EAST TEXAS COUNCIL OF GOVERNMENTS

REVISED REQUEST FOR QUALIFICATIONS FOR FINANCIAL MONITORING OF ITS WORKFORCE CENTER AND CHILD CARE SERVICE CONTRACTORS

Issued April 11, 2011

3800 Stone Road
Kilgore, Texas 75662
(903) 984-8641

PURPOSE

The East Texas Council of Governments (ETCOG) is soliciting proposals from qualified individuals or firms to provide financial monitoring services. ETCOG, as the staff for the Workforce Solutions East Texas Board, contracts with approximately six to eight organizations each year to deliver workforce services for business and residents in the East Texas State Planning Region. Two of these contracts are major service providers, with one providing child care assistance to workforce customers and the other responsible for operating fourteen workforce center offices.

The following chart indicates that financial monitoring will be included in the contracts in effect for the period October 1, 2010 through September 30, 2011.

Contractors	Contract Amounts
Rescare Workforce Services - Workforce Centers	$13,597,085.01
Rescare Workforce Services - Child Care Services	$17,066,214.67

ETCOG's Workforce Centers and Child Care Services contractors have been procured. Both major contracts are currently being re-procured and the others will be subject to renewal.

SCOPE OF WORK

A contract for one year will be awarded with options to renew for two additional one year periods. ETCOG will engage the successful bidder to review policy, procedures and operations in the following major areas for the workforce centers contractor and the child care contractor:

- Written Accounting Policy and Procedures
- Accounting Systems and Controls
- Accounting System Transactions
- Payroll, Timesheets and Salary Allocation
- Travel Policies and Procedures (including transaction testing)
- Procurement Policy and Procedures, System and Controls
- Subcontracts
- Inventory Policy and Procedures, System and Controls
- Financial Reporting (Billings to ETCOG)
- Cost Allocation Plans, System and Implementation
- Budgeting
- Obligations and Encumbrances
- Cash Management
- Transportation of Cost Allocation Plan
- Cost Category Compliance.

TIMELINE OF KEY DATES

Description	***Date****
Issuance of RFQ	4/4/11
Questions Deadline	**4/11/11, 5:00 p.m. CST**
Official Responses to Questions Posted	4/15/11, or as soon thereafter as practical
Proposals Due	**4/18/11**
Evaluation Team review and rank proposals	4/20/11
Approval of Contract	5/5/11
Notification of Contract Award	5/5/11, or as soon thereafter as practical
Commencement of Services	6/1/11

REQUIREMENTS

The deadline for receiving responses to this request is **5:00 p.m. (Central Standard Time-CST) on April 18, 2011.**

ORIGINAL AND THREE (3) COPIES OF COMPLETED PROPOSALS MUST BE RECEIVED BY:

Keith Huddleston, Section Chief - Monitoring & Technical Assistance
East Texas Council of Governments
AT 3800 Stone Road
Kilgore, Texas 75662
ON or BEFORE April 18, 2011 AT 5:00 P.M. (CST)

A bidder's conference for this request will not be conducted

All responses, including a "NO PROPOSAL", are due to Keith Huddleston by the due date. All proposals must be clearly marked with the RFQ name, the name of the company submitting the proposal package, and date on the outside of the envelope/box and the airbill/courier receipt. Original response must be clearly marked **"ORIGINAL"** and contain all original signatures.

Any response received after the date and/or hour set for the RFQ deadline will not be accepted. There will be no exceptions. The actual time of day will be determined by the time displayed on the clock behind the receptionist's desk. **Proposers will be notified and will advise ETCOG as to the disposition by either pick up, return at proposer's expense, or destroyed with written authorization of the proposer.** If Proposals are sent by mail to the East Texas Council of Governments the proposer shall be responsible for actual delivery of the proposals before the advertised due date. If mail is delayed either in the postal service or in the internal mail system of the East Texas Council of Governments beyond the date and hour set for the RFP due date, responses thus delayed will not be considered and will be disposed of as authorized.

Responses may be withdrawn at any time prior to the official evaluation. Alterations made before opening time must be initialed by proposer guaranteeing authenticity. After the official evaluation, Proposals become the property of ETCOG and may not be amended, altered or withdrawn without the recommendations of the Director of Innovation & Efficiency and the approval of Executive Director.

Questions

Questions concerning this RFQ should be e-mailed to ETCOG at keith.huddleston@etcog.org. A copy of all questions/responses and amendments will be made available on the ETCOG website (www.etcog.org). To allow adequate time for ETCOG to research and respond, all questions must be submitted by 5:00 p.m. (CST) on April 11, 2011. No verbal explanation in regard to the meaning of the Request for Proposals will be made and no verbal instructions will be given before the award of the contract.

KEITH HUDDLESTON
E-MAIL: keith.huddleston@etcog.org

All documents relating to this RFQ including but not limited to, the RFQ document, amendments, questions and responses to questions will be posted on the ETCOG web site (www.etcog.org). It is the proposers' sole responsibility to review this site and retrieve all related documents prior to the RFQ due date.

The East Texas Council of Governments takes no responsibility for informing recipients of changes to the original solicitation document. It is the Proposer's responsibility to obtain a copy of any amendment relevant to this solicitation. Failure to submit amendments with the solicitation response may be grounds for deeming a submittal non-responsive. If you experience any problems obtaining this Request for Qualifications, please call (903) 984-8641 ext. 210.

One (1) original and three (3) hard copies of the written Proposals and supporting materials must be received by ETCOG at the following location no later than **5:00 p.m. (CST) on April 18, 2011.**

Proposals should be sent to:

Keith Huddleston, Section Chief - Monitoring & Technical Assistance
East Texas Council of Governments
3800 Stone Road
Kilgore, Texas 75662

All responses must be clearly marked with the RFQ Name, the name of the company submitting the Proposals, and date and time of opening on the outside of the envelope/box and any air bills/courier receipts. Original response must be clearly marked **"ORIGINAL"** and contain all original signatures.

This solicitation and possible future amendments may be obtained from our web site at: www.etcog.org.

Any interested potential proposers without Internet access may obtain a copy of this solicitation by calling (903) 984-8641 ext. 210, or a copy may be picked up during regular business hours (ETCOG is closed for lunch from 12:00 p.m. to 1:00 p.m.) at the East Texas Council of Governments offices located at 3800 Stone Road, Kilgore, Texas 75662.

Confidentiality

ETCOG requires that you hold all details of this Request for Proposals confidential and private, and refrain from discussing or sharing its contents with any other party. The information provided in response to this RFQ will be held confidential.

Submission Requirements

Respondents may mail their proposals or deliver them by hand. The proposal must be assembled in the order outlined in the section "Information to be Provided in the Proposal" and format using a 12-point font and 1.5 line spacing.

Address mailed proposals to Keith Huddleston, Workforce Division, East Texas Council of Governments, 3800 Stone Road, Kilgore, Texas 75662. **Send one original and three copies** of the proposal.

Proposals may be delivered by hand to the ETCOG offices at 3800 Stone Road, Kilgore, Texas 75662 from 8:00 AM to 12:00 PM and 1:00 PM to 5:00 PM Monday through Friday (CST). Again, **submit one original and three copies** of the Proposal. Address your hand-delivered submission to Keith Huddleston, Workforce Division, East Texas Council of Governments.

General Requirements

ETCOG is soliciting individuals or firms with extensive experience in financial reviews.
Individuals or firms responding to this Request will demonstrate:

- Knowledge of Cost Allocation Plans (CAP) and experience auditing CAPs.
- Knowledge of requirements and application of the federal OMB cost and administrative circulars, Texas Uniform Grant Management Standards, and the Texas Workforce Commission's financial manual;
- Knowledge of requirements for auditing public funds;
- Experience in conducting financial audits and reviews, particularly of federal and state funds with for profit entities;
- Experience in auditing or reviewing large organizations;
- Knowledge and experience in auditing or reviewing organizations operating with federal workforce dollars;
- One or more principals with a license to practice as a Certified Public Accountant in the state of Texas; and,
- If proposal is submitted by a firm, the firm must have a current firm license and be registered with the Texas State Board of Public Accountancy.

FINANCIAL MONITORING SERVICES

Contractor Responsibilities

1. Work with ETCOG's assigned contract manager.
2. Provide workforce contractors with a written scope of work in letter form specifying the documents and items to be provided the financial auditor for the review. Schedule and conduct an on-site entrance conference with ETCOG and its workforce contractor.
3. Conduct the review in accordance with auditing standards issued by the AICPA, auditing standards included in *Standards for Audit of Government Organizations, Programs, Activities and Functions* issued by the United States General Accounting Office and in other pronouncements having similar generally recognized authority.
4. Provide workforce contractor staff with a face-to-face exit conference, before leaving a site, noting observations and findings, if any with ETCOG staff present.
5. Provide ETCOG with a written report, including observations and findings, within 15 working days of the exit conference. Send reports to ETCOG electronically, in Microsoft Word and Excel formats.
6. Maintain backup that includes supporting documentation for the review, including notes and working papers, copies of relevant contractor documents, and other appropriate information, to support the report and any findings contained in the report and provide those files to ETCOG upon request.
7. Provide ETCOG with a report at the end of the auditors contract, summarizing trends and noting frequent findings.

ETCOG'S Responsibilities

1. Assign a contract manager for this contract. The financial auditor will take direction primarily from this individual. ETCOG's Workforce Division Director may also direct the auditor.
2. Provide initial information and all relevant work papers or documents generated during the period being audited by the contractor and ETCOG to the auditor.
3. Attend on-site pre/post exit conferences with auditor.
4. Receive, review, and send reports to the workforce contractor.
5. Resolve any findings with contractor.

Conflicts of Interest

ETCOG is sensitive to actual and apparent conflicts of interest. ETCOG's general policy is not to contract audit to firms or individuals that currently audit any of its contractors or who have substantial relationships to these contractors.

Contract Structure

- Amount of contract. The total amount of any contract will be equal to the auditors daily rate times the number of work days allotted for performance, plus the amount budgeted for travel expenses.
- Billing. The auditor will bill ETCOG, detailing travel expenses and work days.
- Payment for services. ETCOG will make payments only after ETCOG receives the report. There will be no exceptions.

- Travel expenses. ETCOG will reimburse the auditor for actual travel expenses, at rates negotiated in the contract.

Information to be Provided in the Proposal

The following information is required as part of the proposal in the order listed below:

1. A completed cover sheet including the following information:
   a. response to RFQ for Financial Monitoring;
   b. name of firm, individual or company;
   c. address;
   d. telephone number/s; and,
   e. name of contact.

2. A proposal narrative that is no more than four pages detailing your company's experience and approach to financial monitoring and auditing.

3. A line item budget not to exceed two pages describing daily rate and number of days to complete required activities. Describe costs included in the daily rate, and provide details for estimated travel expenses.

4. In a narrative of unspecified length, discuss the following:

   - How many full-time, permanent employees are in your organization and what are their names and job titles? How many contract employees will you use and in what capacity?
   - Name the principals in your organization and provide their length of service with the organization, titles, and a brief description of their areas of responsibilities. Which principals, if any, would be assigned to the ETCOG project?
   - Who controls the management of your organization?
   - List the project team you would assign to ETCOG and describe the members' qualifications and work experience, particularly their experience in monitoring or auditing federal workforce programs. Describe their professional credentials.
   - Will you use subcontractors or contract employees in your work with ETCOG? If yes, describe how they will work with your project team to conduct audit procedures.
   - List clients you have worked for in the past five years that gives your organization comparable experience to that required for this project. Provide reference information for these clients so we may contact them.
   - List professional organizations to which principals, members of the proposed ETCOG project team, or the firm belong.

5. Assurances and certification forms must be completed and included. Note that each form requires the respondent to provide information at the end including your signature. Forms required are found in Attachment 1, 2, and 3. They include the following:

   Attachment 1
   - Certification regarding lobbying;

- Certification regarding debarment, suspension, and other responsibility matters;
- Certification regarding drug-free workplace;
- Business entity type;
- Texas corporate franchise taxes;
- Texas sales and use tax;
- Unfair business practices;
- Levies, liens and unresolved audit exceptions;
- Texas certification of public subsidy restriction;
- State assessments certification;

Attachment 2

- Conflict of Interest Questionnaire (CIQ)

Attachment 3

- Certification of Bidder

Evaluation and Conditions

Selection and Evaluation

ETCOG will review and evaluate proposals on the basis of:

- Demonstrated competence including, qualifications of personnel and availability of staffing to furnish the full range of services sought by ETCOG (50 points); and

- Experience performing like or similar monitoring as requested in the RFP (25 points); and

- Fair and reasonableness of price (25 points).

At this time, ETCOG does not anticipate asking bidders to make verbal presentations, although it may choose to do so after receiving proposals.

After scoring proposals, ETCOG will notify all bidders of results of the review process in writing. ETCOG staff will present the proposed contract to the ETCOG Executive Committee for authorization to negotiate a contract.

Notification and protest process. All bidders will be notified in writing of (1) the receipt of their proposals at ETCOG and the status of these proposals in the review process, (2) the date, place and time of ETCOG Executive Committee meetings, and (3) the final outcome of the proposal review process.

Bidders who believe that they have been treated unfairly in the proposal review process or that there is a violation of federal law or regulation may file a protest. The following procedures govern the filing of all protests.

An initial protest may be filed after ETCOG notifies bidders of the recommendations for funding and before the ETCOG Executive Committee meets. The protest must be filed in writing and

sent to: David Cleveland, Executive Director, East Texas Council of Governments, 3800 Stone Road, Kilgore, Texas 75662. Protest procedures are included in Attachment 4.

Conditions

1. ETCOG may accept or reject any or all responses under this request.
2. ETCOG is not obligated to contract with any respondent to this request.
3. ETCOG will not pay for any expenses incurred prior to the execution date of a contract, nor any expenses incurred after the termination date of the contract.
4. Consortiums, joint ventures, or teams submitting a proposal will not be considered responsive to the request unless they have demonstrated in the proposal narrative that all contractual responsibility rests solely with a lead contractor.
5. Lead contractors assume full responsibility for ensuring that work which is subcontracted is complete and delivered on-time.
6. Materials submitted to ETCOG as a part of this proposal are considered public information unless otherwise noted in the proposal itself as trade secret or proprietary information. ETCOG is not responsible for the return of creative examples of work submitted.
7. Funding of any contract is contingent upon receipt of funds from the State of Texas and/or the United States Government.
8. ETCOG will negotiate any contract approved as a result of this Request and may alter any part of a proposal in negotiating the contract.
9. No employee, member of a Board of Directors or other governing body, or representative of a bidder who submits a proposal under this Request may have any contact outside of the formal review process with any employee of ETCOG, any member of the Workforce Solutions East Texas Board, or any member of the ETCOG Executive Committee for purposes of discussing or lobbying on behalf of Bidder's proposal. This contact includes written correspondence, telephone calls, personal meetings, email messages, or other kinds of personal contact. ETCOG will reject proposals of those bidders who violate this condition.
10. No employee, member of a Board of Directors or other governing body, or representative of a bidder who submits a proposal under this Request may offer any favor, gratuity, inducement, or anything of monetary value to any employee of ETCOG, any member of the Workforce Solutions East Texas Board, or any member of the ETCOG Executive Committee for purposes of influencing the evaluation of a proposal submitted under this Request. ETCOG will reject proposals of those bidders who violate this condition.
11. As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the recipient assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:
    - Section 188 of the Workforce Investment Act (WIA), 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

the United States or participation in any WIA 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;
- 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 recipient also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the recipient's operation of the WIA Title I-financially assisted program or activity, and to all agreements the recipient makes to carry out the WIA Title I-financially assisted program or activity. The recipient understands that the United States has the right to seek judicial enforcement of this assurance.

Conflict of Interest Questionnaire

Chapter 176 of the Texas Local Government Code requires vendors and consultants contracting or seeking to contract with ETCOG to file a conflict of interest questionnaire (CIQ) if they have an employment or other business relationship with an officer of ETCOG or an officer's close family member. The CIQ must be completed and filed with the bid/proposal response if an employment or business relationship defined in the law exists. See Attachment 2.

You may also obtain the form and read more about it at http://www.ethics.state.tx.us/whatsnew/conflict_forms.htm.

Historically Underutilized Business (HUBs)

Contracting opportunities for historically underutilized (disadvantaged) business (HUBs) shall be considered in the procurement process. HUBS, as defined by Texas Government Code 481.101(1), are minority-owned business and small organizations, which are locally based and considered disadvantaged.

The Workforce Development Area shall ensure that small, minority, disadvantaged, and womens' businesses are considered as sources for acquisitions whenever possible by:

- choosing the HUB organization in the case of tie bids;
- soliciting these business whenever they are potential sources;
- when economically feasible, dividing total desired services into smaller components to permit maximum participation by these businesses;

- if the requirement permits, establishing delivery schedules 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.

If the organization you represent is a Certified Historically Underutilized Business, attach the certification and include in the completed assurances and certifications.

CERTIFICATIONS

Lobbying

This certification is required by the Federal Regulations, implementing Section 1352 of the Program Fraud and Civil Remedies Act, Title 31 U.S. Code, for the Department of Agriculture (7 CFR Part 3018), Department of Labor (29 CFR Part 93), Department of Education (34 CFR Part 82), Department of Health and Human Services (45 CFR Part 93).

The undersigned certifies that:

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

(2) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with this federal 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.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrant awards, subgrants, and grant awards under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Debarment, Suspension, and Other Responsibility Matters

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

(1) Are presently debarred, suspended, proposed for debarment, 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 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;

(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 grant award had one or more public transactions terminated for cause or default.

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 Part 85), and Department of Health and Human Services (45 CFR Part 76).

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

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

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

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

(d) Notifying the employees in the policy statement that as a condition of employment under this grant award, employees shall abide by the terms of the policy statement and notify the employer in writing within five (5) days after any conviction for a violation by the employee of a criminal drug statute in the workplace;

(e) Notifying the East Texas Council of Governments within ten (10) days of receipt of a notice of a conviction of an employee; and,

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

Business Entity Type

The undersigned authorized representative of Proposer hereby certifies that the Proposer business entity is organized as indicated below. (Check the description that applies to your organization. Please enter the additional information requested.)

_____ Public agency

_____ Private, non-profit corporation, incorporated in the State of _____, Charter Number _____

_____ Private, for-profit corporation, incorporated in the State of _____, Charter Number _____.

_____ Partnership

_____ Sole Proprietorship

_____ Other, describe_____

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.

Indicate the certification that applies to your 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.

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.

Unfair Business Practices

The undersigned certifies that the business entity in this grant award has not been found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year. The undersigned further affirms that no officer of the business entity in this grant award has served as an officer of any company found guilty of unfair business practices in a judicial or state agency administrative proceeding during the preceding year.

Levies, Liens and Unresolved Audit Exceptions

The undersigned certifies that the business entity in this grant award has no outstanding debts that will result in liens or levies being placed on payments received in support of this subcontract and that it owes no funds to the East Texas Council of Governments or Texas Workforce Commission, including unresolved audit exceptions. An unresolved audit exception is an exception for which the business entity has exhausted all administrative and judicial remedies and also refuses to comply with resulting written demands for payment from the East Texas Council of Governments.

Texas Certification of Public Subsidy Restriction to implement the statutory provisions of Texas Government Code §2264

"The undersigned the entity making the offer or application herein understands and certifies that:

- the following indicated statement is true and correct;
- making a false statement is a material breach of contract and grounds for contract cancellation; and
- if, after receiving a public subsidy, the entity is convicted of a violation under 8 United States Code §1324a(f) (relating to the unlawful employment of undocumented workers) the entity shall repay the amount of the public subsidy with interest, at the rate provided under the contract issued pursuant to this offer or application, within one-hundred-twenty (120) days of receiving the notice of violation."

"Pursuant to Texas Government Code §2264.051, a business that applies to receive a public subsidy[1] from a state agency shall certify that the business, or a branch, division, or department of the business does not and will not knowingly employ an undocumented worker[2] as defined in Texas Government Code, §2264.001(4)."

[1] *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.

[2] *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.

State Assessment Certification

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

The corporation certifies that:

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

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

Certification

These certifications are a material representation of fact upon which reliance is placed when entering into this transaction. Signature by an authorized representative of Proposer and return of this document to East Texas Council of Governments are prerequisites for finalizing the award.

Where the undersigned Proposer is unable to certify to any of the statements above, an explanation shall be attached.

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

The person signing this grant award on behalf of the Proposer hereby warrants that he/she has been fully authorized to execute this grant award on behalf of the Proposer and to legally bind the Proposer to all the terms, performances and provisions herein set forth.

_____

Signature Date

_____

Typed Name and Title of Authorized Representative

CONFLICT OF INTEREST QUESTIONNAIRE

FORM CIQ

For vendor or other person doing business with local governmental entity

This questionnaire reflects changes made to the law by H.B. 1491, 80th 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.

OFFICE USE ONLY

Date Received

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

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

CERTIFICATION OF BIDDER

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 proposed services to be provided and the administrative, management and financial systems of this organization. I certify that no employee of the East Texas Council of Governments has assisted in the preparation of this proposal.

I acknowledge that I have read and understand the requirements and provisions of the RGQ and that the organization will comply with applicable local, state and federal regulations and directives in the implementation of the program. I also certify that I have read and understand the Governing Provisions and Limitations section presented in this RFQ and will comply with the terms.

The proposal is a firm offer for a minimum of 90 days.

1, _____, certify that I am the
(Typed Name)

_____ of the corporation, partnership, organization, or other
(Typed Title)

entity named as Respondent herein and that I am authorized to sign this proposal and submit it to the East Texas Council of Governments Board on behalf of said organization by authority of its governing body.

_____
(Signature)

_____
(Address)

_____
(Phone)

Subscribed and sworn to before me this _____day of _____, 20___
at _____ County, Texas.

_____

Notary Public in and for _____ County, Texas

SEAL