employees and representatives of ETCOG will not answer questions or otherwise discuss the contents of the RFP with any potential proposer or their representatives. Failure to observe this restriction may result in the disqualification of any subsequent response. This restriction does not prohibit discussions between affected parties for the purpose of conducting business unrelated to this proposal.

Furthermore, ETCOG reserves the right to a closed RFP process for proposal review/analysis and award recommendation procedures to the best interest of and best benefit to ETCOG as well as ensure the best competitive environment for all parties, and in accordance to Texas Local Government Code:

Sec. 252.049. CONFIDENTIALITY OF INFORMATION IN BIDS OR PROPOSALS. (a) Trade secrets and confidential information in competitive sealed bids are not open for public inspection. (b) If provided in a request for proposals, proposals shall be opened in a manner that avoids disclosure of the contents to competing Proposers and keeps the proposals secret during negotiations. All proposals are open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals are not open for public inspection.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

In addition, and in accordance with Government Code, Chapter 552. Public Information:

Sec. 552.104. EXCEPTION: INFORMATION RELATED TO COMPETITION OR BIDDING. (a) Information is excerpted from the requirements of Section 552.021 if it is information that, if released, would give advantage to a competitor or bidder. (b) The requirement of Section 552.022 that a category of information listed under Section 552.022(a) is public information and not excepted from required disclosure under this chapter unless expressly confidential under law does not apply to information that is excepted from required disclosure under this section.


HUB BEST PRACTICES:

ETCOG and WSETB shall comply with Historically Underutilized Business (HUB) programs to ensure small, disadvantaged, minority, and women owned businesses are considered as sources for acquisitions whenever possible by:

- choosing the HUB organization in the case of tie bids;
- soliciting these businesses whenever they are potential sources;
• dividing total desired services into smaller components to permit maximum participation by these businesses when economically feasible;
• establishing delivery schedules that will encourage small, disadvantaged, minority, and women’s businesses to participate, if the requirement permits; and
• using the services and assistance of the Small Business Administration or the Minority Business Development Agency, as needed.

Proposer is encouraged to make a good faith effort to consider HUBs when subcontracting. Some methods for locating HUBs include:
• utilizing the Texas Comptroller of Public Accounts website, https://www.window.state.tx.us/procurement/cmbl/cmblhub.html;
• utilizing Web sites or other small, disadvantaged, minority, and women owned business directory listings maintained by local Chambers of Commerce; and
• advertising subcontract work in local minority publications; and/or contacting the contracting state agency for assistance in locating available HUB listings.

Definitions

A Historically Underutilized Business (HUB) is defined as a business formed for making a profit and is otherwise a legally recognized business organization under the laws of the state of Texas. At least 51% of the assets and interest and/or classes of stock and equitable securities must be owned by one or more economically disadvantaged persons who are United States citizens born or naturalized. The following are recognized by the State of Texas as having been economically disadvantaged because of their identification as members of the qualifying groups - Asian Pacific Americans (AS), Black Americans (BL), Hispanic Americans (HI), Native Americans (NA), and American Women (WO). These individuals must demonstrate active participation in the control, operation, and management of the daily business affairs of the company that is proportionate to their ownership interest. HUB businesses must have a permanent business office located in Texas where the majority HUB owner(s) makes the decisions, controls the daily operations of the organization, and participates in the business. Owners must be residents of the state of Texas and meet all other certification and compliance requirements. Out-of-state businesses are ineligible for state certification.

SECTION IV. PROPOSAL OPENING

Proposals will be received until the deadline date and time designated for receipt. Public attendance is allowed; however, the RFP procedure will be adhered to in accordance with non-disclosure mandates. Submitted proposals shall be opened in a manner that does not disclose the contents before a subaward is awarded. Only the names of the respondents who submitted proposals will be made public. Prices and terms will not be divulged until after an award has been finalized. ETCOG considers all information, documentation and other related submission materials to be confidential and/or proprietary before an award has received final approval.

• Telephone, email, and facsimile proposals are not acceptable in response to this RFP.
• All submitted proposals become the property of ETCOG after the RFP submittal deadline/opening date.
• Responses submitted shall constitute an offer for a period of ninety (90) calendar days or until a preferred selection for the award is approved by the ETCOG, whichever comes first.
• All programs and employers under the auspices of ETCOG are in compliance with EO (29 CFR
38.25). Auxiliary aids and services are available, upon request, to individuals with disabilities.

SECTION V: PROPOSAL INSTRUCTIONS, SEQUENCE OF REQUIRED DOCUMENTATION

ETCOG and WSETB aspire to achieve a uniform review process as possible to ensure the maximum degree of comparability among proposals. Therefore, before submitting a proposal, be sure all listed items indicated below are returned with submitted proposals and organized in the order as specified below:

FORMAT INSTRUCTIONS

- Proposal must be typed, in 12 point using either font style Arial or Times New Roman.
- Proposal responses must contain a footer with the page number and the name of the organization submitting the response.
- Page numbers must be consecutive from beginning to end.
- Only one-sided proposals for all copies are allowed. **NOTE:** Two-sided copies of proposal will be deemed unacceptable.

SEQUENCE ORDER of REQUIRED DOCUMENTATION  **(Please return in order listed)**

1. Proposer Information Cover Page (Attachment A of this RFP)
2. Certification Sheets (Attachment B of this RFP)
3. Proposal Cover Sheet (Attachment C of this RFP)
4. Proposal Narrative Responses (ref. Section X. Proposal Narrative, p. 21, of this RFP)
5. Staff Job Descriptions with Required Qualifications
6. Staff Resumes (Key Managerial Staff)
7. Monitoring Report: Board, TWC, and Other States
8. Most Recent Financial Audit
9. Budget Worksheets (Attachment E of this RFP)
10. Budget Narrative
11. Texas State Business License or Corporate Documents
12. References (Attachment F of this RFP)
13. Conflict of Interest Questionnaire (CIQ) (Attachment G of this RFP)

SECTION VI. PROPOSAL CONDITIONS AND LIMITATIONS

WSETB considers any proposal submitted in response to this RFP to be the property of WSETB, and is not obligated to return proposal responses, binders, or exhibits to Proposers. WSETB also recommends Proposers not include proprietary information or trade secrets with submitted proposals since information
Submitted may be subject to disclosure under the Texas Open Records Act.

**NOTE:** Therefore, it is the sole responsibility of Proposers to seek exemption from disclosure and file any necessary documents with the Attorney General.

Submitted proposals must have an original signature(s) of the person(s) having authority to bind the submitting organization/agency/company to a contract (hereafter known as subaward, as redefined per Uniform Administration Guide, when relating to a binding agreement between WSETB and Selected Proposer).

**NOTE:** Subaward negotiation addresses both programmatic and budgetary issues, and any proposal unable to be successfully negotiated for subaward will not be funded.

**WSETB reserves the right to:**

- Cancel this RFP in part or in whole.
- Reject all proposals and solicit new proposals if a new RFP solicitation is in the best interest of WSETB.
- Accept, reject, extend, or negotiate proposals received, as well as vary or waive any provisions set forth in this RFP in the best interest of WSETB.
- A closed RFP process as defined in ‘Section III. Bid Information, Sealed Proposal Process, p. 8.’
- Select a proposal for award providing the best quality of service at the most cost effective price, which may or may not be at the lowest price or the highest criteria rating.
- Negotiate the final terms of any agreement or subaward resulting from this RFP with the Selected Proposer.
- Assign responsibility for additional programs as new funding sources and programs to come under the authority of the Board to the Selected Proposer.
- Review and monitor any or all program services, proficiencies, enrollments, performance measures and financial transactions at any time during the subaward implementation. Proposers must comply with federal, state, and WSETB policies/procedures regarding program elements. Therefore, the Board expects Proposer’s management staff and employees to work collaboratively with WSETB staff to ensure ‘best practices’ are employed, performance measures are obtained, programs are implemented effectively with little or no disallowed costs.
- Vary or change the terms of any subaward solicited under this RFP, including funding levels, requirements and responsibilities, performance standards, and shortening or extending of the subaward period, as it deems necessary in the interest of WSETB.

**Proposer acknowledges:**

- Response to RFP does not commit WSETB to award a subaward and/or pay any costs incurred in the preparation of a proposal response, nor pay for any other costs incurred prior to the execution of a formal subaward resulting from this RFP.
• Provisions of this RFP and the contents of the successful responses are considered available for inclusion in subaward negotiations and in final contractual obligations with the Selected Proposer.

• If the execution of work to be performed by the applicant requires hiring of subcontractors, it must clearly state this in the proposal. Subcontractors must be identified and the work they will perform must be defined. The proposal should provide the name, address, and Employer Identification Number (EIN) of the subcontractor. WSETB will not refuse a proposal based upon the use of subcontractors; however, WSETB retains the right to refuse the subcontractors the selected.

• In the event a new service provider is selected through this RFP process, the current Child Care Services staff would be an available resource pool of applicants to consider for any staffing needs.

• Certificate of Insurance is required. TWC does not require a local workforce development board to be an additional insured on its Subrecipient’s insurance policies. The subrecipient will be the insured entity and ETCOG will be the assigned certificate holder. The subrecipient will be required to submit the Certificate of Insurance from the subrecipient’s insurance company, enabling the Board to verify proof of insurance.

• Performance incentive payments are limited to ‘for profit’ entities and will be considered as a payment for exceptional performance and, for purposes of this proposal, may not be more than ten percent (10%) of Proposer’s budgeted operational costs.

• Benchmarks for earning the Program Performance Measures and understands the funds allocated for performance incentive are subject to WSETB approval and will be discussed during any subaward negotiations resulting from this RFP.

Proposers must:

• Provide three (3) or more references as instructed per Proposer References. Attachment F, p. 47.

• Provide Texas State Business License or Corporate Documents.

• Demonstrate administrative capability and fiscal responsibility needed to operate the programs proposed and to meet federal financial accountability requirements required by most federal grants. Proposers with multiple funding sources must have a cost allocation plan and may not double bill for items to be charged to WSETB.

• Propose a price for the deliverables under this agreement within the budget provided. The costs must be allocated appropriately across the grants listed on the budget pursuant to ‘Budget Funding, Attachment D, p. 45’. The cost of staff will be allowable to the extent justification can be provided by proposer that the appropriated staff is necessary to achieve required/desired performance results.

• Maintain a fidelity bond indemnifying ETCOG/WSETB against loss arising from a fraudulent or dishonest act. The fidelity bond must be in an amount of the largest cumulative amount of all cash requests submitted on a given day or the cumulative amount of funds on hand at any given point. This amount will be determined based on the cumulative amount drawn during any consecutive three-day period for single or multiple funding sources.
• Provide a list documenting the availability and amount of additional funds if the fidelity is not 20% of the total amount of funds subject to the subrecipient’s control. The difference must be secured through bonds, insurance, escrow accounts, cash on deposit, or other methods in accordance with the requirements of 40 TAC 802.21.

• Maintain errors and omissions insurance coverage also known as professional liability coverage.

• Follow federal, TWC and WSETB fiscal and programmatic policies. WSETB will consider comparable policies if the fiscal and programmatic policies meet grant requirements and are approved as a part of the subaward negotiation.

• Be subject to a pre-award fiscal integrity review, which may include, but not limited to a review of the proposer’s record keeping procedures, management systems, accounting and administrative systems.

• “Noteworthy” for the ‘Average Number of Children Served Per Day’ Performance Measure is defined by achieving all the measures at 95% or higher.

• Be in compliance with the operational planning, administration, and oversight provisions in Texas. Government Code § 2308.302 requiring effective outcomes of all workforce training and services funded through this subaward.

• Use the Budget Worksheet & Budget Support Pages, Attachment F, p. 47, which are in Microsoft Excel and are available in electronic format at http://www.etcog.org/procurements. The detail sheets for both personnel and non-personnel costs must be completed. Proposers are requested to provide a rationale for all charges in accordance with the ‘Budget Instructions, Attachment E, p.46’.

• Review all applicable costs and services deployment throughout the WSET area; and, if selected, must participate in WSET initiatives in its efforts to provide additional funds for program participants. In addition, if selected, Proposer will implement recommendations adopted by the Board.

• Maintain a case file (paper or electronic) for each participant. The original files will be considered WSETB property and must be transferred to the Board upon request or at the end of the subaward.

• Include a plan for internal controls for implementation of the subaward and good management requirements.

• Procure all purchases in accordance with WSETB, state and federal procurement requirements which require a cost/price analysis prior to the procurement assisting to ensure ‘best practice’ measures are met.

• Allocate budget items proprietary in nature into a cost reimbursement format unless sold to the general public at the same price as offered in this RFP. The general public must comprise a substantial number of purchasers of Selected Proposer’s product or service.

• Ensure all funds provided through this RFP do not supplant other available federal, state, local, or private funds. This will be verified through subaward negotiations and language to this effect will be included in all subawards resulting from this RFP.
• Ensure all funds provided through any negotiated subaward as a result of this RFP are expended for allowable activities, and no expenditures have as their objective the funding of sectarian worship, instruction, proselytizing, or any political activities. This provision shall not be interpreted to prohibit the Selected Proposer from subcontracting for goods or services with any religious institution or entity.

• Make available all source documentation; participant records and verifications, financial records; procurements; and all items related to the subaward implementation to WSETB staff, ETCOG, TWC, Department of Labor, and any agency providing workforce funds.

SECTION VII. ACCOUNTABILITY AND INCENTIVE MEASURES

ACCOUNTABILITY OF PROGRAM PERFORMANCE

TWC establishes a performance accountability system assessing the effectiveness of state and local areas to continuously improve workforce activities and to continuously improve workforce activities and to “optimize” the return on the investment of federal taxpayer dollars in such activities.

It is expected the Selected Proposer achieve the program performance measure, as identified below:

**Average Number of Children Served Per Day for the Texas Workforce Commission (Child Care Development Fund) Child Care Allocations.** BCY20 Combined Target: 4,359.

SECTION VIII. SCOPE OF PROPOSAL

The Selected Proposer will be responsible for upholding, honoring, and working with WSETB to implement the mission and vision of the Board, which are:

**MISSION STATEMENT** – “The mission of the Workforce Solutions of the East Texas Board is to improve the quality of life through economic development by providing a first-class workforce for present and future businesses.”

**VISION STATEMENT** – “The vision of the Workforce Solutions of East Texas Board is to have active economic development with a premier workforce attracting and supporting growth of business and industry.”

A copy of the Customer Service Creed is included (Attachment I, p. 55), and will also be a part of any subaward resulting from this RFP. The Selected Proposer will be required and expected to adhere to the Creed in conducting any and all its workforce operations.

**Population Served:** WSETB funding sources currently consist of federal grant funds which are used to provide child care assistance to eligible parents who are either working and/or attending school. Child Care for eligible families is purchased by the government by Child Care Services.

**Virtual and/or Mobile Methodologies:** WSETB requires the Selected Proposer implement innovative delivery methods needed to ensure services are provided to all areas within the 14-county region.
**Affiliate Sites:**
Affiliate sites will be utilized to provide child care services in some rural areas through partnerships with community organizations. Proposer will be expected to ensure services are available at these locations.

**Area Served by Location:** WSETB assumed lease commitments of workforce property locations. The Selected Proposer will be responsible for adhering to lease commitments. At a minimum, WSET locations must be staffed and serviced by the Selected Proposer as follows:

**Workforce Locations:**

<table>
<thead>
<tr>
<th>Workforce Centers - Hours and Days of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>WSET Location</strong></td>
</tr>
<tr>
<td>Athens</td>
</tr>
<tr>
<td>Longview</td>
</tr>
<tr>
<td>Marshall</td>
</tr>
<tr>
<td>Palestine</td>
</tr>
<tr>
<td>Tyler</td>
</tr>
</tbody>
</table>

**Mobile Units:** WSETB owns three (3) mobile units, configured to work with more rural areas.

**SECTION IX. STATEMENT OF WORK (SOW)**

One proposer will be selected to provide management and operation of the Child Care Services program. The CCS contractor will process eligibility determinations for families who need Child Care assistance and pay Child Care Providers to actually provide care. Additional duties of the CCS Contractor include recruitment, development of Child Care Providers and management of Provider Agreements.

Parents are given a choice of self-arranging care by selecting a Child Care Provider from one of these two categories:

**Child Care Providers**

Licensed Child Care Centers, Licensed Child Care Homes or Registered Child Care Homes (Licensing is handled by the Child Care Licensing (CCL) Division.)

The duties of Providers are as follows:

- Providing childcare.
- Reading, understanding and following the rules of the Child Care Provider Manual and Statement of Service Agreement.
- Maintaining compliance with the CCL minimum standards.

Other activities of Providers may include but are not limited to:

- Choosing to participate in the Texas Rising Star Provider Program*.
- Offering special services (infant care, transportation, and after hour care).
- Enhancing Child Care Services & creating parental advisory groups.
**Texas Rising Star Provider Payment**

Child Care Providers who volunteer to meet program criteria exceeding the minimum standards for Child Care Licensing. These criteria require smaller group sizes; more qualified staff and practices which promote enhanced childhood development. The Texas Rising Star Provider Program, as a means for promoting quality Child Care services, is addressed in this Request for Proposals.

**Relative Provider Child Care Payment**

Payment is made for self-arranged Child Care with relatives; Grandparent, Great Grandparent, Aunt, Uncle or a sibling who is a minimum of 18 years old not living in the same household as the eligible child.

**Payments to Providers**

Payments are made for the following categories of clients:

- Welfare Reform Efforts (Child Care for Choices and Supplemental Nutrition Assistance Program Participants).
- Child Care for the general income eligible population, sometimes called self-referred.
- Child Care for children under the oversight of the Health and Human Services Commission.
- Child Care for children with WIOA formula funds in coordination with the Workforce Center Services Operators.

Child Care Automated Attendance (CCAA) system: TWC implemented child care attendance and reporting procedures using the Child Care Automated Attendance (CCAA) system. Using a “swipe card” system approach, CCAA is designed to accomplish three goals:

- Give parents the responsibility for reporting child care attendance.
- Ease the burden of child care claims on child care providers and child care contractor staff.
- Provide tracking and independent verification that a child attended the child care facility.

The CCAA system requires the Board, the Child Care Contractor and Child Care Providers to follow attendance reporting and tracking procedures required by TWC.

In addition, Providers must agree to:

- Inform the CCS Contractor when an enrolled child has not attended the first three days of scheduled care.
- Contact the CCS Contractor regarding the child’s absence no later than the third day of scheduled attendance.

Further, Child Care Providers must ensure parents use the CCAA card (attendance card) to report attendance and absence by swiping the card through a Point of Service machine or by leaving a message on the Interactive Voice Response telephone system.

Boards must ensure parents are informed their child care services can be terminated, and they can be held responsible for paying the provider for attendance and absences that are not reported using the attendance card.
Child Care & Development Funding (CCDF)

Priority of care for CCDF funds as defined by TWC and Workforce Solutions East Texas Board are:

- Choices
- Former Choices child care recipients
- Temporary Assistance for Needy Families (TANF) & Applicants
- Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)

Priority groups subject to the availability of funds include:

- Children who need to receive protective services.
- Children of a qualified Veteran or qualified spouse.
- Children of Foster Youth.
- Children experiencing homelessness.
- Children of parents on military deployment whose parents are unable to enroll in military-funded child care assistance programs.
- Children of teen parents.
- Children with Disabilities (CWD).
- Siblings of children currently enrolled in child care services.
- Workforce Innovation & Opportunity Act (WIOA).

The remainder of the funding is used for Child Care Services Operations and Administration (administration of both Board and Subrecipient).

Local Match Funds

The Texas Workforce Commission (TWC) allocates federal funding for child care services from the U.S. Department of Health and Human Services Child Care and Development Fund (CCDF) to local workforce development areas (workforce areas). For a portion of the CCDF funding, Workforce Development Boards (Boards) are required to secure and submit local matching funds to TWC in accordance with regulations and TWC’s Child Care Services rules at 40 Texas Administrative Code (TAC) Chapter 809, and General Administration rules at 40 TAC, Chapter 800.

TWC encourages Boards to secure local public and private funds for the purpose of matching federal funds in order to maximize resources for child care needs in the workforce areas.

The additional federal funds secured through the Local Match process is fully expended on direct care in East Texas. The Local Match process brings in an additional 2.4 million in federal funds to the East Texas Workforce Development Area.

Forecasting for Funding and Child Care Population Management

This RFP will require the Child Care Services Provider to submit monthly funds management forecasting detailing projected utilization of funds and number of children needed to meet the TWC established contracted performance measure for ‘Average Number of Children Served per Day’ for the Mandatory (Choices, TANF Applicant, SNAP E&T, Former DFPS) and Discretionary (Transitional, Low Income, Homeless) populations. These are the ‘eligibility characteristics’ to which TWC attaches a target or goal.
Meeting less than 95% of the target can result in WSETB being sanctioned by TWC. Subrecipient will include activities being implemented and activities being maintained to ensure the needed number of children will be reached. Subrecipient will submit this forecasting on the 5th working day of each month or when requesting funds for direct child care services provided (timing to be agreed upon between Subrecipient and ETCOG/WSETB staff).

ETCOG will analyze forecasting spreadsheets provided by Subrecipient, which will be compared to internal forecasting spreadsheets and to TWC forecasting spreadsheets, as available. This will be completed to determine if Subrecipient is meeting funding obligations for childcare services at an appropriate level so as to not over expend the available funding and to meet the contracted performance measure of the number of children served within the allowed (+/-) of the goal.

The Child Care Services Provider is to work with the Workforce Center Services Provider in offering monthly data to assist in management of the funding provided. In addition to the CCDF funding (Child Care Formula and Child Care Local Match funding), other ‘eligibility characteristics’ that are served are Workforce Innovation and Opportunity Act (WIOA) for Adult, Youth, and Dislocated Worker parents as a support service, and Department of Family and Protective Services (DFPS/CCP) for children removed from the home. A management fee is charged against these funding streams to ensure they contribute to the operation of the child care program.

**Child Care Performance Measures**

The measure for the current program year that ends September 30, 2020 is below. The measure may change from the current figure based on TWC.

<table>
<thead>
<tr>
<th>MEASURE</th>
<th>CONTRACTED GOAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Average Number of Children Served Per Day (LBB)</td>
<td>4,359</td>
</tr>
</tbody>
</table>

The Child Care performance measure “Average Number of Children Served Per Day” is calculated by dividing the number of child care units billed by the number of child care days in the reporting period.

**CCS Staff will be required, at a minimum, to be physically located at a minimum of two (2) East Texas Workforce Centers.** The Subrecipient will be expected to coordinate and collaborate with the Workforce Centers Services Provider and satellite offices in the East Texas Workforce Development Area. The Administrative staff will be located at the Tyler Workforce Center.

**Adherence with Program Requirements:**

Proposer **must** be knowledgeable of all applicable federal, state, and local laws, rules, regulations, and policies.

The Selected Proposer will be responsible for complying with Workforce Development Guidance Letters issued by the TWC, and Workforce System Improvement Guidance Directives. A list of all Workforce System Improvement Guidance Directives relevant to the operation of Workforce Programs is available upon request.

Many of the above items are located on-line by visiting Texas Workforce at: [www.twc.texas.gov](http://www.twc.texas.gov), Child Care Services Guide, TWC Rules Chapter 809: Child Care Services: Workforce Solutions Board policies and
plans are available upon request. In addition, for a detailed listing of requirements visit TWC, at:
http://www.twc.texas.gov/customers/bnp/bnpsub6.html
and/or:
http://www.twc.texas.gov/customers/bnp/bnpsub1.html

SECTION X. PROPOSAL NARRATIVE

A minimum of 75 points is required to be eligible for subaward, with no exceptions.

INSTRUCTIONS

• Respond to every question asked.

• Restate the question and type your response immediately following the question.

• Do not renumber the questions. Use the same number appearing in this RFP for the question prior to your answers as the rating sheets are keyed to the question numbers. Evaluators cannot locate your responses if you change the numbering system.

• Respond to each question completely and independent from any previous questions/responses. Cross-referencing response to a previous response of a different question is not acceptable and may not be recognized as a valid response at the sole determination of ETCOG and WSETB.

CRITERIA QUESTIONS

The Proposal Narrative is relevant to the rating criteria for submitted proposals as identified in Section XIII. Evaluation and Award (p. 31), of this RFP. The rating criteria is divided into five (5) criteria, each with its own set of corresponding questions. It is imperative Proposers answer each set of questions. Evaluations are based on the appropriate criteria denoted in numerical evaluation.

Criteria 1: Organizational Capacity / Management and Staffing  (0-20 pts; minimum 15 pts required for this criteria)

A. Describe the proposer’s organization. Items to include are:

1. A history of the organization.
2. An explanation of the organization’s current mission and philosophy as it relates to the operation of the CCS Program.
3. Previous experience as a CCS contractor, operating each of the components: client services, provider management, financial management, and/or experience in offering similar services.
4. A list of the organization’s board of directors, principals, and chief officers.
5. A complete list of the organization’s funding sources and the percent of the total each source represents.
6. An organizational chart depicting how your organization will include the CCS components in its structure. This should include the proposed lines of authority and responsibility.
7. A schedule of proposed salaries.
B. Describe the organization’s experience and capabilities in managing broad-based human service programs. Include experience in managing the following:

1. Financial management of multiple programs, multiple budgets, and fund codes.
2. Client eligibility determination
3. Time frames for paying subcontractors (Child Care Providers) and capability to pay all Child Care Providers by Direct Deposit/EFT (if needed).
4. Monitoring for quality assurance and compliance of subcontractors (Child Care Providers).
5. Provider management services to include recruitment and improvement.
6. Child developmental materials for Child Care Providers, and resource rooms (including services for children with disabilities).

C. Describe your staffing pattern for all current and proposed staff. Be sure to include all administration staff.

D. Describe your organization’s plan for providing services to clients:

1. Plans for how client services will be provided when the current provider base does not meet the needs of a client.
2. Strategies for providing eligibility determination in a location remote from the client.
3. Strategies for providing clients with information about how to choose quality child care.
4. Strategies to ensure clients are provided with sufficient information to make an informed decision in choosing between the different types of available childcare as well as the appropriate provider for their child.
5. Strategies to ensure eligibility determination, referral, and enrollment are completed according to the written policies and procedures and without bias or favoritism.
6. Coordination of eligibility of clients with the Workforce Centers.
8. Strategies will be used to track the retention of clients receiving child care services, as well as the reasons children leave care.
9. Describe plans for working the wait list and also building it back up.
10. Plans for tracking employment data of all CCS clients that would be helpful to determine trends of persons using childcare assistance.
11. Strategies for ensuring clients are informed of the rules, requirements, and expectations regarding the Child Care Automated Attendance system and are provided with further instruction on how to use the system if requested.

Provider Management

Provider Management is the responsibility for the management of the current providers, recruitment and enrollment of new CCS Providers, the renewal of provider agreements, provider status and maintenance or...
improvement of the CCS Provider’s child care programs, monitoring and evaluating the child care vendor’s compliance with program participation requirements, and technical assistance. Child care is provided by Child Care Providers who have a vendor agreement with the CCS or eligible relative providers.

E. Please provide the following information:

1. Strategies for the on-going recruitment of new providers to expand the availability of child care within the East Texas Workforce Development Area.

2. Describe how providers will be recruited when a client has an urgent need for child care not met by the current provider base. Give proposed methods and time frames.

3. Strategies for the recruitment of Child Care Providers who will provide services to disabled children.


5. Strategies for ensuring Child Care Providers are informed of the rules, requirements, and expectations regarding the Child Care Automated Attendance system and are provided with further instruction on how to use the system if requested.

Financial Management

The Subrecipient will be responsible for the financial management services of the CCS Providers, relative providers, parent fees, and client and operational services.

F. Based upon this information, please provide the following information:

1. Strategies for how the Subrecipient shall process claims for the CCS providers and relative providers, using the Child Care Automated Attendance system for automated claims.

2. The accountability of accounting records that document and properly allocate total allowable CCS operations expenses for each month in the budget period in a manner consistent with the Subaward for direct child care delivery services, WD Letter 04-15 Change 2: ‘Cash Draw and Expenditure Reporting System Instructions -Update’ for Cost Categories with explanations of each (posted to procurement website) including: types of expense established by TWC rule—(salaries, fringe and other costs) and Federal reporting categories — (child care administration, systems and certificate program costs.)

3. Subrecipient’s plan to submit claims to the Board for the Board’s share of CCS operations expenses in a format prescribed and/or approved by the Board for each month in the budget period; this applies for each claim for reimbursement.

4. The accountability for records for the collection and distribution to the provider of Parent Fees.

5. The capability of negotiating and utilizing additional allocated funds received by the Workforce Solutions East Texas Board for financial management.

6. The established procedure of reconciling past Line Item Rejections within one month of the new contract. Develop and implement policy and procedure to reconcile Line Item Rejections within two weeks of the rejection.
7. Ensuring services are supportive services for all TWC programs of the Workforce Solutions East Texas Board.

8. Ensuring hearings, complaints and appeals from clients and providers will be in accordance with and guided by the Workforce Solutions East Texas Board policies and procedures in accordance with TWC guidelines.

9. Financial Management will be based on measurable objectives. Describe the measurable objectives and expected outcomes you propose for the services requested. (Objectives will be negotiated and reported on a monthly basis).

10. Describe your monitoring policy and procedures indicating quality assurance and fraud prevention. Your monitoring policy and procedures must include frequency and the responsibility of review and utilize the Board contracted monitoring tool for risk assessment. Discuss monthly reporting and your resolution policy.

11. List the proposer’s experience in financial management, including service improvement techniques.

12. Provide an example of a value-added service or innovative service method that your organization has provided to one of its Board customers or an organization the proposer had a contract with. Describe any value-added service you are proposing to provide to WSET.

13. List awards received for excellence from the Texas Workforce Commission or other state agencies in Texas or other states. Describe the nature of the award and what the proposer did to earn the award. Submit verification of the award/s.

14. Provide information regarding any litigation your organization has been a party during the past five years. What was your organization’s role? What was the outcome? Are you currently in litigation?

15. Describe your organization’s policy for Paid Time Off (PTO). How will you ensure PTO is effectively managed, so offices are adequately staffed at all times?

16. Describe demonstrated effectiveness with building an effective and diverse management team. Include significant achievements that were a result of management efforts. Also, describe experience in managing people and systems to address customer focus, customer service and customer satisfaction.

17. Describe how your organization ensures its personnel possesses the necessary qualifications to carry out their job duties.

18. What ongoing training is provided and/or required?

19. Describe how your organization minimizes staff turnover.

20. What is the average turnover rate for your organization (overall and by current contracts for the past two years)?
Criteria 2: Program Design (0-20 pts; minimum 15 pts required for this criteria)

A. Describe your organization’s plan to serve as a source of information on child care issues to the community.

B. Describe how your organization will promote coordination and cooperation among the many social service agencies interested in childcare for their low income clients.

C. Describe your proposed collaboration with the Workforce Center to serve Workforce participants.

D. Discuss your plan to collaborate with the Workforce Centers to reduce costs and enhance the responsiveness of child care management staff.

E. Provide a description of how services will be delivered throughout the 14-county region. Specify the management team and attach resumes of key staff. Include an organizational chart listing positions, number of personnel and hours assigned to each location.

F. Describe plans for operating the CCS program.

G. What steps will be taken to ensure the WSET contracted and managed performance measure is exceeded and WSET is recognized and rewarded by TWC for achieving outstanding outcomes? Please identify and explain proposed strategies for exceeding the required performance measure?

H. Provide information regarding how your organization utilizes technology as part of its services. How does it impact customers? How does it impact cost? Describe any other innovations your organization utilized to successfully provide workforce services, especially with respect to providing services in rural areas.

I. Describe your organization’s proposed transition plan if selected as our provider. How will your organization minimize disruption of services to our customers? Will current staff be considered for positions?

J. Describe the process/procedures utilized for ensuring personal identifying information of customers is secured and confidentiality is maintained.

K. What actions will the proposer take to address program performance deficiencies?

L. Please explain what systems and processes are used to identify program deficiencies and to address these deficiencies (i.e. quality assurance and corrective action procedures).

M. How will staff be held accountable for performance outcomes?

N. Describe in detail what TWIST reports will be used as a reference for the CCS performance measure.

O. What will be the strategy for improving the performance measure?

P. Describe how your organization promotes positive customer service.

Q. What is the process for handling customer concerns or complaints, including the timeline for resolution?
Criteria 3: Demonstrated Effectiveness (0-20 pts; minimum 15 pts required for this criteria)

The proposer must demonstrate capabilities in areas essential to the success of any CCS: provider management, client services, fiscal management, and community leadership in child care issues. In answering the questions below include quantitative measures of effectiveness whenever possible. Accurate evaluation and awarding of available points for effectiveness require each provide the quantified performance data and organizational information requested below.

List each CCS contract or other human service contracts your organization has operated in the last 5 years, beginning with the most recent. Address each item below for each contract:

A. Local Workforce Development Area.
B. Name of the entity with whom your organization contracted.
C. Number of counties served.
D. Give the contract total amount, the amounts for operations and administration, and funding sources.
E. Period of the contract (beginning and ending dated).
F. Percent of the contract amount expended, by fund code/funding source.
G. Average number of clients served per month.
H. Types of services provided, and target groups of clients served.
I. Average number of providers/subcontractors recruited and paid each month.
J. Monitoring results of providers’ records and client records over the most recent four year time period.
K. Number and types of positive outcomes/results achieved.
L. Any other indicators of successful contract performance you wish to include.
M. Quality assurance efforts implemented.
N. Performance outcomes by year.

The following information must be provided:
- A detailed explanation of the methods (including forecasting) to be implemented monthly to assure the Board’s monthly performance measure is met.
- A detailed explanation of the methods to be implemented to assure timely initial placements, recertifications, and terminations including the Department of Family and Protective Services (DFPS) children.
- A detailed explanation of the methods for reviews including technical assistance, on-going reviews and special reviews. Included in this would be how your organization plans to share the reviews with the workforce Systems Improvement Team (WSIT).
- A detailed narrative of how case management will be implemented.
- A detailed narrative explaining the protocol and time frame for returning calls to parents and providers.
• A detailed explanation of how the organization will set up the wait list and the screening tool, how often the wait list will be pulled and what staff will be responsible for working the wait list.
• A detailed narrative clarifying the actions the proposer will take to increase quality in the child care providers of East Texas.
• Describe the proposer’s knowledge and experience with CCS systems, functions and state and federal reporting requirements. Describe how reporting systems are utilized to manage CCS systems activities and outcomes.
• Indicate the results of the past five years of performance measurements set by the various states your organization has operated in and the results of performance measurement achievements. Submission of state-generated reports is required.
• List any performance incentives achieved or performance awards received for your organization for the last five years. Is your organization proposing to replicate any of these award-winning services in East Texas?
• Describe your advertisement strategies to be implemented for the following categories:
  a. WSET area providers
  b. Potential customers
• Describe your custom reporting capabilities, methodologies, and programs utilized for performance data information outside of the Texas Workforce Information System of Texas (TWIST).
• Describe in detail your organizations’ process for data systems management for NON-TWC systems.

Criteria 4: Cost Reasonableness (0-20 pts; minimum 15 pts required for this criteria)

All proposals will be rated for overall cost effectiveness.

A. Complete the attached budget sheets. Remember to provide back-up pages indicating how the amounts presented were calculated. Explain all costs.

B. Describe the organizations proposed method of tracking expenditures in multiple funding streams to prevent over or under expenditure. Using this method, how often and how accurately the bidder will be able to provide the Board with information on funding stream expenditures.

C. Describe the organization’s plan for tracking and billing operations expenditures.

D. Include a cost allocation plan detailing how costs are charged across your organization’s funding sources and grants.

E. Cost Reasonableness will be addressed based upon a review of the ‘Budget Worksheet, Attachment F, p. 47’ and accompanying budget narrative submitted with this proposal. The amounts budgeted should not exceed what would be incurred by a prudent person conducting the same business under similar circumstances.

Criteria 5: Financial Capability/Responsibility (0-20 pts; minimum 15 pts required for this criteria)

1. Describe the proposed approach to managing CCS budgets and cost allocation on a daily, weekly and monthly basis. Also describe the proposer’s experience in developing and managing budgets from multiple funding sources to obtain organizational goals. Proposer must include a plan for
internal controls and financial management in accordance with the Uniform Administrative Requirements and TWC Financial Manual for Grants and Contracts.

2. Describe the proposer’s experience with federal and state accounting practices and principles.

3. How will proposer protect at least 20% of funds subject to proposer control (20% of total funds allocated to subrecipient) from loss? What will be the source of funding to cover this requirement? Please provide a list documenting the availability and amount of the funds as referenced in Section VI. Proposal Conditions and Limitations, Proposers must; bullet 6, p. 15).

   **Note:** If Proposer secures a fidelity bond that covers 20% of the total funding amount, then no additional security protection will be required.

4. Describe how proposer will pay disallowed costs should such costs occur in the course of CCS operations under their management? What are the sources of these repayment funds? Confirm if proposer will be able to obtain professional liability (errors and omissions) insurance as required for this RFP (Section VI. Proposal Conditions and Limitations, bullet 7, p. 15)? Has proposer ever had to pay back funds to a funding source or the Federal Government? If yes, explain the dollar amount, the reason for disallowance, and what moneys were used to repay?

5. Attach all Board monitoring reports and/or TWC monitoring reports for previous programs operated in Texas for the past three years. If the proposer has not operated in Texas, attach monitoring reports from other states in which the proposer has operated. Describe how any findings were resolved.

6. What is the experience of the proposer in managing federal grant funds? Please specify the name of the grants administered, the number of years (up to the last five years) proposer received the grant(s), the amount of the grants received and the federal grantor agency. If proposer received federal funds through contracts with the Federal Government, provide the information requested as applicable to federal grants. If proposer has never managed federal grant funds specify “no experience” as your response.

**Managing Director with Employer of Record Organization**

Only Managing Director Proposers must respond to the following narrative questions as an addition to responding to all the above criteria questions:

1. Describe the procurement for the Employer of Record Organization (EOR) to include dates, proposals received, and the entity selected.

2. Describe the EOR’S approach to the following functions:
   a. Benefits management;
   b. Payroll services;
   c. Human resources management; and,
   d. Paid time off.

3. Provide a description of how the Employer of Record Organization’s staff will interact with the Managing Director of the workforce center system. Please provide the name of the single point of contact for these services.

   **NOTE:** Managing Director’s must complete the EOR’S section of the proposal Budget (attached separately).
XI. BUDGET, BUDGET NARRATIVE, AND FUND CONDITIONS

1. **Budget / Budget Narrative**: Proposers must submit a line item budget using Budget forms (Attachment F, p. 47), in accordance with the 'Budget Instructions, Attachment E, (p. 46). Proposers must also submit a brief narrative explaining the budget allocations. The Selected Proposer’s budget submitted will be used as the basis for review; comparison of proposals; and negotiation of a subaward. It is expected proposal budgets are to be realistic and based upon funding estimate(s) provided. The subaward budget will be established and finalized during subaward negotiations.

2. **Budget Alignment**: The final negotiated budget will capture changes in funding that may occur prior to the beginning of the subaward period. The proposed budget submitted must support the Proposal Narrative in this RFP and include only those costs that are reasonable, necessary, and allowable to operate the Child Care Services Program. All costs must conform to applicable laws, regulations, rules and policies governing the workforce programs cited in this RFP, including TWC Financial Manual for Grants and Contracts and the Uniform Administrative Requirements.

3. **Funding Estimate**: For the purpose of completing this RFP, a total of approximately $21,249,746.00 (this includes direct care amounts) as referenced in BUDGET FUNDING, Attachment D, p. 45), is available for the provision of the services described herein. This is a planning estimate and is subject to revision at the time of subaward implementation. The funds must be allocated to the appropriate cost categories in accordance with the requirements for each fund source. At such time as other funding streams become available to the WSETB, the allocation of costs may be renegotiated. Funding for each source is summarized in a chart included with the budget forms (Attachment F, p. 47).

4. **Annual AUDIT**: The Selected Proposer funded, whether public or private, commercial or not for profit, will be required to submit an annual audit in compliance with the Uniform Administrative Requirements (Formerly A-133 audits).

5. **Joint Submissions**: Proposers who are partnering with other companies or agencies pursuant to Section I. General Information, Who May Apply?, p. 6, must list the names of all service providers or joint providers and the amount to be spent by each partner. All subcontracted costs must be itemized in the budget so it is clear how the funds will be allocated and expended by each partner. Subcontracts may be written independently with each of the organizations. Proposals must indicate if they are joint submissions.

6. **Corporate Liability**: If proposers seek to form a legal joint venture using a corporate identity for the partnership, WSETB will require individual corporate partners to accept liability for the funds.

7. **Equipment Purchases**: Equipment purchased with subaward funds, whether by a commercial or non-commercial organization, will be the property of the WSETB and the Texas Workforce Commission. Leasing arrangements will be handled by ETCOG. When purchasing equipment, successful proposers will be required to submit purchase request to the ETCOG. An inventory of all equipment will be maintained by ETCOG annually. The inventory will be verified at subaward closeout, and a final determination will be made by the Board whether equipment must be returned or may remain with the subrecipient for continued use.
8. **NOTE**: Equipment, leased and/or purchased, that will be available for use by the Selected Proposer will be provided as an addendum to the RFP and made available online at: [http://www.etcog.org/314/Request-for-Proposals.htm](http://www.etcog.org/314/Request-for-Proposals.htm)

9. **Funding Levels**: WSETB may vary/change/revise the terms and or conditions of any subaward solicited under, and as a result of this RFP, including funding levels, requirements and responsibilities, performance standards; and, shortening or extending the subaward period, as it deems necessary in the best interest of WSETB.

10. **Funding Out**: Any negotiated subaward resulting from a proposal in this RFP process shall be contingent upon the receipt of sufficient funding from the TWC. In addition, any negotiated subaward amounts and details of programmatic requirements will also be contingent upon funding and implementation procedures actually received; and, will also be subject to any changes in legislation, regulations, or policies promulgated by the federal funding sources, the U.S. Department of Labor, Department of Health and Human Services, and U. S. Department of Agriculture, or the TWC.

**SECTION XII. METHOD OF PAYMENT**

The subaward negotiated as a result of this request for proposals will be cost reimbursement (plus incentive, if a for-profit entity). A cost reimbursement subaward is an agreement format wherein all *allowable* costs detailed in the budget attached to the executed subaward are reimbursed (*Allowable* means allowable under the TWC Financial Manual for Grants and Contracts and the Uniform Administrative Requirements). The Selected Proposer must maintain documentation that substantiates the expenditures.

The Workforce Solutions East Texas Board allows advance payments in accordance with the Uniform Guidance Administrative Requirements and Chapter Thirteen of the January 1999 version of the TWC Financial Manual for Grants and Contracts. Advance payments must be limited to the minimum amounts needed and be timed to be in accordance with the actual, immediate cash requirements of the entity in carrying out the purpose of the approved subaward. The timing and amount of advance payments must be as close as is administratively feasible to the actual disbursements by the subrecipient for direct program costs and the proportionate share of any allowable indirect costs. If the subrecipient chooses not to obtain cash advances, the entity’s request for reimbursement will be generally processed within 30 days of receipt. The proposer selected must be able to support all costs of the operation not advanced until they are reimbursed. **NOTE**: Further discussion of how costs will be reimbursed, and the amount and timing of cash advances will be agreed upon during subaward negotiations. The current structure of billing and payments is discussed below:

- Payments to the providers are handled by the CCS Subrecipient’s staff. CCS staff submits cash advance requests (form provided by board staff) to the WSETB/ETCOG board staff to cover payments for direct care based on the cash advance request estimated/calculated by CCS staff.

- Board/ETCOG staff submits the cash advance requests to TWC in their *Cash Draw and Monthly Expenditure Reporting System (CDER)* on the schedule requested by the Subrecipient (presently paid weekly). It takes 8 days from the cash ‘order date’ in CDER for the funds to reach ETCOG’s bank account. ETCOG can only hold the cash for 3 days and must send it to the CCS Contractor, who must not hold it longer than 3 days.
• Direct Care: Currently, Board/ETCOG staff pulls the ‘claims paid’ expenditures shown in TWIST for the month that is being reported. Board/ETCOG staff completes a direct care financial report and sends it to the CCS Subrecipient showing 1) the payments as detailed in TWIST with supporting documentation of expenditures from the TWIST Report No. 245; 2) the advance payments made to the CCS Subrecipient for the month being reported; and 3) the difference between the two. If there is an overpayment of advances, the negative amount will be withheld from the payments made to the CCS Subrecipient. If the difference between the two is positive (an underpayment of advances) the amount due the CCS Subrecipient will be paid to them. The authorized CCS Subrecipient staff signs the direct care financial report through Docusign to attest their accuracy, as does the ETCOG Fiscal Grant Manager, Operations Division.

• Operations: CCS Subrecipient submits the operations financial report (supplied by WSETB/ETCOG staff) by the due date established by board staff. A cash advance is allowed for operations in an amount that is less than the expected expenditure for the month. This allows for both the cash advance and the cost reimbursement amounts required by FMGC Chapter 13 (provided on the RFP website from the 1999 version of the FMGC).

The estimated operations amount available to the Subrecipient is $2,314,188.00 from CCF and CCM funding; a management fee from DFPS of $73,579.00, and a WIOA management fee of $1,738.00.

The estimated direct care pass-through is $16,042,543.00 in CCF and CCM funding which supports the TWC established performance target; direct care of $2,795,984 in DFPS funding, and direct care of $21,714.00 in WIOA funding.

It is the expectation that the proposer will provide assurance that they are able to cover one week of direct care pass-through payments to providers in the rare event that the requested cash advance from TWC is late for any reason or the estimated cash advance requested by the Subrecipient was deficient. The assurance can be in the form of a line of credit or other means submitted by the proposer and accepted by ETCOG/WSETB staff.

At present, providers are paid each Friday and the payments for December 2019 ran between $323,644.00 and $363,436.00 per week (an average of $345,749.50) over the four (4) week pay period. **Note:** An assurance letter must be in place before cash advances are requested.

**SECTION XIII. EVALUATION AND AWARD**

**PROPOSAL EVALUATION**

**CAUTION:** Proposers or, proposer representatives, must not have contact pertaining to their proposal with any Workforce or ETCOG staff, appointed team members, WSETB members, committee members, or Chief Elected Officials (CEO) charged with oversight of the RFP evaluation process to avoid conflict of interest or the appearance of conflict or undue influence or sway of opinion. This contact includes written
correspondence, email, fax, telephone calls, personal meetings, tweets, text messages or other kinds of personal contact. The Board will reject proposals of those proposers who violate this condition.

- Submitted proposals will be reviewed for responsiveness to the requirements set forth in the RFP in order to move forward in the RFP selection process. In the event, a submitted proposal is determined non-responsive, it will be treated as such and deemed as a ‘No Bid’.

- Proposals deemed responsive will undergo analysis by experienced workforce staff to determine validity of content and financial stability.

- A Board appointed evaluation team for this RFP process will evaluate proposals verified as responsive and valid. The team will numerically rate submitted proposals in accordance to the ‘Rating Criteria’ referenced below. **NOTE:** In addition to outside references being contacted, the team may also request the staff analysis conduct research beyond the submitted proposal in determining validity of content.

**PROPOSAL SELECTION** – To be considered for the award, submitted proposals **must:**

- Provide all required program and budget requirements and materials as requested in this RFP,
- Rate a minimum of 75 pts with a minimum of 15 points for each criteria listed below, and
- Provide a substantive proposal presentation to highlight key programs and budgets most important to how the proposer will meet or exceed requirement expectations as addressed throughout the RFP document and attachments.

<table>
<thead>
<tr>
<th>CRITERIA TABLE</th>
<th>POINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Organizational Capacity/Management &amp; Staffing (Criteria 1, p. 21) (minimum required: 15 pts.)</td>
<td>20</td>
</tr>
<tr>
<td>Program Design (Criteria 2, p. 25) (minimum required: 15 pts.)</td>
<td>20</td>
</tr>
<tr>
<td>Demonstrated Effectiveness (Criteria 3, p. 26) (minimum required: 15 pts.)</td>
<td>20</td>
</tr>
<tr>
<td>Cost Reasonableness (Criteria 4, p. 27) (minimum required: 15 pts.)</td>
<td>20</td>
</tr>
<tr>
<td>Financial Capability/Responsibility (Criteria 5, p. 28) (minimum required: 15 pts.)</td>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>100</strong></td>
</tr>
</tbody>
</table>

**REMEMBER:** A **minimum of 75 points** with a **minimum of 15 points must** be achieved for each criteria above for proposal to be considered for award, **no exceptions.** The ratings will be based on the qualifications provided in this proposal by the closing date/time of the RFP.

**AWARD TERMS**

- It is expected the subaward term shall be a two-year period with options for three (3) additional one-year periods. The original subaward period would then be from **October 1, 2020 through**
September 30, 2022. The WSETB will adopt renewal criteria to be considered prior to the extension of the subaward past the original two year period.

- Proposals will be reviewed for responsiveness and will be numerically rated by an evaluation team made up of outside evaluators, committee members, Board members and/or other subject matter experts as deemed necessary for best possible results.
- A committee or committees of the WSETB will review evaluation results and make award recommendation(s) to WSETB, who will award the final selection of the successful proposer(s) and will authorize subawards for services.
- It is anticipated the proposer(s) with the highest ranked proposal will be fully funded for the amount requested. However, WSETB reserves the right to vary funding awards if deemed in the best interest of the East Texas Workforce Development Area.

AWARD NOTIFICATION

- It is expected a decision on the recommendation, or the selection of the successful Proposer will be made on TBD. (date subject to change)
- Notification of award results will be provided to all Proposers who submitted bid proposals.
- In the event, negotiations with the Successful Proposer fail, negotiations will commence with the next best qualified Proposer, and so on, until successful negotiations have been achieved.

AWARD OF SUBAWARD

- WSETB may award proposals recommended for subaward to a responsible Proposer whose submitted proposal may not be the lowest priced or highest rated proposal, but will be the proposal WSETB judges to be the most advantageous in affording the best quality service(s)/product(s) at the most affordable cost, and in consideration of requirements met, proposer presentations, and proposals total score calculated by evaluating the selection criteria above.
- Decisions of WSETB regarding the subaward will be presented for approval by the governing CEO Board.

SECTION XIV. PROPOSER ASSURANCES

Proposer warrants and assures:

- The information contained in this proposal is true and correct.
- The costs described in the budget accurately reflect the cost of providing services.
- No employee, member of a government board or board of directors, or any other individual associated with an organization or individual person offering a proposal under this Request for Proposals has offered or will offer any gratuities, favors, or anything of monetary value to any member of the WSETB or any employee of the ETCOG for the purpose of or having the effect of influencing the decisions of the Board with respect to the organization or individual’s proposal or any other proposal.
- No employee, member of a governing board or board of directors, or any other individual associated with an organization or individual person offering a proposal under this Request for Proposals has engaged or will engage in any activity which may be construed in restricting or eliminating competition for funds available under this Request for Proposals.
- The organization or individual possesses the legal authority to offer this proposal.
• If the applicant is an organization, a resolution, motion, or similar action has been duly adopted or passed as an official act of the applicant’s governing body authorizing the submission of this proposal.

Proposer understands and agrees:

• WSETB may utilize information provided outside of this request in evaluating this proposal, as referenced in Section XIII. Evaluation and Award, Proposal Evaluation, p. 31.

• They are subject to an on-site review and must be able and willing to provide documentation of information in the proposal at the request of the WSETB prior to execution of a subaward.

• And ensures that all funds provided through this RFP will not be used to supplant other available federal, state, local, or private funds and knows this will be verified through subaward negotiations and understands language to that effect will be included in all subawards resulting from this RFP.

• All funds provided through any negotiated subaward as a result of this RFP will be expended for allowable activities, and that no expenditures will have as their objective the funding of sectarian worship, instruction, or proselytizing. This provision shall not be interpreted to prohibit the Selected Proposer from subcontracting for goods or services with any religious institution or entity.

• WSETB has the right to reject any and all proposals and negotiate outside of the terms of this proposal.

• WSETB is not required to select the lowest cost or highest rated criteria proposal for subaward.

• Any material misrepresentation or deliberate omission of a fact in this proposal may be justification for rejection of the proposal.

• To abide by the rules of the laws, acts, codes, etc. and all applicable rules and regulations promulgated thereunder, as a condition of subaward with WSETB for operation of programs and/or activities and all agreements or arrangements to carry out Board funded programs or activities resulting from this RFP.

SECTION XV. ETCOG GENERAL PROVISIONS

A. ETCOG reserves the right for any contract resulting from the RFP to be contingent upon the continued availability of funding.

B. ETCOG reserves the right to require oral presentations by any or all firms. In the event of oral presentations, a second matrix will be developed based on the selection criteria.

C. ETCOG may make a contract award without oral presentation and or discussion with firms after RFP responses are received by the ETCOG. Therefore, RFP responses should be submitted on the most favorable terms.

D. ETCOG reserves the right if only one or no proposal is received by ‘submission date’ to accept, reject, re-solicit, accept, cancel, and/or extend the RFP from original submission date, as needed.

E. ETCOG also reserves the right to accept, reject or negotiate proposals received, and to select the proposal it considers in its best interest based upon the requirements and descriptions outlined in
this RFP; as well as, to vary or waive any provisions set forth in this RFP in the best interests of ETCOG and administered programs.

F. ETCOG reserves the right to request additional information and/or meet with representatives from responding Proposers to discuss submitted proposal, before and after RFP submission, all of which may be used in forming a recommendation for award and/or negotiation of a contractual agreement.

G. This RFP does not commit or obligate ETCOG to allow any costs incurred in advance of the execution of a contract.

H. ETCOG reserves the right to negotiate the final terms of any potential agreement or contract as a result of this RFP with Proposers, to include but not limited to, any essential clauses or certifications in this RFP. The proposal must have original signature of the person having the authority to bind the organization to a contract or it may be rejected for non-compliance. If a proposal which cannot be successfully negotiated will not be funded.

I. ETCOG reserves the right to claim ownership of any proposal submitted in response to this RFP to be the property of ETCOG, and is not obligated to return proposal responses, binders or exhibits to Proposers. The Proposer should not include proprietary information or trade secrets. Information submitted may be subject to disclosure under the Texas Open Records Act, it will be the responsibility of the Proposer to seek an exemption from disclosure and file any necessary documents with the Attorney General.

J. Conflict of interest is a serious issue. Proposers may not hire ETCOG management or support staff that were involved in the evaluation and/or selection process under this proposal. Proposers must sign and submit the Conflict of Interest Form (CIQ), Attachment H, p. 54.

K. Pursuant to protocol to advise of the right to appeal, a protest must be submitted to ETCOG’s Executive Director within ten (10) calendar days of the time the basis of the protest became known and said protest(s) limited to: 1) violations of federal law or regulations; 2) violations of State or local law under the jurisdiction of State or local authorities; and 3) violations of ETCOG’s protest procedures for failing to review a complaint or protest. The protest must be submitted in writing and must identify the protestor, the solicitation being protested and specifically identify the basis for the protest, providing all pertinent information regarding the solicitation, contract and/or actions of ETCOG.

L. Proposers are required to adhere to the principles as set forth in the ‘ETCOG Customer Service Creed’, Attachment I, p. 55’ whenever communicating or conducting business with ETCOG and WSETB staff, contractors, sub-contractors, customers, or anyone else related to conducting business with ETCOG and WSETB. To do otherwise may result in vendor performance issues.

M. Vendor performance is a serious concern; therefore, proposers are advised and understand that non-compliance to contractual responsibilities and obligations resulting from this RFP will be subject to a formal ‘Vendor Performance Process’ that may result in cancellation of a contract and no allowed participation in any future bidding opportunities with ETCOG for a minimum of three (3) consecutive years or ever, depending upon the seriousness of the vendor performance infraction to be determined solely by ETCOG.
N. All programs and employers under the auspices of ETCOG are in compliance with EO (29 CFR 38.25). Auxiliary aids and services are available, upon request, to individuals with disabilities.

SECTION XVI. ESSENTIAL CLAUSES

The following essential clauses and certifications (Proposer Certifications, Attachment B, p. 40) must be acknowledged and affirmed by original signature (Signature Page, Attachment B, p. 43) of an authorized official or representative with full signing authority to affirm respondent’s standing in regard to: (1) equal opportunity, (2) certification for lobbying, (3) certification for debarment, (4) certification for Texas Corporate Franchise Tax; and furthermore, respondent must also be in full agreement and compliance of general terms as stated in ‘Section XV. ETCOG General Provisions, p. 34’. Failure to return any pages requiring authorized signature(s) may cause bid submission or proposal to be null and void.

Funding Out
Funding is contingent upon the continued availability of funds as appropriated by state and/or federal sources. If funds become unavailable through lack of appropriations, legislative or executive budget cuts, amendment of the Appropriations Act, state agency consolidations, or any other disruption of current appropriations, Proposers will not hold liable ETCOG or WSETB for payment or damages other than payment owed to Proposer for service already provided at the time of said notice.

Antitrust
Neither Proposer nor firm, corporation, partnership, or institution represented by Proposer or anyone acting for such firm, corporation, or institution has (1) violated the antitrust laws of the State of Texas under Texas Business & Commerce Code, Chapter 15, or the federal antitrust laws; or (2) communicated the contents of this Proposal either directly or indirectly to any competitor or any other person engaged in the same line of business during the procurement process for this RFP.

Conflict of Interest Questionnaire
Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to subaward with WSETB to file a Conflict of Interest Questionnaire (CIQ) if they have an employment or other business relationship with an officer of WSET or WSETB or an officer’s close family member. The CIQ (Attachment H, p. 54) must be completed and returned with the bid/proposal response.

Abandonment or Default
In the event the successful Proposer defaults on a subaward resulting from this RFP, WSETB may cancel the subaward without notice and either re-solicit or re-award the subaward to the next best responsive and responsible Proposer. The defaulting Proposer will not be considered in the re-solicitation and may not be considered in future solicitations for the same type of work, unless the specifications or scope of work are significantly changed. The period or length of suspension will be determined by the WSETB which will be based upon the seriousness of the default.

Buy Texas
In accordance with Texas Government Code, Section 2155.4441, the State of Texas requires that during the performance of a subaward for services, the Contractor(s) shall purchase products and materials produced in the State of Texas when available at a price and time comparable to products and materials produced outside the state.

Texas Sales and Use Tax
Pursuant to § 2155.004, Government Code, a state agency may not accept a bid or award a grant to
any individual not residing in this state or business entity not incorporated in or whose principal domicile is not in this state unless: the individual or business entity holds a permit issued by the comptroller to collect or remit all state and local sales and use taxes that become due and owing as a result of the individual’s or entity's business in this state or certifies that it does not sell tangible personal property or services that are subject to the state and local sales and use tax.

The undersigned authorized representative of the business entity being awarded a grant herein certifies that it (indicate the statement that applies to your business entity): holds a permit issued by the comptroller to collect or remit all state and local sales and use taxes that become due and owing as a result of the individual's or entity's business in this state; or does not sell tangible personal property or services that are subject to the state and local sales and use tax.

**Change Management**

The Selected Proposer agrees the key personnel assigned to the subaward shall remain available for the entirety of the project throughout the term of the subaward as long as that individual is employed by the Selected Proposer unless WSETB agrees to a change in key personnel.

**Liability for Property Damage**

Selected Proposer shall be liable for all damages to WSETB leased, or occupied property and equipment caused by Selected Proposer and its employees, agents, subcontractors, and suppliers, including delivery or cartage company, in connection with any performance pursuant to a subaward as a result of this RFP. The Selected Proposer shall notify WSETB Contract Manager in writing of any such damage within one (1) calendar day.

**Limitation on Authority; No Other Obligations**

Selected Proposer shall have no authority to act for or on behalf of WSETB except as expressly provided for in a subaward or agreement resulting from this RFP; no other authority, power, or use is granted or implied. Selected Proposer may not incur any debts, obligations, expenses, or liabilities of any kind on behalf of WSETB.

**Liability for Taxes**

Selected Proposer represents and warrants it shall pay all taxes or similar amounts from any subaward or agreement resulting from this RFP, including, but not limited to, any federal, state, or local income, sales, or excise taxes of successful Proposer or its employees. WSET shall not be held liable for any taxes resulting from the Successful Proposer executing the performance of any subaward or agreement.

**Force Majeure**

Neither Selected Proposer nor WSETB shall be liable to the other for any delay in, or failure of performance, of any requirement included in a subaward resulting from this RFP caused by force majeure. The existence of such causes of delay or failure shall extend the period of performance until after the causes of delay or failure have been removed provided the non-performing party exercises all reasonable due diligence to perform. Force majeure is defined as acts of God, war, fires, explosions, hurricanes, floods, failure of transportation, or other causes that are beyond the reasonable control of either party and that by exercise of due foresight such party could not reasonably have been expected to avoid, and which, by the exercise of all reasonable due diligence, such party is unable to overcome. Each party must inform the other in writing, with proof of receipt, within three (3) business of the existence of such force majeure, or otherwise waive this right as a defense.
EXHIBIT A

PERSONAL IDENTIFIABLE INFORMATION - PII REQUIREMENTS
(See PDF Attachment)

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 13-08
Date: April 1, 2008
Keyword: Administration; All Programs; General
Effective: Immediately

To: Local Workforce Development Board Executive Directors
Other Texas Workforce Commission Grantees
Commission Executive Offices
Integrated Service Area Managers

From: Laurence M. Jones, Director, Workforce Development Division

Subject: Security of Personal Identity Data

PURPOSE:
This WD Letter provides Local Workforce Development Boards (Boards) and other Texas Workforce Commission (Commission) grantees\(^1\) with information on ensuring the security and confidentiality of customers’ personal identity data, such as Social Security numbers, addresses, phone numbers, and date of birth.

BACKGROUND:
The acquisition of sensitive data, which can be sold or directly employed in criminal activity, is most frequently the aim of both system intrusion and computer theft. However, system access or the accessibility of electronic equipment that puts sensitive data at risk is only part of the problem, and responsibility for the security of such data does not rest solely with information technology staff. The unintentional actions or negligence of staff pose at least as great a risk, if not greater, than external attacks on system integrity.

PROCEDURES:
Boards, and other Commission grantees, must ensure the security and confidentiality of customers’ personal identity data.

To that end, Boards, and other Commission grantees, must ensure steps are taken to keep confidential information secure, including the following:

\(^1\) Grantees other than Boards that receive funds for Skills Development, Self-Sufficiency, Wagner-Peyser 7b, Apprenticeship, Workforce Investment Act statewide initiatives, Temporary Assistance for Needy Families statewide initiatives, and other statewide initiatives from the Commission.
ATTACHMENT A
COMPANY/ENTITY INFORMATION

Organization Name: ____________________________________________________________

Mailing Address: _______________________________________________________________

Physical Address: _______________________________________________________________

City, State, Zip: _______________________________________________________________

Contact Name: _______________________________________________________________

Email: ____________________________ Phone: __________________________

Federal Employer ID: ___________________________________________________________

Texas State Comptroller ID: _____________________________________________________

PROPOSAL AUTHORIZATION:

Bid Name: Re-Bid Child Care Services Provider 2020 RFP-2

I, the undersigned hereby certify and warrant that I have been fully authorized to submit this proposal on behalf of the organization represented and to legally bind the organization to all the terms, performances, and provisions as herein set forth.

__________________________________________  __________________________
Authorized Signature/Title                        Date

__________________________________________
Organization Represented

__________________________________________
‘Typed’ Authorized Signature/Title

RFP# WF-RCCSP20R-2  Re-Bid Child Care Services Provider 2020 RFP-2
CERTIFICATION OF SUBRECIPIENT

NON-DISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS

I acknowledge that I have read and understand the following non-discrimination and equal opportunity provisions of Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and will comply with applicable local, state and federal regulations and directives implementing these provisions as they apply to programs and activities under the WIOA.

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the non-discrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- Section 188 of the Workforce Innovation Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship/status 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;
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant’s operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

EO Acknowledged and will abide by: ________________________________  ___________________________

Signature of Company Official  Date
Lobbying Certification

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 (p. 43) certifies that:

• No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of 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, the extension, continuation, renewal, amendment, or modification of any federal grant award, 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, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal grant award, 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 (p. 43) shall require that the language of this certification be included in the award documents for all sub awards at all tiers (including subgrant awards, subgrants, and grant awards under grants, loans, and cooperative agreements) and that all sub recipients 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 Part 85), Department of Health and Human Services (45 CFR Part 76).

The undersigned (p. 43) certifies that neither it nor its principals:

• Are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

• Have not within a three-year period preceding this grant award 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 grant award 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;
• 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,

• Have not within a three-year period preceding this grant award had one or more public transactions terminated for cause or default.

**Texas Corporate Franchise Taxes:**

*Pursuant to Article 2.45, Texas Business Corporation Act, State agencies may not award grants to for-profit corporations that are delinquent in making state franchise tax payments.*

**The undersigned (p. 43) certifies that the certification marked below applies to its business entity:**

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

_____ The entity is a for-profit corporation and certifies that it is not delinquent in its franchise tax payments to the State of Texas.
Acknowledgement of Essential Clauses and Certifications – The Essential Clauses and Certifications, and any other required assurances, attachments and documentation are a material representation of fact upon which reliance is placed when entering into any contract or agreement resulting from this RFP. The return of these required documents signed with original signatures by an authorized representative of Proposer are prerequisites for finalizing the award must be returned with the proposal. Failure to do so may deem a proposal null and void, at the sole discretion of ETCOG and WSETB.

Where the undersigned Proposer is unable to certify to any of the statements above, a valid and just explanation must be attached, or the proposal will be rejected.

Affirmation of ETCOG Essential Clauses and Certifications - The undersigned certifies the indicated statements and essential clauses are true and correct and further understands that making a false statement and/or proclamation of compliance is a material breach of any subsequent award or service agreement and is grounds for award cancellation.

PROPOSER SIGNATURE

The undersigned hereby certifies and warrants that he/she has been fully authorized to execute this proposal on behalf of their firm and to legally bind the firm to all the terms, performances, and provisions as herein set forth.

__________________________________  ________________
Authorized Signature/Title Date

Organization Represented

‘Typed’ Authorized Signature/Title
ATTACHMENT C
PROPOSAL COVER SHEET: Re-Bid Child Care Services Provider 2020 RFP-2

| Organization Name: _____________________________________ |
| Proposal Type: Turnkey _____ or Managing Director _____ |
| Address_________________________________________________________ |
| Telephone ____________________ FAX ______________________________ |
| E-Mail _______________________________ |
| Contact Person _______________________________ |
| Co-Proposing Agencies _______________________________ |
| Total Amount of Funds Requested _______________________________ |
| Federal ID # ____________________ |
| Minority Business Owner _______________________________ |
| Certifying Agency _______________________________ |

CHECK-OFF ALL THAT APPLY:
- Local Educational Agency
- Organized Labor Agency
- Community Based Organization
- Not for Profit Organization
- For Profit Organization
- Governmental Entity
- Corporation
- Sole Proprietorship
- Partnership
- Other

Signature of Officer with Authority ___________________________________________ Date _______________________________
Budget Amounts consist of the total estimated funding available for Operational and/or Participant Support Costs, as needed, and per the detail provided on the Budget Instructions, Attachment E, p. 46.

*Budget amounts below do not represent actual/final award amounts as they are based on PY19/FY20 formula allocations only and do not include carryover funds, future planned estimates, or additional project grants.*

<table>
<thead>
<tr>
<th>GRANT</th>
<th>BUDGET</th>
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<tbody>
<tr>
<td>CHILD CARE OPERATIONS</td>
<td></td>
</tr>
<tr>
<td>(includes Indirect)</td>
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<td>CCF / CCM</td>
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<td>DFPS Management Fee</td>
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<td>WIOA Management Fee</td>
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<td>CCF Mandatory</td>
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<td>CCM Local Match</td>
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<td>$18,860,241.00</td>
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<td>$21,249,746.00</td>
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ATTACHMENT E
BUDGET INSTRUCTIONS

Budgets will be reviewed to determine proposed costs are reasonable, necessary, allocable and allowable. Cost reasonableness will be determined by comparing each Proposer’s proposed cost to other proposals received, and to existing market rates paid for management of Child Care Services systems in Texas with similar budgets. Other areas of review will include: cost allocation methodology, competitive indirect rate or management fees, overhead costs, profit, budget narrative, and justification of costs.

ETCOG pays, on behalf of the contractor, all facility-related costs including office leases, repairs, maintenance, and utilities. ETCOG also pays supplies, postage, equipment maintenance/rental, equipment purchase, communications & Internet, IT Software & Licensing, and ICT Service Contractor costs.

BUDGET WORKSHEET (Attachment F)

Enter amounts for each line item in order to achieve goals and benchmarks as established in the proposal. 

NOTE: The amount each bidder is to use in completing the Proposed Budget Worksheet is $2,314,188.00. This is the amount of Operations funds allowed as a reasonable estimate with which to compete in the bidding process.

It is not necessary to use the direct care funds to complete the Proposed Budget Worksheet. If you have questions regarding this, please post the questions to the website as stated in this RFP.

BUDGET SUPPORT PAGES (Attachment F)

- Personnel – Provide detail in the columns for each proposed FTE/staff member, being sure to utilize all workforce center locations. The % of time on project is multiplied by Total Annual Salary and Total Annual Fringe, then combined for a total amount charged to the project. Explanation of fringe benefits should also be provided.

- Non-Personnel – Provide supporting detail and costs for any of the proposed categories shown.

IMPORTANT: For sections on the Budget Support Pages with alpha-numeric references, any amounts here must match identically with those reported in the ’Total’ column of the Budget Worksheet. Use additional sheets if necessary.
ATTACHMENT F
CHILDCARE SERVICES PROVIDER
BUDGET WORKSHEET and BUDGET SUPPORT PAGES

NOTE: Access the Excel Spreadsheet Attachment online at: http://www.etcog.org/procurements

On the next page: The following blank, hardcopy versions of the BUDGET WORKSHEET; BUDGET SUPPORT – PERSONNEL; and BUDGET SUPPORT – NON-PERSONNEL may be used in lieu of the Excel version available online, (if preferred):
### ATTACHMENT F

**EAST TEXAS WORKFORCE DEVELOPMENT AREA**  
**CHILD CARE SERVICES REQUEST FOR PROPOSAL - PROPOSED BUDGET**

**PROPOSER:**  _________________________________________________________________

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<tr>
<th>EXPENSE CLASSIFICATION</th>
<th>OPERATIONAL COSTS</th>
<th>Information Systems</th>
<th>DIRECT CARE</th>
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<td>1 Salaries</td>
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<td>2 Fringe Benefits</td>
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<td>3 Staff Travel</td>
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<td>Non-Personnel Costs</td>
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<td>4 Insurance</td>
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<td>12 Accounting &amp; Auditing</td>
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<td>14 Staff Training</td>
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<td>15 Other</td>
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<td>c. Dues &amp; Subscriptions</td>
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<td>d. Marketing / Advertising / Outreach</td>
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<td>e. Payroll Processing Fees</td>
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<td>f. Contract Labor/Temporary Services</td>
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<td>16 Space &amp; Facilities</td>
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<td>d. Shared Facility Costs</td>
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</table>

**A. TOTAL OPERATIONAL COSTS**

1 Indirect  
2 Performance Bonus

**B. TOTAL INDIRECT / BONUS COSTS**

1 Consultants  
2 Equipment Purchases  
3  
4  
5

**C. TOTAL OTHER COSTS (Indirect does not apply to cost)**

<table>
<thead>
<tr>
<th>TOTAL CCDF FUNDS</th>
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</thead>
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**TOTAL ESTIMATED BUDGET FOR 2020-2021**
### ATTACHMENT F

**EAST TEXAS WORKFORCE DEVELOPMENT AREA**
**CHILD CARE SERVICES REQUEST FOR PROPOSAL - PROPOSED BUDGET**

PROPOSER: _________________________________________________________________

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<th>Managing Dir. Information Systems</th>
<th>Emp. Of Record OPERATIONAL COSTS</th>
<th>Emp. Of Record Information Systems</th>
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<td>C. TOTAL OTHER COSTS (Indirect does not apply to cost)</td>
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**TOTAL ESTIMATED BUDGET FOR 2020-2021**
### Proposed Budget Support Pages - Personnel

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<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>TOTAL Charged to this project</th>
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<tr>
<td>Position/Title</td>
<td>Location</td>
<td>Child Care Services Program</td>
<td>% of time spent on project</td>
<td>Total Annual Salary</td>
<td>Total Annual Fringe*</td>
<td>Charged to this project (% x Salary)</td>
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**TOTALS**

*Describe items included in fringe benefits offered for personnel, listing each benefit separately, and noting the benefit as a percentage of salary. If fringe benefits vary by position, list separately for each position. Include all fringe benefits as planned above.*
ATTACHMENT F
Proposed Budget Support Pages – Non-Personnel

PROPOSER: ____________________________

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<th>A.1-2</th>
<th>See Personnel Schedule for detail</th>
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</table>

<table>
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<th>A.3</th>
<th>Operations: Travel</th>
<th>Describe any costs budgeted for staff travel</th>
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<td>Workers compensation</td>
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<td>Bonding</td>
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<td>Other (describe):</td>
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Total

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<th>A.5-16</th>
<th>Operations: Non-Personnel</th>
<th>Describe any costs budgeted for line items (A 5-15) and any respective calculations in the space provided. (use additional pages if necessary)</th>
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<table>
<thead>
<tr>
<th>B.1</th>
<th>Indirect, DeMinimus or Mgmt Fee</th>
<th>Attach copies of indirect cost plan and Federal or State agency approving indirect rate. If there is not an approved rate, please submit requested rate with indirect cost plan for review. Provide explanation below of the method used and any applicable percentage(s) and calculation(s) used to determine total.</th>
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Total

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<th>B.2</th>
<th>Performance Incentive</th>
<th>This line is negotiable and should be budgeted from any remaining allocated funding beyond those required for operations and participant support. Please describe how any estimate was determined.</th>
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For Profit entities only

Total
**ATTACHMENT G**

**PROPOSER REFERENCES**

Please list three (3) references, other than WSETB or CCS, who can verify your performance as a service provider. WSETB prefers references to be from similar governmental entities for whom your organization has provided similar or like services specific to this RFP.

**NOTE:** Inaccurate, obsolete, or negative responses may result in rejection of proposal.

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CONFLICT OF INTEREST QUESTIONNAIRE

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 89th Leg., Regular Session. This questionnaire is being filed in accordance with Chapter 176, Local Government Code by a person who has a business relationship as defined by Section 176.001(1-a) with a local governmental entity and the person meets requirements under Section 176.006(a).

By law this questionnaire must be filed with the records administrator of the local governmental entity not later than the 7th business day after the date the person becomes aware of facts that require the statement to be filed. See Section 176.006, Local Government Code.

A person commits an offense if the person knowingly violates Section 176.006, Local Government Code. An offense under this section is a Class C misdemeanor.

1 Name of person who has a business relationship with local governmental entity.

NOTE: Write “N/A” if no CIQ relationship applies and sign below as verification

2 Check this box if you are filing an update to a previously filed questionnaire.

(The law requires that you file an updated completed questionnaire with the appropriate filing authority not later than the 7th business day after the date the originally filed questionnaire becomes incomplete or inaccurate.)

3 Name of local government officer with whom filer has employment or business relationship.

Name of Officer

This section (item 3 including subparts A, B, C & D) must be completed for each officer with whom the filer has an employment or other business relationship as defined by Section 176.001(1-a), Local Government Code. Attach additional pages to this Form CIQ as necessary.

A. Is the local government officer named in this section receiving or likely to receive taxable income, other than investment income, from the filer of the questionnaire?

☐ Yes ☐ No

B. Is the filer of the questionnaire receiving or likely to receive taxable income, other than investment income, from or at the direction of the local government officer named in this section AND the taxable income is not received from the local governmental entity?

☐ Yes ☐ No

C. Is the filer of this questionnaire employed by a corporation or other business entity with respect to which the local government officer serves as an officer or director, or holds an ownership of 10 percent or more?

☐ Yes ☐ No

D. Describe each employment or business relationship with the local government officer named in this section.

4

Signature of person doing business with the governmental entity

Date

Revised 06/03/2016

Adopted 06/29/2007
ATTACHMENT I

EAST TEXAS COUNCIL OF GOVERNMENTS

CUSTOMER SERVICE

CREED

Look for a way to say "yes" to the customer within appropriate legal and ethical boundaries.

Strive to exceed customer expectations.

Listen to the customer first, confirm the message and facilitate a solution if requested by the customer.

Approach work with a positive attitude, always looking for ways to improve our service.

Be a candid, kind and encouraging member of the team.

Apply the 4-way test to the things we think, say, or do:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

ORGANIZATIONAL

OBJECTIVE

ETCOG pledges all of its resources to be a solutions provider for our members and the citizens of the East Texas region.

Acknowledged and will abide by: ________________________________

Signature of Company Official ________________________________ Date