APPENDIX I

Child Care CDA Training Service Provider 2022 RFP

ADDITIONAL BID INFORMATION

A. Definitions

Subcontract: means a contract entered between a prime contractor and a third party. The subcontract expressly provides all or a portion of the work specified in the prime contract. A prime contractor’s purchase of ancillary goods and services that support the direct provision of the contract are excluded. Each HHS agency, at its option, specifies in the contract what is and is not ancillary.

Historically Underutilized Business (HUB): is defined as a business that is formed for the purpose of 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.

B. WSETB CONDITIONS AND LIMITATIONS

• A response to this request does not commit WSETB to award a contract or to pay any costs incurred in the preparation of a response, nor to pay for any other costs incurred prior to the execution of a formal contract.

• WSETB reserves the right to accept, reject or negotiate proposals received as well as to vary or waive any provisions set forth in this RFP in the best interest of WSETB. WSETB reserves the right to cancel this RFP in part or in its entirety.

• WSETB reserves the right to negotiate the final terms of any agreement or contract with the proposer. Proposal must have original signature of the person having the authority to bind the organization to a contract. A proposal which cannot be successfully negotiated will not be funded. Negotiation addresses both programmatic and budgetary issues.
• 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 sub-contractors; however, WSETB retains the right to refuse the subcontractors the proposer selected.

• Proposers who are partnering with other companies or agencies must list the names of all service providers or joint providers and the amount to be spent by each partner. All contracted costs must be itemized in the budget so it is clear how the funds will be allocated and spent by each partner. Contracts may be written independently with each of the organizations.

• If proposer seeks to form a legal joint venture using a corporate identity for the partnership, the Workforce Solutions East Texas Board will require the individual’s corporate partners to accept liability for funds.

• Provisions of this RFP and the contents of the successful responses are considered available for inclusion in final contractual obligations.

• WSETB considers the 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. Proposer should not include proprietary information or trade secrets. Because 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.

• In proposing a price for the deliverables under this agreement, the costs should be allocated to the appropriate cost categories. The cost of staff will be allowable to the extent justification can be provided that the staff is necessary to achieve results.

• All organizations funded, whether public or private, commercial or not-for-profit, will be required to submit an audit. Providers will submit an A-133 Audit as appropriate each year. The Workforce Solutions East Texas Board also requires that proposers submit a copy of their most recent audit with their proposal. If a recent audit is not available, proposers should submit financial statements sufficient to indicate the fiscal integrity of the organization.

• Proposers must be able to demonstrate administrative capability and fiscal responsibility needed to operate the program 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.

• Proposer must agree to follow Federal, TWC and Workforce Solutions East Texas Board fiscal policies. Workforce Solutions East Texas Board will consider comparable policies if they meet grant requirements and are approved as a part of the contract negotiation.
• Equipment purchased with contract funds, whether by a commercial or non-commercial organization, will be the property of the State of Texas. Leasing arrangements for property or staff must be competitively procured and approved during negotiation of the contract.

• The Texas Workforce Commission does not require a local workforce development board to be an additional insurer on its contractor’s insurance policies. The entity named as certificate holder receives a copy of the Certificate of Insurance from the contractor’s insurance company, enabling the Board to verify proof of insurance. Proposers will be required to maintain appropriate insurance including workers compensation and auto insurance.

• Proposers will be subject to a pre-award survey. This may include, but not limited to a review of proposer's record keeping procedures, management systems, accounting and administrative systems, training facilities, and curriculum as required by Texas Workforce Commission Rule 801.54.

• The Workforce Solutions East Texas Board reserves the right to review and monitor agency proficiency. Agencies must be able to follow Federal, State, and Workforce Solutions East Texas Board policies and procedures regarding certain program elements. In addition, it is the intent of the Workforce Solutions East Texas Board to be actively involved in the planning and creation of an exemplary Workforce Investment Act Youth Projects that support the workforce development system in East Texas. To this end, it will be the expectation of the Board that the management and staff of the projects funded through this RFP will work collaboratively with the staff of the Board on an ongoing basis to ensure “best practices” are employed and to implement continuous improvements to the proposed projects.

• Budget items which are proprietary in nature must be broken down into a cost reimbursement format unless they are sold to the general public at the same price as offered under this RFP. The general public must comprise a substantial number of purchasers of proposer’s product or service.

• Budget items which are planned to be subcontracted by proposer including leased items must be competitively procured. Proposal estimates must be replaced with real bids at the time of contract negotiation. Leases with wholly owned or subsidiary companies affiliated with the proposer’s organization must be broken down as to cost including profit. The Workforce Solutions East Texas Board reserves the right to get local bids for such items and to substitute like items if they can be procured at a lesser cost.

• All purchases must be made in accordance with State and Federal procurement requirements which require a cost/price analysis prior to the procurement.

• Proposers will be required to list the Workforce Solutions East Texas Board as an additional insured on their general liability, umbrella and fidelity bond insurance policies. If there is a fee for adding the Board, include the cost in the proposed budget. Proposers will be required to maintain appropriate insurance including workers compensation and auto insurance.
• The contract with the proposer selected will include general provisions set forth in the contract between the Workforce Solutions East Texas Board and the Texas Workforce Commission and other applicable requirements. A copy of the general provisions is available upon request.

• Funds provided through this Request for Proposals may not be used to supplant other available federal, state, local, or private funds. This will be verified through contract negotiations and language to this effect will be included in all contracts.

• Proposer must comply with all Federal and State mandates.