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REQUEST FOR QUALIFICATIONS

FOR

COMMERCIAL REAL ESTATE BROKER SERVICES

FOR

Workforce Solutions Middle Rio Grande

RFQ #09222024

Issue Date: September 22, 2024
Response Deadline: October 07, 2024 at 12:00 Noon

RFQ links:

<https://www.wfsmrg.org/doing-business-with-us>

Equal Opportunity Is The Law, Workforce Solutions Middle Rio Grande Board (WFSMRG) Is An Equal Opportunity Employer/Program And Auxiliary Aids And Services Are Available Upon Request To Individuals With Disabilities. Tty/Tdd Via Relay Texas Service At 711 Or (Tdd) 1-800-735-2989/1-800-735-2988 (Voice).

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BACKGROUND INFORMATION

The Workforce Solutions Middle Rio Board serves as the governing board for the regional workforce system, a network of service providers and contractors that brings people and jobs together in the nine-county Middle Rio region. Our membership reflects the diverse constituencies of the regional community: business, economic development, education, labor, community organizations, and government.

The Middle Rio Grande Region is neighboring the San Antonio and Laredo areas a population of 48,000. Of the counties, Maverick County is the largest and has a population of over 58,000 and is located in the south part of the region. There are a total of nine One-Stop Workforce Centers in the Middle Rio Region, serving the following counties: Dimmit, Edwards, Kinney, La Salle, Maverick, Real, Uvalde, Val Verde, and Zavala Counties.

PART 1 – INTRODUCTION

1.1 PURPOSE OF THE REQUEST FOR QUALIFICATIONS (RFQ)

WFSMRG is soliciting proposals from licensed commercial real estate brokerage firms or independent agents to provide **Commercial Real Estate Broker Services** on behalf of the Board throughout the Middle Rio Area. WFSMRG reserves the right to make multiple awards resulting from this solicitation. The full range of service expectations are detailed in 1.6 – Scope of Work.

WFSMRG leases multiple locations throughout the nine-county area consisting of administrative offices and workforce centers. WFSMRG leases 3 offices in highly visible locations to maximize customer utilization. The list of offices is in Exhibit 1. WFSMRG Leased Properties Chart.

NOTE: For purposes of this RFQ, the words “Bidder” and “Proposer” shall refer to an entity submitting a proposal in response to this RFQ. The term “Contractor” shall refer to entities awarded and entering a formal contract with WFSMRG.

1.2 PROCUREMENT STANDARDS

This Request for Qualifications (RFQ) provides a uniform method for the procurement of specified services, allowing for full and open competition. It contains the necessary background, requirements, technical specifications, information, and instructions for responding to the RFQ. The services solicited under this RFQ are procured under the Professional and Consulting Services Method outline in Chapter 14 of the TWC Financial Manual for Grants and Contracts (FMGC).

An award will be made only to an organization possessing the qualifications and demonstrated ability to perform successfully under the terms and conditions of a contract. The Board's intention is to negotiate a fixed rate contract with the successful bidder.

1.3 APPLICABLE AUTHORITIES

- All applicable federal statutes, regulations, policies, and guidance as presently in effect and as may become effective during this Award.
- Office of Management and Budget's Uniform Guidance at 2 C.F.R. Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements and 2 C.F.R. Part 2900, Department of Labor (DOL) exceptions to 2 C.F.R. Part 200.
- Social Security Act, 42 USC, §§603-619, as amended.
- Personal Responsibility and Work Opportunity Reconciliation Act of 1996, 42 USC §601 et seq.
- Balanced Budget Act of 1997, Public Law 105-33.

1.4 ELIGIBLE PROPOSERS

- a. Organizations possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with the Board.
- b. Entities that are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal or state department or agency are not eligible to respond to this RFQ or receive a contract.
- c. Small, Minority, disadvantaged, veteran and/or women-owned businesses and Historically Underutilized Businesses are encouraged to respond to this RFQ.

1.5 QUALIFICATIONS

Respondents to the RFQ must have the following qualifications:

- a. Licensed Real Estate Broker or Brokerage Firm in the State of Texas legally authorized to provide Real Estate Broker Services and in good standing, knowledgeable and experienced in commercial real estate.
- b. Submission of licenses and/or certifications required of the Contractor to perform this work.
- c. Knowledge of the local Rural Capital Area commercial real estate market.
- d. Experience with small and large commercial properties.
- e. Knowledge in the use of all public real estate records.
- f. Demonstrated ability, knowledge, and expertise to provide Commercial Real Estate Brokerage.

- g. Demonstrated sufficient depth of talent, resources, ability, and time to meet to respond to real estate services requested in a timely and efficient manner.
- h. Demonstrated capacity and ability to perform successfully under the terms and conditions of a contract with the Board.
- i. Demonstrated experience and expertise of similar scope as this RFQ within the last three years.
- j. Demonstrated technical competence, skills and professional judgment to accomplish the work solicited in the RFQ. Proposers must be experienced in working with non-profit, governmental, and quasi-governmental organizations.
- k. Knowledgeable and familiar with all applicable federal and state laws, regulations, and rules in the development of their response to this RFQ. The selected contractor will be required to assume full responsibility for all services included in the contract. The Contractor may not assign, transfer, or otherwise dispose of any portion of a contract in whole or in part, to any third party, without the prior written approval of the Board.

1.6 SCOPE OF WORK

The proposer(s) awarded from this RFQ will be a licensed Broker or a Commercial Real Estate Brokerage Firm to provide Commercial Real Estate Broker Services and advisory services on behalf of the Board on an as needed basis.

The Commercial Real Estate Broker Services to be provided on a general and as needed basis include, but are not necessarily limited to the following:

- a. Provide expert professional commercial real estate advisory services and representation on behalf of WFSMRG.
- b. Commercial leasing agent negotiations and representation with potential landlords on behalf of WFSMRG for multiple locations in the nine-county areas.
- c. Conduct research/planning to strategically maximize the potential of existing leased property, make recommendations relative to future leases and benefit to WFSMRG.
- d. Provide Comparative Market Analysis, CMA and pricing guidance for the premises, including rent, tenant improvement levels, concessions, and parking.
- e. Identify, evaluate, and obtain offers for potential leasable office space. Reference Exhibit 1. WFSMRG Leased Properties Chart for current leased properties and locations.

- f. Interface with all applicable commercial building representatives and coordinate all written and verbal communications, negotiations, and structuring of any lease agreement.
- g. Coordinate and facilitate site tours of potential leasable office space.
- h. Analyze proposals from potential landlords and advise WFSMRG accordingly with respects to negotiations.
- i. Represent WFSMRG in negotiations with potential landlords, working with WFSMRG.
- j. Coordinate the execution of all documentation relating to lease offers, contracts and amendments and/or addendums.
- k. Complete lease agreements between parties to reflect the contractual obligation by each party (Landlord/Tenant).
- l. Maintain records of all lease agreements and real estate transactions in accordance with State and Federal guidelines.
- m. Provide WFSMRG with electronic copies of all documentation related to each lease upon completion of a signed lease agreement.
- n. Monitor lease agreement renewals to ensure leases are renewed in a timely manner.
- o. Coordinate with WFSMRG legal counsel as needed to facilitate the completion of lease agreements for specific Lease Addendum Provisions.
- p. Handle all customary activities and services associated with real estate transactions.
- q. Prepare draft and final reports documenting initial market research and recommendations. Final reports may incorporate the Board's comments and final disposition.
- r. Analyze commercial real estate markets from regional, municipal and neighborhood perspectives.
- s. Assess the development potential of individual properties, with due consideration to marketing, zoning, and constraints. Assessments might include physical development concepts and feasibility analyses. Will also include presenting potential opportunities to the Board for their review.
- t. Advise on negotiating and structuring specific transactions and relationships with potential business partners, including other public-sector entities.
- u. Advise on leasing strategies for office space as well as on property management issues. Services might include retail planning and performance analyses and tenant mix studies, identifying and negotiating with potential leaseholder's lease terms and build to suit terms.
- v. Analyze and evaluate all offers presented on subject properties and provide written recommendation to the Board.
- w. Act as the Board's representative in all real estate transactions.
- x. Provide assistance with lease audits and occupancy cost analysis.
- y. Attend Board meetings and report to the Executive Director or other designated Board personnel as necessary.

WFSMRG reserves the right to request additional related services from the awarded Contractor should a need arise. Additional services will be negotiated at the time of request with the Contracted Broker, and there is no guaranteed amount of work associated with performance of this contract.

1.7 PROCUREMENT SCHEDULE

The following schedule is subject to change at the discretion of WFSMRG.

Activity	Date
RFQ Release Date	September 22, 2024
Proposers Questions Due	September 30th @ noon
Responses To Questions Posted	October 4 th , 2024
Intent To Bid Form A (not required)	
Proposals Due	October 7th @ noon
WFSMRG Evaluation Period	October 11 th , 2024
Estimated Contract Start Date	October 18, 2024

1.8 POINT OF CONTACT

Finance Officer: Maximiliano Pereda
Workforce Solutions Middle Rio Grande
Email Address: maximiliano.pereda@mrgdc.org

1.9 ISSUANCE AND AVAILABILITY OF RFQ

This RFQ is issued [Monday, September 22nd, 2024](#), by the Workforce Solutions Middle Rio Grande Board, under the direction of Rosalind Lozano, Executive Director [216 W Main Street, Uvalde, Texas](#). WFSMRG website: www.wfsmrg.org

1.10 INTENT TO BID

Proposers are invited to submit an Intent To Bid Form A by [Wednesday, September 25, 2024](#), (see attachment) but are not required to do so.

1.11 PROPOSAL SUBMISSION

Proposals must be submitted no later than [Monday, October 7th, 2024, by noon CST](#). Bidders shall provide an electronic submission of proposal responses and required documents via email to: maximiliano.pereda@mrgdc.org—Proposals received after the due date and time will not be accepted or considered under this procurement. No exceptions will be made to this requirement for any reason.

The timely delivery of proposals is the sole responsibility of the proposer. WFSMRG is not responsible for any failures and/or errors of omission. Disputes concerning late or non-delivered proposals cannot be appealed. Any proposals or amendments

received after the specified deadline will not be considered and will be deemed as late and non-responsive. Proposers must include all required documentation to be considered responsive. Non-responsive proposals are not evaluated.

Any modification or amendment to a proposal already submitted must also comply with the above requirements and response deadline. Any proposals or amendments delivered/received after the specified deadline will not be considered for review and will be deemed as late and non-responsive.

1.12 WITHDRAWAL OF PROPOSALS

A submitted proposal may be withdrawn at any time prior to the scheduled due date by submitting an email to maximiliano.pereda@mrgdc.org. A withdrawn proposal will not be considered for review or award and will become the property of WFSMRG.

1.13 TECHNICAL ASSISTANCE

WFSMRG will not host a bidders Conference related to this RFQ. Questions will be accepted after the issuance of the RFQ and due Wednesday, September 30, 2024, by noon.

All properly submitted questions will be compiled and responded to in a Q&A document posted on the ESD and the WFSMRG website <https://www.wfsmrg.org> on Monday, September 20, 2024. WFSMRG reserves the right to determine the appropriateness of comments/questions that will be posted.

Note: All WFSMRG staff, Board members, officers, or authorized representatives are precluded from entertaining or answering questions concerning this RFQ or the procurement process. Bidders are asked to respect this condition by not asking questions or making requests for assistance, except by submitting questions as stated above.

1.14 OPEN RECORDS AND TEXAS PUBLIC INFORMATION ACT

Proposers are hereby notified WFSMRG strictly adheres to the Texas Public Information Act, Government Code, Chapter 552, to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information. Proposals submitted in response to the RFQ are subject to the Texas Public Information Act, Government Code, Chapter 552, and may be disclosed to the public upon request. Therefore, any confidential, privileged, or proprietary information contained within a proposal must be clearly identified by the proposer in the proposal itself (each applicable page clearly marked). Such information will be kept confidential by WFSMRG to the extent permitted by State law.

The Board may seek to protect from disclosure all information submitted in response to this RFQ until a final agreement is executed. Upon execution of a final agreement, the Board will consider all information documentation, and other materials requested to be submitted in response to this RFQ to be of a non-confidential and non-proprietary nature; therefore, subject to public disclosure under Chapter 552.001.

Proposers will be advised of a request for public information that applies to their materials and will have the opportunity to raise any objections to disclosure to the Texas Attorney General. Certain information that may be protected from release are noted in Sections 552.101, 552.110, 552.113 and 552.131 of the Government Code.

1.15 AWARD

The proposals most advantageous to WFSMRG in terms of proposer's qualifications and quality of the proposals will be recommended for contract negotiations. WFSMRG, at its sole discretion, may contract with more than one entity or individual for Commercial Real Estate Broker Services.

1.16 CONTRACT PERIOD

Any contract(s) resulting from this RFQ will be for an initial period of one (1) year, with renewable options up to four additional one-year terms based on the Contractor's performance, and compliance. The contract will begin on or **after October 18, 2024 - September 30, 2025**. WFSMRG reserves the right to terminate any contract prior to, or extend the end date, and to increase or decrease the contract awarded because of the RFQ and at any time based on Contractor performance or non-compliance.

1.17 FUNDING

WFSMRG will not compensate the broker/agent directly relying instead on the broker/agent to be compensated by way of a commission paid by the landlord/owner.

1.18 ADDITIONAL SERVICES

WFSMRG reserves the right to negotiate the expansion of any contract to include other services during the contract period, even if not specifically mentioned in this RFQ if it does not affect the proposer's independence.

1.19 SUBCONTRACTING

Any subcontracting must be specified in the proposal narrative and approval must be

granted by WFSMRG prior to the execution of any contract resulting from this RFQ. All subcontracting is subject to applicable federal, state and local laws, rules, regulations and policies. If a bidder proposes to subcontract any of the services and activities to be provided, the bidder must indicate which services and activities will be subcontracted and the rationale behind using subcontractors instead of providing the services directly. The bidder must also describe how subcontractors were (or will be) procured and selected, their qualifications, as well as the basis for payments. Subcontractors are subject to the same requirements as the bidder under this RFQ and resultant contract.

1.20 CONTRACT RE-ASSIGNMENT

If a Contractor fails to perform as required or expected, WFSMRG reserves the right to terminate the contract and assign the contract in whole or in part, to a similarly ranked proposal obtained through this procurement, subject to successful contract negotiations. WFSMRG may choose an alternative means of reassigning the contract based on its best interests. The Contractor may not reassign any aspect of the contract.

1.21 EQUAL OPPORTUNITY / NON-DISCRIMINATION

As a condition of the award of financial assistance from the Department of Labor under Title 1 of WIOA, the respondent to this RFQ assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- Section 188 Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in United States of participation in any WIOA Title I financially assisted program or activity.
- [Titles VI and VII of the Civil Rights Act of 1964, 42 U.S.C. § 20000d et seq., and § 2000e-16, as amended;](#)
- [The Rehabilitation Act of 1973 §§ 503, 504, and 508, 29 U.S.C. §§ 793. 794, and 794d, as amended,](#)
- [Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688, as amended;](#)
- [The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., as amended;](#)
- [The Americans with Disabilities Act, 42 U.S.C. § 12101 et seq., as amended;](#)
- The Non-Traditional Employment for Women Act of 1991, as amended;
- [WIOA § 188, 29 U.S.C. §3248;](#)
- [29 C.F.R., Part 38, Implementation of the nondiscrimination and Equal Opportunity provisions of WIOA, and all other regulations implementing the laws listed above.](#)

1.22 GOVERNING PROVISIONS AND LIMITATIONS

- a. Failure to comply with any of the following provisions may cause a proposal to be disqualified and rejected from consideration.
- b. All proposals submitted to WFSMRG in response to this RFQ become the exclusive property of WF.
- c. The proposal, if accepted, will become the basis for the contract Scope of Work.
- d. This RFQ is not to be construed as a purchase agreement or contract, or as a commitment of any kind; nor does it commit WFSMRG to pay for costs incurred in the preparation of a response, or any other costs incurred prior to the execution of a formal contract, unless such costs are specifically authorized in writing by WFSMRG.
- e. WFSMRG reserves the right to accept or reject any or all proposals received, to cancel or reissue this RFQ in part, or its entirety.
- f. This is a negotiated procurement utilizing the Request for Qualifications (RFQ) method, and as such, the selection and award of a contract does not have to be made to the respondent with the lowest priced/cost offer, but rather to a respondent submitting the best value proposal that satisfies WFSMRG's requirements and is determined to be in the best interest of and most advantageous to the Board.
- g. WFSMRG reserves the right to award a contract(s) for any services solicited in this RFQ for Real Estate Broker as WFSMRG determines its best value for the Board and to more than one proposer.
- h. WFSMRG reserves the right to extend, shorten, increase, or decrease any contract awarded because of this RFQ.
- i. WFSMRG reserves the right to request additional information, clarification, or explanation for any aspect of a response to this RFQ.
- j. WFSMRG reserves the right to waive any defect in this procurement process or to correct any error(s) and/or make changes to this solicitation it deems necessary. WFSMRG will provide notification of changes to all known Offerors.
- k. WFSMRG reserves the right to negotiate the final terms of all contracts or agreements with selected proposers. Any contract terms negotiated because of this RFQ may be renegotiated and/or amended to successfully meet the needs of WFSMRG.
- l. WFSMRG reserves the right to contact any individual, agency, employer or grantee listed in a proposal, or contact others who may have experience and/or knowledge of the respondent's relevant performance and/or qualifications; and to request additional information from all proposers to this RFQ.

- m. WFSMRG reserves the right to impose additional requirements and refinements to the terms and conditions, scope of work, performance measures, and funding amounts or sources during the contract term.
- n. Any entity and/or each entity of a partnership or consortium selected for funding under this RFQ will be subject to a Pre-Award review in accordance with TWC FMGC Appendix D: FMGC Supplement on Procurement to determine the proposer's level of risk of non-compliance or non-performance under contract.
- o. WFSMRG reserves the right to withdraw an award of any contract based on unsatisfactory results of the pre-award survey.
- p. WFSMRG reserves the right to withdraw or reduce the amount of an award or to cancel any contract or agreement resulting from this RFQ if adequate funding is not received from TWC or other funding sources or due to legislative changes.
- q. Proposers shall not, under penalty of law, offer or provide any gratuities, favors or anything of monetary value to any officer, Board member, employee, proposal evaluator, agent of WFSMRG or elected official for purposes of having an influencing effect on this procurement.
- r. Proposers shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, Board member, employee, proposal evaluator, agent of WFSMRG or elected official for purposes of having an influencing effect on this procurement.
- s. No officer, Board member, employee, proposal evaluator or agent of WFSMRG shall participate in the selection, award or administration of a contract supported by CCS funds if a conflict of interest, or potential conflict, is involved.
- t. Proposers shall not engage in any activity that will restrict or eliminate competition. Violation of this provision will cause the proposal to be disqualified and rejected. This does not preclude joint ventures or subcontracts.
- u. The contents of a successful proposal may become a contractual obligation and be incorporated by reference into a contract if selected for the award of a contract. Failure of the proposer to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to the successful proposer as a basis for release from proposed services at the stated price/cost. Any damages accruing to WFSMRG because of a successful proposer's failure to contract with WFSMRG may be recovered from the proposer.
- v. A contract with a selected proposer may be withheld, at the sole discretion of WFSMRG, if issues of regulatory non-compliance, questioned/disallowed costs, or legal issues exist, until such issues are satisfactorily resolved.

WFSMRG may withdraw the award of a contract if the resolution is not satisfactory to WFSMRG.

- w. The solicitation and selection of proposals must conform to all relevant federal, state, and local laws, regulations, rules, and policies governing the procurement of goods and services. Proposers are responsible for familiarizing themselves with such matters.
- x. All proposals submitted must be an original work product of the proposing entity. The copying, paraphrasing or other use of substantial portions of the work product of others and submitted hereunder as original work of the proposer without written authorization or proper citation, is prohibited.
- y. Respondents must intend to fulfill all representations in their proposal. Failure of a respondent to accept this obligation may result in the cancellation of an award or contract. No pricing, error or mistake shall be available to a successful proposer as a basis for release from proposed services.
- z. The Offeror selected for contract award must meet the requirements of WFSMRG's key control certification system to ensure the financial integrity of the entity prior to the execution of a contract. WFSMRG will conduct a pre-award review of the selected Offeror prior to the execution of a final contract.

1.23 ADMINISTRATIVE REQUIREMENTS AND LIMITATIONS

- a. WFSMRG will provide any training and/or technical assistance needed by the selected Contractor regarding WFSMRG policies, documents, procedures, etc. that are specific to WFSMRG, and the requirements listed in Section 1.6 Scope of Work.
- b. Employees of the Contractor are subject to the exclusive control and supervision of the Contractor. The Contractor is solely responsible for personnel matters including hiring, discipline, termination, supervision, background checks, training, evaluation, etc. of its employees.
- c. The Contractor must provide reports in the format and within the timeline requested by WFSMRG.
- d. Private non-profit organizations and agencies of state or local government responding to this RFQ must include the following: 1) a resolution from the respondent's governing body or board authorizing the submission of a proposal; and 2) a letter of transmittal from the chief executive officer of the respondent's organization.
- e. Private for-profit corporations submitting a proposal must include a statement signed by an authorized representative of the corporation

authorizing submission of a proposal.

- f. The proposer must be current in Unemployment Insurance taxes, Payday and Child Labor law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas and has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.
- g. The Contractor must provide the WFSMRG with a certification of compliance for the requirements of Texas Family Code 231.006 regarding payment of child support.
- h. Proof of insurance is not a requirement for the submission of a proposal, but the selected Offeror will be required to obtain and provide proof for all insurances specified in this RFQ and provide proper certificates or policies prior to commencing work under a contract resulting from this RFQ. WFSMRG must be listed as an additional insured on the Certificate of Insurance. Policies must remain in full force for the duration of a contract. Any changes in the insurers' coverage, deductibles, modifications, alterations, or cancellations of coverage during the term of the contract must be immediately communicated to the Board. The following insurances/bonding are required:
 - 1. General Liability – Contractor must carry general liability insurance coverage sufficient to cover any liability that may arise from the performance of a contract resulting from this RFQ. General liability must cover bodily injury and property damage to a third party and personal injury; \$500,000 occurrence or \$1,000,000 aggregate is required. A reasonable deductible is allowed, but not to exceed \$5,000 per occurrence. The Contractor must be able to cover the cost of any deductible.
 - 2. Errors and Omissions – Contractor must, at its own expense, must carry "errors and omissions" insurance or the equivalent. Contract funds cannot be used to pay for Errors and Omissions insurance.
 - 3. Motor Vehicle – if the Contractor or its employees use motor vehicles in the conduct of business under a contract resulting from this RFQ, liability insurance covering bodily injury and property damage must be provided through a commercial insurance policy. Such insurance shall provide for a minimum coverage of \$100,000 liability per occurrence; \$300,000 aggregate liability; \$100,000 property damage; personal injury protection; uninsured motorist protection, and a maximum deductible of \$1000. The Contractor must be able to cover the cost of any deductible.
 - 4. Workers' Compensation – the Contractor must ensure that all employees are covered by worker's compensation insurance. If self-insured, the contractor must warrant that it will maintain coverage sufficient to cover any liability that may arise from performance under a contract resulting from this RFQ.

- i. Appeal Process and Procedures for Opportunity to Protest, the CEO has the authority to settle or resolve any claim of an alleged deficiency or protest. The procedures for notifying WSMRG of an alleged deficiency or filing a protest are listed on our website at <https://www.wfsmrg.org> Should be listed in RFP/RFQ.

1.24 BEST AND FINAL OFFERS

WFSMRG reserves the right to negotiate with and/or to request Best and Final Offers (BAFO) from any or all bidders as a part of the formal evaluation process. If WFSMRG requests a formal, written BAFO, the bidder will be notified of the allotted time to respond to the request. If the bidder does not respond to WFSMRG's request within the allotted time, WFSMRG will consider the most recent offer to be the BAFO.

1.25 SELECTION AND AWARD ANNOUNCEMENT

WFSMRG will officially select and award a contract(s) to the successful proposer(s). The WFSMRG Board of Directors may participate in possible discussion and appropriate action in selecting the proposed Contractor for contract negotiations, as applicable. Once the Board officially awards the contract, all proposers will be notified in writing of the selection of the award within 10 business days of the decision. Notification of selection/non-selection will be emailed to proposers.

1.26 INQUIRY AND APPEAL PROCESS

WFSMRG is the responsible authority for handling complaints or protests regarding the procurement and proposal selection process. This includes, but is not limited to, disputes, claims, protests of selection or non-selection for award, or other matters of a contractual or procurement nature. Matters concerning violation of laws shall be referred to such authority as may have proper jurisdiction. Note: Scoring is not grounds for an appeal unless there are material violations of the procurement process.

Proposers who wish to protest a decision must utilize the following process:

Step 1. Requests for Debriefing – Proposers not selected by this procurement process may appeal the Board decision by submitting a written request for debriefing to obtain information on the procurement process and how their proposal or offer was received and ranked within fifteen (15) working days of the receipt of the Board notification of the procurement decision. The request for debriefing must be sent by registered mail or hand delivered (please request a receipt) clearly identified externally as "Dated Material" and addressed to:

Rosie Lozano, Executive Director
Workforce Solutions Middle Rio Grande

216 W. Main Street
Uvalde, Texas 78801

The Board shall acknowledge receipt of the request for debriefing in writing within three (3) days of receipt, along with the date and time of the scheduled debriefing. The debriefing shall be scheduled, as soon as possible, and no later than fifteen (15) working days from the receipt of the request for debriefing.

Step 2. Debriefing – The purpose of the debriefing is to promote the exchange of information, explain the Board proposal evaluation system, and help unsuccessful proposers understand why they were not selected. In the debriefing the respondent will obtain information on the procurement process, including the proposal evaluation process. Materials provided in the debriefing include a blank copy of the proposal scoring sheet used by readers, spreadsheet of rankings provided to the Board of Directors, and written evaluators’ comments. Board staff will meet with the appealing party and review how the appealing party’s proposal or bid was scored or ranked. Bidders and proposers can gain a better understanding of the Board procurement processes and how to improve their bids or proposals. The debriefing is an educational opportunity for proposers, which hopefully will help them to improve the quality of any future proposals.

Step 3. Written Notice of Appeal – If, after the debriefing, the appealing party wishes to initiate the appeals process, they must submit to the Board a Notice of Appeal. This written notice must clearly state that it is an appeal and identify the funding decision being appealed (i.e. specific date of the RFQ, or the Workforce Board of Directors’ action); the name, address, and phone number of the appealing party(s); and specify the grounds of the appeal, including evidence to substantiate the grounds.

A Notice of Appeal must be received by the Board within ten (10) days of receipt of the Board debriefing meeting. All appeals must be filed with and received by the Office of the CEO of the Board during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m., CST). Any appeal received after 5:00 p.m. (CST) shall be deemed filed on the next business day. The failure of a bidder to file a timely appeal in accordance with this policy shall be deemed as a waiver of the Bidder’s right to appeal or otherwise challenge any action or decision of the Board and the action or decision of the Board shall be deemed final in all respects. The Notice of Appeal must be sent by registered mail or hand delivered (please request a receipt) clearly identified externally as “Dated Material” and addressed to:

Rosie Lozano, Executive Director
Workforce Solutions Middle Rio Grande
216 W. Main Street
Uvalde, Texas 78801

E-mail notices are accepted at any stage of the appeals process. The appealing party is solely responsible for the timely submission/receipt of the notice of appeal to the Board. Failure to follow the requirements of this policy shall be deemed as a waiver of the appealing party's right to an appeal and the action or decision of the Board shall be deemed final in all respects.

All Appeals must contain the following information:

1. Identification of the specific procurement being appealed;
2. The contact's name, address, phone, and e-mail address of the appealing party;
3. The specific grounds for the appeal;
4. A detailed statement of all disputed issues of material and relevant facts surrounding the action/decision taken and the alleged violations because of such action/decision;
5. A copy of any documents(s) upon which the Bidder relies to support their contention that the action/decision of the Board should be reversed or modified;
6. A request for a hearing; and
7. A statement of relief sought by the Bidder.

Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within ten (10) working days of the receipt of the Notice of Appeal. The Board shall provide the appealing party with the date and time of the next step, the Informal Hearing.

Step 4. Informal Hearing – An Informal Hearing will be held at the offices of Workforce Solutions Rural Capital Area within fifteen (15) working days of the receipt of the Notice of Appeal. The CEO's designee shall act as the Hearings Officer and will meet with the appealing party to discuss specific concerns and grounds for the appeal that were identified in the Notice of Appeal. The Board and the appealing party shall seek in good faith to resolve any or all the issues identified in the appeal. Failure of the appealing party to attend or participate in good faith in the Informal Hearing shall be deemed as a waiver of the appealing party's right to a Formal Hearing and the action or decision of the Board shall be deemed final in all respects. The Hearing Officer may recommend to the Board's CEO any appropriate actions allowable under applicable rules and regulations and consistent with agency policies to resolve issues raised at the Informal Hearing. If the appealing party agrees in writing with the decision/action of the Hearing Officer, the appeal shall be ended at this point.

Step 5. Request for a Formal Hearing – If the appealing party is not satisfied with the results of the Informal Hearing, they must inform the Hearing Officer, in writing, no later than fifteen (15) working days from the date of the Informal Hearing of the intent to proceed with the appeal. A request for a Formal Hearing must be made in writing and delivered to the Board pursuant to the instructions for submitting written notices of appeals in Step 3 above. The Request for Formal Appeal must state the

specific grounds for the appeal and the remedy(ies) requested. Within fifteen (15) working days of the receipt of this written request, the Hearing Officer will respond, in writing, to inform the appealing party of the time, date and place of the next step – the Formal Hearing.

Step 6. Formal Hearing – The Formal Hearing shall be conducted within fifteen (15) working days of the date of the Request for Formal Hearing. An independent Hearing Officer selected by the CEO will conduct the Formal Hearing of the appeal. The Hearing Office will deal only with those issues identified in the original notice of appeal. The Hearing Officer will consider the facts presented as the grounds for the appeal and remedies requested. The Hearing Officer may request additional information from Board staff or the appealing party. After full review, the Hearing Officer will render his/her decision not later than fifteen (15) working days from the date of the Formal Hearing. The Hearing Officer’s decision shall be provided to both parties in writing. The recommendation/decision of the Hearing Officer shall be presented to the Workforce Solutions Middle Rio Grande Board of Directors for consideration and possible action at its next scheduled meeting, in the event the Hearing Officer sides with the appealing party. The Board is NOT obligated to accept the Hearing Officer’s decision and/or recommendations. The Board’s decision shall be considered final, and the end of the appeals process at the local level.

A postponement or continuance of the Informal Resolution Conference and/or Formal Hearing may be granted to the appealing party only upon written request filed with the Office of the CEO of the Board not less than three (3) calendar days (unless in cases of emergency) prior to the scheduled date of the Informal Resolution Conference and/or Formal Hearing. Such a request shall specify the reason(s) for the request for 15 postponement or continuance. Requests for a postponement or continuance may be submitted in person, by fax or e-mail to the Office of the CEO of the Board. If a postponement or continuance is granted, the Informal Resolution Conference and/or Formal Hearing will be rescheduled at a date acceptable to the Hearing Officer, the Board, and the appealing party. The outcome of an appeal at the local level shall be disclosed to the Texas Workforce Commission (TWC).

Miscellaneous – In all instances, information regarding protest/dispute will be disclosed to the Texas Workforce Commission (TWC). TWC’s Financial Manual for Grants and Contracts provides for limited appeals of any local decision.

PART 2 – PROPOSAL REVIEW, EVALUATION & SELECTION PROCESS

2.1 PROPOSAL REVIEW AND EVALUATION

The evaluation process will consist of the following:

- a. All proposals received by the submission deadline will be reviewed by WFSMRG staff for responsiveness to the requirements and specifications of

the RFQ.

- b. An initial review of responsiveness and compliance with the technical specifications and other criteria by the Board staff.
- c. All proposals deemed "responsive" will be evaluated/ scored by a designated review team. Proposals will be evaluated on specific criteria using a standardized instrument.
- d. Selection and Award of a contract will be made based on demonstrated competence and qualifications. Costs are deemed to be fair and reasonable if professional fees are consistent with published fees of professional associations and do not exceed any maximum provided by state law.
- e. The evaluation results will be ranked based on the average scores of the evaluation team.
- f. Presentation of scoring to the CEO and executive management. The CEO will have final contracting approval but reserves the option to consult with representatives of the Board of Directors in the evaluation process.
- g. Select Proposers may be requested to participate in a question-and-answer session with the CEO, Board Executive Committee and other WFSMRG executive team members as part of the selection process.
- h. Possible discussion and appropriate action by the WFSMRG Board of Directors in selecting proposed Contractor for contract negotiations, as applicable.
- i. WFSMRG reserves the right to negotiate price and terms with all Proposers, to accept or reject all or any part of an offer, waive minor technicalities, to request Best and Final Offers from all or any bidders, and make an award that represents the best value to WFSMRG. The final price and terms may be determined during Best and Final Offer negotiations. Performance and expenditure information on other contracts or grants may be considered by WFSMRG in awarding funds under this RFQ.
- j. Final selection and award of contract shall be made by the CEO subject to successful contract negotiations.
- k. All contract awards will be considered conditional pending a pre-award review and successful completion of contract negotiations.

2.2 PROPOSAL EVALUATION CRITERIA

Proposals must achieve an overall score of 70 to be considered for the award of funds. The review and evaluation of proposals shall be based upon the following criteria: 1) Organizational Experience Capability/Capacity, 2) Broker/Agents/Demonstrated Experience, 3) Pricing. 5 additional bonus points for any entity that is a certified Historically Underutilized Business (HUB) for a total of 105 points.

The Proposals will be reviewed and evaluated based upon the following criteria:

Organizational Experience Capability/Capacity 50 Points

- a. Experience providing Commercial Real Estate Broker Services
- b. Years in business
- c. Experience with non-profits, government, and quasi-governmental entities
- d. Experience with workforce development boards
- e. Comparable projects – size and scope
- f. Experience providing same/similar services as requested in 1.6 Scope of Work
- g. References

Broker/Agents Demonstrated Experience 45 Points

- a. Expertise
- b. Name of Broker/Agents assigned to this project
- c. Background and experience of staff
- d. Licensees
- e. Capability
- f. Resumes

Pricing 5 Points

- a. Price (Commission %)

Historically Underutilized Business / Bonus 5 Bonus Points

Proposals that document State of Texas HUB status will be awarded five bonus points. HUBs must attach a copy of the notice of certification to be eligible for these points.

TOTAL POSSIBLE POINTS	105 Points
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PART 3 - PROPOSAL PREPARATION AND SUBMISSION

3.1 PROPOSAL FORMAT

- a. Proposals shall be submitted according to the guidance below and include the Cover Page.
- b. Include all the documents listed in Part 4. Attachments.
- c. Typed, spaced 1.5, font - Times, Calibri or Verdana 12pt-font.
- d. Header/footer .5, 1 inch right/left margins, one sided only, one column, and

submitted on 8 ½ x 11-inch format.

- e. Sequentially numbered pages, including attachments.
- f. Emphasis placed on addressing all the requirements of this RFQ in a clear and concise manner.
- g. All documents submitted must be legible, complete, and fully assembled in the order listed in Section 3.4 Submission Order.
- h. Clearly mark confidential or proprietary information.
- i. Proposals that do not conform to this requirement may be considered non-responsive and excluded from consideration under this procurement.

3.2 PROPOSAL LABELING AND SUBMISSION

- a. Only emailed proposals to **Maximiliano Pereda** will be accepted.
- b. All electronic submissions shall be marked in the subject area "RFQ 9222024 Commercial Real Estate Broker Services.
- c. Proposals and/or amendments will be deemed non-responsive and not considered for review or award if they are submitted after the RFQ deadline, October 7th, 2024 at noon.

3.3 PROPOSAL VALIDTY PERIOD

- a. Proposals submitted in response to this RFQ shall remain valid for WFSMRG's acceptance for a minimum of one hundred twenty (120) calendar days after the submittal deadline, to allow for evaluation, selection, and Board action.
- b. Proposals will become the Board's property and will not be returned.

3.4 SUBMISSION ORDER

The proposal must be submitted with all required elements assembled and clearly marked in the following order:

- a. Proposal Cover Sheet Attachment B
- b. Response Checklist Attachment C
- c. Table of Contents
- d. Proposal Narrative Summary
- e. Proposal
- f. Budget & Narrative
- g. Historically Under-utilized Business Certification, if applicable
- h. Organizational Chart(s)
- i. Resume(s) of Key Real Estate Staff including copy of lead Broker/Agent
- j. Subcontract Agreements, if applicable
- k. 3 Professional References
- l. Additional attachments not specifically requested in the RFQ but which a proposer desires to include, letters of support etc.
- m. Certification of Legal and Signatory Authority Attachment D
- n. Certification Regarding Lobbying Attachment E

o. Certification Debarment	Attachment F
p. Certification Drug-Free Workplace	Attachment G
q. Certification Regarding Texas Corporate Franchise Tax	Attachment H
r. Certification Regarding Conflict of Interest	Attachment I
s. Certification of State Assessment	Attachment J
t. Certification of Compliance TX Family Code	Attachment K
u. Certification Regarding Non-Discrimination	Attachment L
v. Un-Documented Worker Certification	Attachment M

3.5 PROPOSAL COVER SHEET

- a. All items on the Proposal Cover Sheet must be completed.
- b. Identify a liaison or primary contact person, as well as the Signatory Authority, a person with the legal authority to negotiate and sign a contract on behalf of the proposing organization.
- c. The same person should also sign all certifications.

3.6 RESPONSE CHECKLIST

- a. Use the enclosed checklist to ensure documents and information are included in the order listed on the checklist.

3.7 TABLE OF CONTENTS

- a. Proposals must include a Table of Contents that lists each item of the proposal, including attachments, with corresponding page numbers.
- b. Items must be in the order specified section 3.3 above.

3.8 PROPOSAL SUMMARY

- a. A one-page summary highlighting the proposer’s organizational history, qualifications, and experience in providing the services detailed in Section 1.6 Scope of Work.

3.9 PROPOSAL NARRATIVE

The proposal should provide a complete description of the proposed plan for providing Commercial Real Estate Broker Services as listed in Sections 1.6 Scope of Work. See Exhibit 1. For current WFSMRG office locations.

- a. Narrative responses for each item should be clear, concise, and relevant.
- b. Label each section/topic in the same order as listed below.
- c. If selected and approved for the award of a contract, this section will be used as the basis for the Statement of Work.

3.10 ORGANIZATIONAL EXPERIENCE CAPABILITY/CAPACITY

Describe each of the following:

- a. Name of the firm, ownership of the firm, other former names firm operated.
- b. Identify owners, principals and / or partners of the firm.
- c. Principal location (headquarters of the firm) and other office locations.
- d. Include the number of years in operation, structure, types of Commercial Real Estate Broker Services the firm provides.
- e. History of the firm's experience providing Commercial Real Estate Broker Services like those solicited under this RFQ and to organizations like WFSMRG.
- f. Firm's organizational capacity, structure, and capability to provide Commercial Real Estate Broker Services as listed in the RFQ effectively and efficiently.
- g. Publicly recorded legal actions, judgments, claims, arbitration proceedings or lawsuits pending or outstanding against your firm or its officers that could impact your ability to provide services to WFSMRG stemming from performance of professional responsibilities in which the firm/broker assigned to this project have been named. Describe the outcome of all actions or declare the status if litigation is pending.
- h. Three (3) current client references for which your firm has provided services like those listed under this RFQ.
 - i. For each reference, please include contact name, phone number, mailing address, email, types of services provided, and the outcomes of any litigation or arbitration for which your firm represented the client.
- i. If you are submitting a proposal as a partnership, consortium, or joint venture, identify the roles, responsibilities, and functions of each party; identify the lead entity; and attach a copy of the partnership, consortium, or joint venture agreement.
 - i. If you are planning on subcontracting any services, identify which services will be Subcontracted and the rationale for using a subcontractor(s) as opposed to providing the service(s) yourself. Describe how subcontractors were or will be procured.

3.11 BROKER/AGENTS DEMONSTRATED EXPERIENCE

Describe each of the following:

- a. Names and titles of all staff to be assigned to any work under a contract resulting from this RFQ.
- b. Identify the person to serve as lead staff or primary contact.
- c. Real Estate Broker(s) assigned to this contract:
 - i. Real Estate Broker experience and qualifications in years.
 - ii. Year licensed by the State of Texas.
 - iii. Real Estate number.
 - iv. Area of board certified/licensed legal specialization if any

- d. Experience, knowledge, and education of individuals who will be assigned to this project as they relate to the tasks listed in 1.6 Scope of Work, they will be responsible for performing.
- e. Above information may be provided in chart format.
- f. Attach resumes for each Real Estate Broker/Agent to be assigned to any work.
- g. Provide any additional relevant information that substantiates or demonstrates your organization's experience and performance in providing the requested Real Estate Broker and related services.

3.12 PRICING

WFSMRG will not compensate the broker/agent directly relying instead on the broker/agent to be compensated by way of a commission paid by the landlord/owner.

- a. Provide the commission percentage rate.
- b. Describe the commission-based percentage, how the proposed percentage rate was derived.

This page is left intentionally blank.

Attachment A – Letter of Intent to Bid

Workforce Solutions Middle Rio Grande
216 W Main Street
Uvalde, Texas 78801

E-Mail: maximiliano.pereda@mrgdc.org

Reference: Request for Qualifications (RFQ) Commercial Real Estate Broker Services

RFQ #09222024

Due Date: 10/07/24

If you intend to bid, please complete this form.

This is to notify WFSMRG of your intent to submit a proposal in response to the above-referenced RFQ. The individual to whom information regarding this RFQ should be transmitted to is:

Name	
Company	
Firm License Number & State	
Address	
City, State & Zip	
Phone Number	
E-Mail Address	

Signature of Authorized Representative

Date

Typed Name and Title of the Authorized Representative

Typed Name of the Company

**Attachment B – Proposal Cover Sheet
Commercial Real Estate Broker Services**

Legal Name of Proposing Entity	
Mailing Address	
Authorized Contact/ Signatory Authority	
Phone Number	
Fax Number	
E-Mail	
Type of Organization	Private for-profit Private non-profit Government Agency Partnership Sole Proprietor/Entity Other (specify)
Amount of Bid	
Federal EIN	
Texas State Comptroller ID Number	
Firm License Number and State	
Historically Underutilized Business?	Yes (if yes, attach current certificate) No
Proposal Authorization I, the undersigned, hereby certify and warrant that I am 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.	
Submitting a proposal for:	Commercial Real Estate Broker Services <input type="checkbox"/>
Typed Name & Title of Authorized Signatory	
Signature	
Date	

Attachment C – Response Checklist/Order of Submission

1. Confirm you are providing the requested information (yes or no).
2. To ensure reviewers can easily identify your answer, please list the Proposal page that contains each response.

Part 1: Proposal Submission	In Proposal (Yes/No)	Page #
Attachment B – Proposal Cover Sheet		
Attachment C – Response Checklist/Order of Submission		
Table of Contents		
Proposal Summary		
Proposal Narrative		
Budget / Narrative		
Certification of Historically Under-utilized Business, if applicable		
Organizational Chart(s)		
Resumes Key Staff		
Sub-Agreements, if applicable		
References (3)		
Additional attachments not specifically requested in the RFQ organization desires to include with your proposal.		
Attachment D Certification of Legal & Signatory Authority		
Attachment E Certification Regarding Lobbying		
Attachment F Certification Regarding Debarment		
Attachment G Certification Regarding Drug-Free Workplace		
Attachment H Certification Regarding Texas Corporate Franchise		
Attachment I Certification Regarding Conflict of Interest		
Attachment J Certification of State Assessment		
Attachment K Certification of Compliance TX Family Code		
Attachment L Certification Non-Discrimination		
Attachment M Un-Documented Worker Certification		

Attachment D – Certification of Legal and Signatory Authority

I hereby certify that the information contained in this proposal and any attachments is true and correct and may be viewed as an accurate representation of the proposed services to be provided by this organization. I certify that no officer, employee, board member or authorized agent of Workforce Solutions Middle Rio Grande has assisted in the preparation of this proposal.

I acknowledge that I have read and understand the requirements and provisions of the RFQ and that the organization will comply with applicable local, state and federal regulations, rules and policies. I also certify that I have read and understand the Governing Provisions and Limitations and the Administrative Requirements and Other Limitations presented in this RFQ/RFQ/RFA and this organization will comply with all applicable federal, state, and local laws, rules, regulations, policies and directives in the implementation of this proposal and it's the terms.

The person signing this form is on behalf of the respondent certifies and warrants that he/she is legally authorized to sign this proposal and submit it to Workforce Solutions Middle Rio Grande and to legally bind the respondent to all terms, performance, and provisions herein set forth.

The undersigned certifies that the statements above are true and correct and understands that making a false statement is a material breach of a contract award and is grounds for contract cancellation.

Signature

Date

Typed Name and Title

Organization

Attachment E - Certification Regarding Lobbying

This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code, for the Department of Education (34 CFR part 82), Department of Health and Human Services (45 CFR part 93). Certification Regarding Lobbying Certification for Contracts, Grants, Loans and Cooperative Agreement The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, or an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant local, or cooperative agreement.
2. If any funds other than Federal appropriated funds have paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the Federal contract, grant loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL. "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of the fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature

Date

Typed Name and Title

Organization

Attachment F - Certification Regarding Debarment

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS

This certification is required by regulations implementing Executive Order 12549, Government-wide Debarment and Suspension, for the Department of Agriculture (7 CFR Part 3017), Department of Labor (29 CFR Part 98), Department of Education (34 CFR Parts 85, 668, and 682), Department of Health and Human Services (45 CFR Part 76). The undersigned contractor certifies that neither it nor its principals:

1. Are presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency.
2. Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, State or Local) transaction or contract under a public transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity with commission of any of the offenses enumerated in Paragraph (2) of this certification; and,
4. Have not within a three-year period preceding this contract had one or more public transactions terminated for cause or default.
5. Where the prospective recipient of federal assistance funds is unable to certify any of the statements in this certification, such prospective recipient shall attach an explanation to this certification.

The prospective recipient of Federal assistance funds certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in the transaction by Federal department or agency. Where the prospective recipient of Federal assistance funds is unable to certify any of the statements in this certification, such prospective participant shall attach an explanation to its proposal.

Signature of Authorized Official

Date

Organization

Attachment G - Certification Regarding Drug-Free Workplace

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

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

- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Offeror's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B. Establishing a drug free awareness program to inform employees about:
 - 1. The dangers of drug abuse in the workplace;
 - 2. The Offeror's policy of maintaining a drug free workplace;
 - 3. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - 4. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- C. Providing each employee with a copy of the Contractors policy statement.
- D. Notifying the employee in the statement required by paragraph A that, as a condition of employment under the contract, the employee will:
 - 1. Abide by the terms of the policy statement, and
 - 2. Notify the employer of any criminal drug statutes conviction for a violation occurring in the workplace no later than five working days after such conviction.
- E. Notifying the Workforce Solutions Middle Rio Grance Board within 10 days of Contractors receipt of a notice of a conviction of an employee; and,
- F. Taking one of the following actions, within 30 days of receipt of notice under subparagraph D.2. with respect to any employee who is so convicted:
 - 1. Taking appropriate personnel action against such an employee, up to and including termination; or
 - 2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purpose by Federal, State, or local health, law enforcement, or other appropriate agency.

OFFEROR STATEMENT OF COMPLIANCE WITH THE DRUG FREE WORKPLACE ACT OF 1988

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

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

Signature

Date

Typed Name and Title

Organization

Attachment H - Texas Corporate Franchise Tax Certification

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 following certification that the corporation entering this grant award is current in its franchise taxes, must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolutions, to sign the grant award for the corporation.

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

Indicate the certification that applies:

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

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

Signature

Date

Typed Name and Title

Organization

Attachment I – Certification Regarding Conflict of Interest

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

1. No manager, employee or paid consultant of the Proposer is a member of the Board, the Chief Executive Officer, or an employee of Workforce Solutions Middle Rio Grande.
2. No manager or paid consultant of the Proposer is married to a member of the Board, the Chief Executive Officer, or an employee of Workforce Solutions Middle Rio Grande.
3. No member of the Board, the Chief Executive Officer or employee of Workforce Solutions Middle Rio Grande area owns or controls more than a 10 percent interest in the Proposer.
4. No spouse or member of the Board, Executive Director or employee of Workforce Solutions Middle Rio Grande Area is a manager or paid consultant of the Proposer.
5. No member of the Board, the Executive Director or employee of Workforce Solutions Middle Rio Grande area receives compensation from Proposer for lobbying activities as defined in Chapter 305 of the Texas Government Code.
6. Proposer has disclosed within the Proposal any interest, fact or circumstance which does or may present a potential conflict of interest.
7. Should Proposer fail to abide by the foregoing covenants and affirmations regarding conflict of interest, Proposer shall not be entitled to the recovery of any costs or expenses incurred in relation to any contract with Workforce Solutions and shall immediately refund to Workforce Solutions any fees or expenses that may have been paid under the contract and shall further be liable for any other costs incurred or damages sustained by Workforce Solutions relating to that contract.

Disclosure of Potential Conflict of Interest (Please Describe):

Signature

Date

Typed Name and Title, Organization

Signature

Attachment J - State Assessment Certification

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

The undersigned authorized representative of the Offeror certifies that the following statements are true and correct and that the undersigned understands that making a false statement will prevent **WFSMRG** from contracting with the organization.

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

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

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

Signature

Date

Typed Name and Title

Organization

Attachment K - Certificate of Compliance

Texas Family Code 231.006 Regarding Payment of Child Support

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

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

Signature

Date

Typed Name and Title

Organization

Attachment L - Certificate Regarding Implementation

The Non-Discrimination & Equal Opportunity Provisions And The Workforce Innovation And opportunity Act (WIOA)

As a condition to the award of financial assistance from the Department of Labor (DOL) under Title I of the Workforce Innovation and Opportunity Act (WIOA), the bidder assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I—financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The bidder also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the bidder'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 bidder understands that the United States has the right to seek judicial enforcement of this assurance.

Applicant's signature below indicates organization is agreeing to comply fully with the assurance and certifications as part of its responsibilities as a successful contractor.

Signature

Date

Typed Name and Title

Organization

Attachment M – Undocumented Worker Certification

Effective September 1, 2007, HB 1196 amended Subtitle F, Title 10, of the Texas Government Code to add Subsection 2264. Chapter 2264 directs public agencies, state or local taxing jurisdictions, and economic development corporations (public entities) to require that any business applying to receive public subsidies include in the application a statement certifying that the business, or branch, division or department of the business does not and will not knowingly employ an undocumented worker.

If a business grantee is found in violation of 8U.S.C. subsection 1324a(f), consistent with the requirements of Texas Government Code subsection 2264, Boards are permitted to bring a civil action to recover any amounts owed, as well as court costs and reasonable attorney's fees.

Penalties incurred by business grantees shall be assessed damages at a rate of 20% of contract award. Said damages shall be made payable to WFSMRG area within 120 days of receiving the notice of violation.

DEFINITION OF TERMS

Public Subsidy – is broadly defined Texas Government Code §2264.001 (3) as a public program or public benefit or assistance of any type that is designed to stimulate the economic development of a corporation, industry, or sector of the state's economy or to create or retain jobs in Texas. The term includes, among other things, bonds, grants, loans, loan guarantees, benefits relating to an enterprise or empowerment zone, infrastructure development and improvements designed to principally benefit a single business or defined group of businesses, and matching funds. The Commission's Office of General Counsel has found that HB 1196 does not apply to the acquisition of goods and services.

Undocumented Worker – is defined as an individual who, at the time of employment, is not lawfully admitted for permanent residence in the United States or is not authorized under law to be employed in that manner in the United States.

Certification - Contractor certifies that no undocumented workers will be employed during the execution of this contract. By the signature indicated below, the contractor verifies their understanding of the terms and conditions of this requirement.

Signature

Date

Typed Name and Title

Organization

EXHIBIT 1. WFSMRG

WFSMRG Office Location	Office Size
Board Office #1 – Uvalde 216 W Main St B, Uvalde, TX 78801 (830)-278-4491	18,060 Sq. Ft
Board Office #2 Eagle Pass 1200 Ferry St, Eagle Pass, TX, 78852 (830)-773-1191	13,500 Sq. Ft
Board Office #3 Del Rio 1601 Veterans Blvd #1, Del Rio, TX, 78840	9,000 Sq. Ft
Board Office #4 Crystal City	2069