

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Purpose

Workforce Solutions of Central Texas (WSCT) is soliciting proposals from qualified and experienced commercial lease real estate brokers/agents to assist in providing **commercial property lease cost comparisons and related analysis reports** for one commercial location in Killeen and a second commercial location in Lampasas.

Background

WSCT serves the Central Texas Workforce Area consisting of the following counties: Bell, Coryell, Lampasas, Milam, Mills, Hamilton, and San Saba. WSCT is responsible for planning and oversight of workforce programs funded under Federal and State sources.

Description of Scope of Services

Workforce Solutions of Central Texas is currently leasing one property in Killeen and a second property in Lampasas. Lease agreements are due for renewal. Before entering into new agreements, WSCT seeks a qualified and experienced real estate broker/agent with experience in commercial leases, analyzing lease rates, and developing reports that support decisions related to cost reasonableness when compared to similar or like properties or the lack of such properties in the related communities.

Proposal Selection Criteria

Examples of qualifications that will be considered in the RFP Selection Process:

- Familiarity with commercial property lease costs and analysis.
- Experience negotiating as a tenant representative.
- Experience with alterations and ADA requirements.
- Availability to the grantee.
- References.
- Other relevant factors as described by the Proposer.

Cost reasonableness:

- A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person in the conduct of competitive business.
- Reasonableness of specific costs is examined with particular care in connection with firms or their separate divisions that may not be subject to effective competitive restraints.
- No presumption of reasonableness shall be attached to the incurrence of costs by a contractor.
- Reasonable cost depends upon a variety of considerations and circumstances, including, as examples:
 - Whether it is the type of cost generally recognized as ordinary and necessary for the conduct of the contractor's business or the contract performance; and
 - Whether costs are aligned with generally accepted sound business practices and Federal and State laws and regulations.

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dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Selection

After the review for initial compliance, proposals will be evaluated based on the following criteria:

- Demonstrated competence and qualifications
- Past performance
- Fair and reasonable price

WSCT reserves the right to conduct personal interviews of any or all firms prior to selection.

Minimum Requirements

To be considered responsive, interested proposers must submit the following information:

- Completed Cover Sheet signed by individual authorized to represent proposer (See RFP Page §). Please note that by signing the Cover Sheet, bidders are indicating understanding and agreement with all provisions contained in Appendix A.
- Completed and signed Part A Texas Corporate Franchise Tax Certification and Part B State Assessment Certification.
- Resume and/or summary or qualifications and experience, including evidence of current broker/agent licensure.
- List of at least two references for whom similar work has been performed within the most recent 12-month period, including contact information and a brief description of services.
- Cost and/or pricing information.

Notes:

- WSCT will not select any entity/individual that is on the federal debarment list.
- WSCT encourages bidders from Historically Underutilized Businesses (HUB), minority and women owned businesses and small businesses. This may be considered in the selection decision.

Inquiries and Proposal Submission Instructions

Interested brokers/agents should submit the following forms addressing the criteria outlined under Proposal Selection Criteria above. The proposal should include relevant qualifications, experience, and a proposed fee structure.

All inquiries regarding this Request for Proposal should be directed to: wsb@workforcesolutionsctx.com

Proposal submissions must be received by the WSCT no later than **5:00 p.m. (CST) on Friday, February 16, 2024** via electronic submission to: wsb@workforcesolutionsctx.com.

Official receipt of proposals submitted will be by entry on a proposal receipt log. Bidders will be provided notification of receipt of quotes electronically. Quotes 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 bidder.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Period of Performance and Fees

The period of performance for the vendor agreement from March 1, 2024 through December 31, 2029. However, the response to this RFP is due on or before 5:00 p.m., Friday, February 16, 2024.

Proposers should state in their response that the quoted price for the deliverables associated with the Killeen and Lampasas locations. The quoted prices will remain applicable for the listed and agreed upon deliverables, unless WSCT and selected proposer mutually agree to a change.

Fees must be consistent with, and may not exceed, the recommended practices and fees published by the applicable professional associations or exceed the maximum provided by applicable state law.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

**Workforce Solutions of Central Texas
Proposal/Quote Cover Sheet – Commercial Real Estate Broker/Agent Services**

Name of Proposing Entity	
Legal Name of Parent Company	
Name and Title of Parent Company CEO	
Name and Title of Authorized Signatory Official, if different from CEO	
Mailing Address and Physical Address, if different	
Phone Number	
Fax Number	
Website Address	
Name and Title of Quote Contact	
Phone Number for Quote Contact	
E-mail Address for Quote Contact	
Legal/Tax Status (check all that apply)	<input type="checkbox"/> Private <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Sole Ownership <input type="checkbox"/> Other:
Federal Tax ID Number	
HUB (Please attached HUB Certification)	<input type="checkbox"/> Yes, certificate attached?_____ <input type="checkbox"/> No
Fee for Broker Services (Please attach explanation of proposed service costs)	
Date of submission	
Certification/Signature	<p>I hereby certify that the information contained in this request and all attachments are true and correct and may be viewed as an accurate representation of quoted services to be provided by this organization. I certify that I am legally authorized to sign this quote and submit it to the Workforce Solutions of Central Texas Board This offer shall be valid for no less than 60 days.</p> <p>Name, Title: Signature:</p>

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

PART A 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 into this grant award is current in its franchise taxes must be signed by the individual authorized on Form 2031, Corporate Board of Directors Resolution, to sign the grant award for the corporation.

The undersigned authorized representative of the corporation being awarded a grant 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 the grant award and is grounds for grand award cancellation.

Indicate the certification that applies to your corporation:

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

Signature

Typed/Printed Name and Title of Authorized Representative

Date

PART B STATE ASSESSMENT CERTIFICATION

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

The corporation certifies that:

- It is current in Unemployment Insurance taxes, Payday and Child Labor law monetary obligations, and Proprietary School fees and assessments payable to the State of Texas.
- It has no outstanding Unemployment Insurance overpayment balance payable to the State of Texas.

Signature

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Typed/Printed Name and Title of Authorized Representative

Appendix A: Contract Provisions

Procurement Standards

This procurement is conducted in compliance with Federal Uniform Administrative Requirements CFR § 200.317-326, supplemented by the Texas Workforce Commission ((TWC) Financial Manual for Grants and Contracts (FMGC). Solicitation under this Request for Quote is intended to ensure that services are obtained efficiently, economically, and provide for complete, free and open competition in the selection of service providers.

Under Texas Government Code sec. 552.003, the WSCT is subject to the Texas Public Information Act and the information provided in response to this Request for Quote will be made accessible to the public. If a bidder believes that any information contained in its quote qualifies for an exception to the Public Information Act, the bidder must indicate in the quote which information should be excepted from the Act and the grounds for the exception. If there is a request for this information under the Public Information Act, the WSCT will make a good faith effort to inform the bidder of the request for access to the information.

Funding and Contracting

This project is funded in whole or in part with federal funds as part of a larger annual budget.

The proposal(s) most advantageous to the WSCT in terms of demonstrated qualifications, performance, and fair and reasonable price will be recommended for selection. The contract executed as a result of this procurement will be a vendor agreement.

The agreement shall allow for analysis of future lease property analysis including potential price/cost increases for future years without specifying the amount of the increase, based on mutual agreement of WSCT and selected proposer.

Appeals and Debriefing

- a. The WSCT is the responsible authority for handling complaints or protests regarding the Quote review and selection process. This includes, but is not limited to, disputes, claims, protests of award or non-selection for award, or other matters of a contractual or procurement nature. Matters concerning violation of law shall be referred to such authority, as may have proper jurisdiction.
- b. All bidders will receive notification of the contract award.
- c. Any unsuccessful responder has the option to protest the procurement decision. Complaints or protests must be submitted in writing by registered mail to: Linda Angel, Workforce Solutions of Central Texas Board, 200 North Main, Belton, Texas 76513. A clear statement of the complaint or protest and the reason(s) or grounds must be made. The appeal must be submitted in writing, filed within fourteen (14) calendar days of the mailing date of determination/notification of non-selection, and include the party's proper mailing address. An acknowledgment of receipt of the protest will be provided to the protestor along with specific instructions and dates for the protest process.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

- d. The protesting party is first given an opportunity for an informal review of the evaluation, ranking and selection process with the WSCT staff. This review is designed to allow the protesting party an opportunity to examine documentation related to the procurement, understand the reasons for their particular evaluation score, provide them with information that may allow them to prepare a more successful response in future solicitations. The objective of this informal review is to provide an opportunity for resolution and avoid, if possible, the need for a formal hearing.
- e. If after the informal review, the protesting party is not satisfied, a formal hearing conducted by an Independent Hearing Officer will be scheduled. Hearings will be conducted within thirty (30) days of the filing of a protest and decisions will be made not later than sixty (60) days after such filing. Except for complaints alleging fraud or criminal activity, complaints must be made within one year of the alleged occurrence.
- f. Bidders not selected for award of a contract may receive a debriefing to determine the reasons for non-selection if the debriefing is requested in writing to the contact person for this procurement, and the request is made within thirty (30) days of the date the notice of non-selection is postmarked.
- g. Governing Provisions and Limitations: Violation of any of the following provisions may cause a bidder to be rejected:
- h. Workforce Solutions of Central Texas Board is an equal opportunity employer and complies fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Innovation and Opportunity Act (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 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 basis 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.
- i. A response to this RFP does not commit the WSCT to a purchase agreement or contract, or to pay any costs incurred in the preparation of such a response.
- j. The only purpose of this RFP is to ensure uniform information in the solicitation of Quotes for the procurement of services. This RFP is not to be construed as a purchase agreement, contract or as a commitment of any kind; nor does it commit the WSCT to pay for costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by the WSCT.
- k. The WSCT reserves the right to accept or reject any or all Quotes received, to cancel or reissue this RFP in part, or its entirety.
- l. The WSCT reserves the right to award a contract(s) for any services solicited in this RFP in any quantity the WSCT determines is in its best interests and to extend, shorten, increase or decrease any contract awarded as a result of this RFP.
- m. The WSCT reserves the right to contact any individual, agency, employer or granting agencies listed in a Quote, contact others who may have experience and/or knowledge of the bidder's relevant performance and/or qualifications; and to request additional information from any and all bidders to obtain clarification of or explanation for any aspect of a response to this RFP.
- n. The WSCT 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.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

- o. The WSCT reserves the right to negotiate the final terms of any and all contracts or agreements with selected bidders and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the WSCT.
- p. The WSCT reserves the right to conduct on-site reviews of records, systems, procedures, including credit and criminal background checks, etc. of any entity selected for funding under this RFP. This may occur either before or after the award of a contract or agreement. Any misrepresentation of the bidder's ability to perform as stated in the RFP response may result in the cancellation of any contract or agreement awarded.
- q. Offers must be valid for a period of 60 days following the date and time designated for receipt of Quotes, and may not be withdrawn or canceled during that period without the written permission of the WSCT.
- r. Proposers shall not, under penalty of law, offer or provide any gratuities, favors or anything of monetary value to any officer, board member, employee, Quote evaluator, or agent of the WSCT or elected official for purposes of having an influencing effect on this procurement.
- s. Proposers shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, board member, employee, Quote evaluator, or agent of the WSCT or elected official for purposes of having an influencing effect on this procurement.
- t. No officer, board member, employee, Quote evaluator, or agent of the WSCT shall participate in the selection, award or administration of a contract supported by workforce development funds if a conflict of interest, or potential conflict, is involved.
- u. Proposers shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a bidder's Quote to be disqualified and rejected. This does not preclude joint ventures or subcontracts.
- v. The contents of a successful Quote may become a contractual obligation if selected for the award of a contract. Failure of a bidder to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to successful bidders as a basis for release from proposed services at the stated price/cost. Any damages accruing to the WSCT as a result of a successful proposer's failure to contract with may be recovered from the proposer.
- w. Workforce Solutions of Central Texas Board will not be responsible for expenses incurred in preparing and submitting a Quote. Such costs should not be included in the Quote.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

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

This certification is required by the regulations and implementing Executive Order 12549. Debarment and Suspension, 20 CFR Part 98, Section 98.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19610-19211). (Before completing certification, read attached instructions which are an integral part of the certification).

1. The prospective recipient of Federal assistance funds certifies, by submission of this Quote, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective recipient of Federal assistance funds is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this Quote.
3. As a condition to the award from the **Department of Labor under Title I of WIOA**, the proposer assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of any federal financial assistance:
 - a. Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;
 - b. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities
 - d. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
 - e. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in education programs.
4. The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulation implementing the laws listed above. This assurance applies to the grant applicant's operation of WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

**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 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 sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. Pursuant to Texas Government Code §2264.051, a business that applies to receive a public subsidy from the WSWCTB shall certify that the business, or a branch, division or department of the business does not and will not knowingly employ an undocumented worker as defined in Texas Government Code §2264.001(4). The undersigned authorized representative of 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 120 days of receiving the notice of violation.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, and 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 failure.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The grantee certifies that it will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the work place and specifying the actions that will be taken against employees for violation of such prohibition.
2. Establishing an ongoing drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
3. Making it a requirement that each employee be engaged in the performance of the grant and be given a copy of the statement required by paragraph (1).
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will:
 - a. Abide by the terms of this agreement;
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (4) (b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notices shall include the identification number(s) of each affected grant.
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is convicted:
 - a. Taking appropriate personnel action against an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
7. Making good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5), and (6).

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

CERTIFICATION REGARDING CONFLICT OF INTEREST

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

1. No manager, employee or paid consultant of the Proposer is a member of the Executive Committee, the Executive Director or a Board or staff member of the Board;
2. No manager, or paid consultant of the Proposer is a spouse to a member of the Executive Committee, the Executive Director or any WSWCTB or staff member of the Board;
3. No member of the Executive Committee, the Executive Director or any WSWCTB member or Board employee owns or controls more than 10 percent of the proposing agency;
4. No spouse of a member of the Executive Committee, Executive Director, or WSWCTB or staff member is a manager, or paid consultant of the Proposer;
5. No member of the Executive Committee, Executive Director or Board member or employee receives compensation from Proposer for lobbying activities as defined in federal laws or Chapter 305 of the Texas Government Code;
6. Proposer has disclosed within the Quote any interest, fact or circumstance which does or may present a potential conflict of interests;

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 the WSCTB and shall immediately refund to the WSCTB 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 the WSCTB relating to that contract.

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Appendix B: Laws and Regulations

- (1) Contract Work Hours and Safety Standards Act. Must be included in all construction contracts that exceed \$2,000 and in all other contracts involving the employment of mechanics or laborers that exceed \$2,500. The provision requires compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-330) as supplemented by Department of Labor Regulations at 29 CFR Part 5. The Contract Work Hours and Safety Standards Act requires Contractors to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than 1 ½ times the basic rate of pay for all hours worked in excess of 40 hours in the work week. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
- (2) Davis-Bacon Act. Must be included in all construction contracts that exceed \$2,000 when required by federal grant program legislation. The provision requires compliance with the Davis-Bacon Act (40 U.S.C. §276a to a-7) as supplemented by Department of Labor regulations at 29 CFR Part 5. The Davis-Bacon Act requires Contractors to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, Contractors are required to pay wages not less than once a week. The Contractor must include a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract must be conditioned upon the acceptance of the wage determination. The Contractor must report all suspected or reported violations to the Agency, and the Agency must report the violation to the federal awarding agency.
- (3) Child Support. Requires compliance with Section 231.006, Family Code, which prohibits payments to a person who is in arrears on child support payments.
- (4) Child Abuse. Subcontractors must comply with the Family Code §261.101, which requires reporting of all suspected cases of child abuse to local law enforcement authorities and to the Texas Department of Family and Protective Services. Contractors or subcontractors shall also ensure that all program personnel are properly trained and aware of this requirement.
- (5) Federal statutes relating to nondiscrimination. These include but are not limited to:
Title VI of the Civil Rights Act of 1964 (Public Law 88-352) which prohibits discrimination on the basis of race, color or national origin;
(a) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1688, as amended), which prohibits discrimination on the basis of sex;

Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services

- (b) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps and the Americans With Disabilities Act of 1990;
 - (c) the Age Discrimination Act of 1974, as amended (42 U.S.C. § 6101 et seq., as amended), which prohibits discrimination on the basis of age;
 - (d) the Drug Abuse Office and Treatment Act of 1972 (Public Law 92-255), as amended, relating to nondiscrimination on the basis of drug abuse;
 - (e) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (Public Law 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - (f) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing;
 - (h) the Women in Apprenticeship and Non-Traditional Occupations Act, 29 U.S.C. § 2501 et seq., as amended;
 - (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
 - (j) The requirements of any other nondiscrimination statute(s) which may apply.
 - (k) The requirements of any other nondiscrimination statute(s) which may apply.
- (6) Minimum Wage and Maximum Hours. Contractors must comply with the minimum wage and maximum hour's provisions of the Federal Fair Labor Standards Act. Pursuant to Pub. L. 117-103, Division H, Title 1, Section 108, the Fair Labor Standards Act of 1938 ("FLSA") will apply as if following language was added to section 7 (the "Maximum Hours Worked" section), which specifically relates to occurrences of a major disaster (as declared or designated by the State or Federal government) and are applied for a period of two years afterwards.
- "(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts; who receives from such employer an average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employer is engaged in any of the activities described in subparagraph (C); and whose duties include any of the following:
- (i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians;
 - (ii) inspecting property damage or reviewing factual information to prepare damage estimates;

Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services

- (iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims;
- (iv) negotiating settlements; or
- (v) making recommendations regarding litigation.
- (2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA].
- (3) For purposes of this subsection—
 - (A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department;
 - (B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through
 - (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and
 - (C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”
- (7) Nepotism. Contractors must comply with the Government Code, Chapter 573, which requires that no officer, employee, or member of the applicant’s governing body or of the applicant’s Contractor shall vote or confirm the employment of any person related within the second degree of affinity or the third degree of consanguinity to any member of the governing body or to any other officer or employee authorized to employ or supervise such person. This prohibition shall not prohibit the employment of a person, who shall have been continuously employed for a period of two years, or such other period stipulated by local law, prior to the election or appointment of the officer, employee, or governing body member related to such person in the prohibited degree.
- (8) Open Meetings. Requires compliance with the Government Code, Chapter 551, which requires all regular, special or called meeting of governmental bodies to be open to the public, except as otherwise provided by law or specifically permitted in the Texas Constitution.
- (9) Contract Administration System. When incorporated into a contract, standard assurances contained in the application package become terms or conditions for receipt of grant funds. Contractors must maintain an appropriate contract administration system to ensure that all terms, conditions, and specifications are met.
- (10) Hatch Political Activity Act (5 U.S.C. §7321-29). Limits the political activity of employees whose principal employment activities are funded in whole or in part with federal funds.

Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services

- (11) Environmental Standards. Requires the recipient to agree to comply with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act 42 U.S.C. §§7401 et seq.) and the Federal Water Pollution Control Act as amended (33 U.S.C. §§1251 et seq.). The subcontractor will notify the federal grantor agency of the receipt of any communication from the Director of the Environmental Protection Agency (EPA) Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA (EO 11738). This provision must be included in all contracts in excess of \$100,000.
- (12) Flood Disaster Protection Act of 1973 (Public Law 93-234). Subrecipients must comply with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. §§ 4001 et seq., which provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within one year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by the U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA).
- (13) Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 ET seq). Prohibits the use of lead- based paint in construction or rehabilitation of residential structures.
- (14) Pro-Children Act of 1994 (Public Law 103-277). Prohibits smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.
- (15) HIV/AIDS Work Place Guidelines. Contractors must adopt and implement applicable provisions of the model HIV/AIDS work place guidelines of the Texas Department of Health as required by the Health and Safety Code, Ann., Sec. 85.001, et seq.
- (16) Tax Laws. Contractors will comply with all federal tax laws and are solely responsible for filing all required state and federal tax forms.
- (17) Laws and Regulations. Subcontractors will comply with all applicable requirements of federal and state laws, executive orders, regulations and policies.
- (18) Energy Policy and Conservation Act. Requires compliance with mandatory standards and policies relating to efficiency which are contained in the state energy plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).
- (19) Health Benefits Coverage for Contraceptives. Federal funds may not be used to enter or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with 1) the religious plans of Personal Care's HMO and OSF Health Plans, Inc.; and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs. In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals' religious beliefs or moral

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

- (20) Promoting Equitable Delivery of Government Benefits and Equal Opportunity - consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, grant and cooperative award recipients must execute the terms and conditions of their award in a manner that advances equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality. This extends to all award activities including, but not limited to, service delivery, selection of subrecipients and contractors, and procurement of goods and services. Government programs are designed to serve all eligible individuals. As an expectation, DOL's award recipients should make the goods and services they provide widely available with the goal of effectively serving a diverse population of eligible individuals; fairly, justly, and impartially in administering the grant award. Award recipients are encouraged to engage in contracting and subcontracting for goods and services related to the performance and conditions of their grants in such a way to achieve equity.
- (21) The Drug-Free Workplace Act of 1988, 41U.S.C. §§ 702 et seq., and 2 C.F.R. Part 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. Refer to the Drug-Free Workplace Certification applicable to this grant award for notification and other requirements. Failure to comply with these requirements may be cause for suspension or debarment.
- (22) Prohibition of Harassment - Subrecipients are prohibited from engaging in harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity. Harassing conduct of this type is a violation of the nondiscrimination provisions of WIOA and of 29 CFR Part 38. Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct based on one or more of these protected categories constitutes unlawful harassment on that basis(es) when:
- (A) Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA title I-financially assisted program or activity; or
- (B) Submission to, or rejection of, such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

- (C) Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.
- (23) The Jobs for Veterans Act requires subrecipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans' priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Subrecipients must comply with the DOL guidance on veterans' priority. ETA's TEGl No. 10-09 provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL

**Workforce Solutions of Central Texas
dba Central Texas Workforce Board
Request for Proposals (RFP) for
Commercial Real Estate Broker/Agent Services**

Authority:

Contract Work Hours and Safety Standards:

OMB Circular A-110 Appendix A, (4)
29 CFR §97.36(i) (6)
45 CFR §92.36(i) (6)
UGMS Part III §__.14(a) (10)
UGMS Part III §__.36 (i) (6)

Child Support:

UGMS Part III §__.14(a) (4)

Non-discrimination:

7 CFR §3015.205(b) (6), (13)-(15)
UGMS Part III §_.14 (a)(9)

Nepotism:

Government Code, Chapter 573
UGMS Part III §_.14 (a)(1)

Contract Administration System:

UGMS Part III §__.14(a) (7)

Environmental Standards:

Act OMB Circular A-110 Appendix A, (6)
(15) 29 CFR §97.36(i) (12), (14)
45 CFR §92.36(i) (12), (14)
UGMS Part III §_.36 (i) (12), (14)

Lead-Based Paint Poisoning Prevention:

UGMS Part III §__.14(a) (20)

HIV/AIDS Work Place Guidelines:

UGMS Part III §__.14(a) (25)

Laws and Regulations:

UGMS Part III §__.14(a) (23)
UGMS Part III §__.36 (i) (13)

Davis Bacon Act:

OMB Circular A-110 Appendix A, (3)
29 CFR §97.36(i) (5)
45 CFR §92.36(i) (5)
UGMS Part III §_.14 (a)(10)
UGMS Part III §_.36 (i)(5)

Child Abuse:

UGMS Part III §_.14 (a)(8)

Minimum Wage and Maximum Hours:

UGMS Part III §_.14 (a) (13)

Open Meetings:

UGMS Part III §_.14 (a) (3)

Hatch Political Activity Act:

UGMS, Part III Subpart B §_.14 (a)(12)

Flood Disaster Protection

UGMS Part III §_.14 (a)

Pro-Children Act:

UGMS Part III §_.14 (a)(21)

Tax Laws:

UGMS Part III §_.14 (a)(22)

Energy Policy and Conservation Act:

29 CFR §97.36(i) (13)
45 CFR §92.36(i) (13)