



115 E. Travis, Suite 220
San Antonio, Texas 78205
Voice (210) 272-3260

**Please note we are moving to 100 Santa Rosa, Suite 120, San Antonio, TX 78207 after 3/17/17*

**Request for Qualifications
For
Development of Career Pathways
for
Workforce Solutions Alamo**

Release Date: March 2, 2017

Response Due: March 23, 2017 by 3:00 p.m. CST

RFQ links:

www.workforcesolutionsalamo.org

<http://esbd.cpa.state.tx.us/>

Workforce Solutions Alamo is an equal opportunity employer / program
Auxiliary aids and services are available upon request for individuals with 48 hour notice.

TABLE OF CONTENTS

PART 1.0 – GENERAL INFORMATION	2
1.1 - Purpose of Request for Qualifications (RFQ)	2
1.2 – Background	2
1.3 – Eligible Bidders	2
1.4 – Services Solicited	2
1.5 – Authority	3
1.6 – Procurement Standards	3
PART 2.0 – CONTRACT INFORMATION	4
2.1 - Award	4
2.2 – Contract Period.....	4
2.3 – Reassignment.....	4
PART 3.0 – GOVERNING PROVISIONS AND LIMITATIONS	4
PART 4.0 – SUBMISSION INFORMATION	5
4.1 - Response Deadline	6
4.2 - Procurement Schedule	6
4.3 - Bidders Questions.....	6
4.4 - Availability of RFQ.....	6
4.5 - Proprietary Information & Texas Public Information Act	7
PART 5.0 – PROPOSAL RESPONSE REQUIREMENTS	7
5.1 - Proposal Format	7
5.2 - Number of Copies	7
5.3 – Order of Proposal Content	7
5.4 – Cover Sheet.....	8
5.5 – Proposal Validity Period	8
5.6 - Proposal Narrative	8
PART 6.0 – PROPOSAL REVIEW AND SELECTION PROCESS	9
6.1 - Evaluation Process	9
6.2 - Proposal Evaluation Criteria.....	9
6.3 - Acceptance of Evaluation Methodology	10
6.4 – Oral Presentation/Interview.....	10
6.5 - Dispute Resolution	10

Response Forms

PART 1.0 – GENERAL INFORMATION

1.1 PURPOSE OF REQUEST FOR QUALIFICATIONS (RFQ)

Workforce Solutions Alamo (WSA) is seeking proposals from qualified entities or individuals to provide for the development of Career Pathways for Workforce Solutions Alamo (WSA) for the Alamo Workforce Development Area (AWDA). The AWDA includes the City of San Antonio and the counties of: Atascosa, Bandera, Bexar, Comal, Frio, Gillespie, Guadalupe, Karnes, Kendall, Kerr, McMullen, Medina and Wilson.

1.2 BACKGROUND

A. The Workforce Solutions Alamo

The Alamo Workforce Development, Inc., d/b/a Workforce Solutions Alamo (WSA) is incorporated as a private, non-profit organization in the State of Texas and maintains a federal tax exemption status as a 501(c)3 organization. WSA serves as the governing board for the regional workforce system, a network of service providers and contractors that brings people and jobs together. We represent the taxpayers of the AWDA. Our membership reflects the diverse constituencies of the regional community: business, economic development, education, labor, community organizations, and government.

B. Board Mission

Working to strengthen the Alamo regional economy by growing and connecting talent pipelines to employers.

1.3 ELIGIBLE BIDDERS

Organizations or individuals possessing the capacity and demonstrated ability to perform successfully under the terms and conditions of a contract with WSA may respond to this RFQ. Eligible firms/individuals include public entities, community-based organizations, faith-based organizations, non-profit organizations, private for profit corporations, and other qualified providers. Minority, disadvantaged, veteran and/or women-owned businesses are encouraged to respond to this RFQ.

Entities that are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency are not eligible to respond to this RFQ or receive a contract.

1.4 SERVICES SOLICITED

WSA desires a consultant to develop career pathways for six (6) key industry sectors for the Alamo AWDA. Career pathways will be used in advising students, youth and adult customers, incumbent workers, and those transitioning careers in the industry related skills they will need to gain employment.

Under the Workforce Innovation and Opportunity Act (WIOA), 29 USC 3101, Public Law 113-128, “career pathways” are defined as a combination of rigorous and high-quality education, training and other services that:

1. Aligns with the skill needs of industries in the regional economy;
2. Prepares and individual to be successful in a full range of secondary or post-secondary education options, including registered apprenticeships;
3. Includes counseling to support an individual in achieving their educational and career goals;

4. Includes education that is offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster;
5. Organizes education, training, and other services to meet the particular needs of an individual in a manner that accelerates the educational and career advancement of the individual to the extent practicable;
6. Enables an individual to attain a secondary school diploma or its recognized equivalent and at least one post-secondary credential; and
7. Helps an individual enter or advance within a specific occupation or occupational cluster.

The selected consultant will need to:

- Host planning meetings and bi-weekly project status updates with WSA staff;
- Host meetings with employers in key industry sectors in partnership with WSA staff;
- Not duplicate any data or research in the AWDA that has been completed;
- Identify key competencies, skills, and credentials necessary to gain employment;
- Develop career pathway mapping that identifies the steps and services needed for customers to acquire requisite skills for a defined occupation or career. The mapping must consider employers, training providers, education providers, and other workforce readiness service providers to develop either paper-based or web-based tools and collateral material localized to the ~~Alamo~~ AWDA for use by Career Navigators in guiding customers for career advancement and related employment needs of low-skilled adults including young adults;
- Identify gaps and problems along existing career pathways for defined occupations in high-demand industries;
- Include basic job competencies, average localized salary data, educational requirements, level of position (entry, mid, high), transferable skills, and career progressions, either lateral or upward; and
- Use the U.S. Department of Labor's *Career Pathways Toolkit* as the guiding resource for the development of products.

WSA's WIOA Comprehensive Local Plan 2017-2020 is located on our website at <http://workforcesolutionsalamo.org/about-us/workforce-development-board-plan> and WSA is requesting the development of career pathways in the following six (6) industry clusters:

1. Healthcare and Bioscience
2. Aerospace
3. Manufacturing (Advanced)
4. Information Technology including cybersecurity, software and web developers, etc.
5. Finance
6. Construction

1.5 AUTHORITY

All contracts awarded as a result of this RFQ must fully comply with applicable federal, state and local laws, rules, regulations and policies. WSA's policies and plans are available upon request. Bidders are expected and presumed to be knowledgeable of all applicable federal, state and local laws, rules, regulations, and policies.

1.6 PROCUREMENT STANDARD

It is the policy of WSA to conduct procurement in a manner that provides for full and open competition. 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 services solicited under this RFQ are procured under the Professional and Consulting Services outlined in Chapter 14 of the TWC Financial Manual for Grants and Contracts (FMGC).

PART 2.0—CONTRACT INFORMATION

2.1 AWARD

The proposal most advantageous to WSA in terms of quality and cost will be recommended for contract negotiations.

2.2 CONTRACT PERIOD

The contract period for the successful firm/individual will be from the date of the award to no later than September 30, 2017. The contract may be terminated by either party with a written 30 calendar day notice.

2.3 REASSIGNMENT

In the event a contractor fails to perform as required, WSA reserves the right to terminate a contract early with a failing or non-compliant firm/individual and assign a contract in whole or in part to another successfully performing firm/individual obtained through this procurement, subject to successful contract negotiations.

PART 3.0—GOVERNING PROVISIONS AND LIMITATIONS

Failure to comply with any of the following provisions may cause a proposal to be disqualified and rejected from consideration.

1. Proposal, if accepted, will become the basis for the contract scope of work.
2. Bidders must submit a comprehensive proposal for all services solicited. Any proposal that is not comprehensive will be deemed non-responsive.
3. A response to this RFQ does not commit WSA to a purchase agreement or contract, or to pay any costs incurred in the preparation of such a response.
4. The only purpose of this RFQ is to ensure uniform information in the solicitation of proposals for the procurement of marketing and public relations services. This RFQ is not to be construed as a purchase agreement, contract or as a commitment of any kind; nor does it commit WSA to pay for costs incurred prior to the execution of a formal contract unless such costs are specifically authorized in writing by WSA.
5. WSA reserves the right to accept or reject any or all proposals received, to cancel or reissue this RFQ in part, or its entirety.
6. WSA reserves the right to award a contract(s) for any services solicited in this RFQ in any quantity WSA determines is in its best interests.
7. WSA reserves the right to extend, shorten, increase or decrease any contract awarded as a result of this RFQ.
8. WSA reserves the right to request additional information, clarification of or explanation for any aspect of a response to this RFQ.
9. WSA 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. WSA will provide notifications of any changes in this RFQ to all bidders recorded in the WSA official distribution log and receipts record as having requested or received a copy of this RFQ.
10. WSA reserves the right to negotiate the Best and Final Offer terms of any and all contracts or agreements with selected bidders and any such terms negotiated as a result of this RFQ may be renegotiated and/or amended in order to successfully meet the needs of WSA.
11. WSA reserves the right to contact any individual, agency, employer or granting agencies listed in a proposal, 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.

12. WSA 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 by WSA from TWC or other funding sources or due to legislative changes.
13. Bidders 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, or agent of WSA or elected official for purposes of having an influencing effect on this procurement.
14. Bidders shall not attempt in any manner to advocate for, lobby or otherwise attempt to influence any officer, board member, employee, proposal evaluator, or agent of WSA or elected official for purposes of having an influencing effect on this procurement.
15. No officer, board member, employee, proposal evaluator, or agent of WSA 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.
16. Bidders 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.
17. The contents of a successful proposal will become a contractual obligation if selected for the award of a contract. Failure of a proposer to accept this obligation may result in cancellation of an award. No plea of error or mistake shall be available to successful proposer as a basis for release from proposed services at the stated price/cost. Any damages accruing to WSA as a result of a successful bidder's failure to contract with WSA may be recovered from the proposer.
18. A contract with a selected proposer may be withheld, at the sole discretion of WSA, if issues of contract or questions of non-compliance issues exist, until such issues are satisfactorily resolved. WSA may withdraw the award of a contract if the resolution is not satisfactory to WSA.
19. 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. Bidders are responsible for familiarizing themselves with such matters.
20. WSA is exempt by law from paying State Sales Tax and Federal Excise Tax.

PART 4.0 - SUBMISSION INFORMATION

4.1 RESPONSE DEADLINE

All proposals must be received and recorded by WSA no later than **March 23, 2017 by 3:00 p.m. CST**. Official receipt of proposals submitted will be by entry on a proposal receipt log. A receipt form will be issued upon request. Bidders who mail a proposal will be sent a copy of the receipt form upon request. Proposals may be hand-delivered prior to the stated deadline between 8:00 a.m. and 5:00 p.m. (closed daily from 12:00 p.m. to 1:00 p.m. CST) Monday through Friday or mailed to the following address:

**Workforce Solutions Alamo
100 N. Santa Rosa, Suite 120
San Antonio, Texas 78207
RE: Career Pathways RFQ
ATTN: Venessa Miller, Director of Contracts and Procurements**

Proposals submitted by mail, courier or overnight mail services must be received at the above address by the deadline (regardless of postmark or date shipped). 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 bidder. Faxed or e-mailed proposals will not be accepted.

Modifications or amendments to a proposal must comply with the requirements and response deadline. A bidder may withdraw a proposal at any time during the procurement process by submitting

a written request to the Director of Contracts and Procurements, WSA, 115 E. Travis, Suite 220, San Antonio, Texas 78205 (note WSA is relocating offices March 17, 2017 to 100 N. Santa Rosa, Suite 100, San Antonio, Texas 78207).

4.2 PROCUREMENT SCHEDULE*

RFQ Issue Date	March 2, 2017
Response Deadline	March 23, 2017 by 3:00 p.m. CST
Submission Address	Workforce Solutions Alamo 100 N. Santa Rosa, Suite 120 San Antonio, Texas 78207 RE: Career Pathways RFQ ATTN: Venessa Miller, Director of Contracts and Procurements
Contract Start Date	Anticipated: April 10, 2017
Bidders Questions	Technical assistance questions may be submitted by email until March 10, 2017 at 2:00 p.m. CST

** Dates are subject to change. Entities requesting a copy of the RFQ will be notified in writing of any changes in the procurement schedule.*

4.3 BIDDERS QUESTIONS

- A. WSA will accept questions submitted via electronic mail no later than close of business, March 10, 2017.
- B. All properly submitted advance questions will be compiled and responded to in a Q&A document. The Q&A document will be posted on the Board's website at www.workforcesolutionsalamo.org. WSA reserves the right to determine the appropriateness of comments/questions that will be posted.
- C. No other representative of WSA is allowed to accept or respond to questions related to this solicitation other than:

Venessa Miller, Director of Contracts and Procurements
Workforce Solutions Alamo
115 E. Travis, Suite 220
San Antonio, TX 78205
vmiller@wsalamo.org

- D. Other than the Bidders written questions submitted to WSA, bidders are prohibited from making contact with WSA staff or Board of Directors at any time during this procurement process regarding the RFQ, the evaluation process, recommendation and/or award of contracts, or to gain any other information that could provide a competitive advantage of one bidder over another. **Violations of this prohibition will result in the automatic disqualification of the offending proposer.**
- E. Other than as specified above, all members of the WSA Board, WSA staff, individuals that have reviewed the RFQ prior to its release, authorized representatives or agents of WSA are precluded from entertaining or answering questions concerning this RFQ or the procurement process.

4.4 AVAILABILITY OF RFQ

This RFQ is issued March 02, 2017, by Workforce Solutions Alamo, under the direction of Alan D. Miller, Interim CEO. Copies of the RFQ are available at 115 E. Travis, Suite 220, San Antonio, Texas 78205 from March 02-16, 2017. After March 16, 2017, proposals will be available at 100 N. Santa Rosa, Suite 120, San Antonio, Texas 78207. Copies of the RFP will be available during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m., except for holidays). The RFQ will be posted and can be downloaded from WSA's website (www.workforcesolutionsalamo.org) and the Electronic State

Business Daily (ESBD) website. The RFQ may also be obtained electronically by submitting a request to vmiller@wsalamo.org.

4.5 PROPRIETARY INFORMATION AND THE TEXAS PUBLIC INFORMATION ACT

Bidder is hereby notified that WSA strictly adheres to all statutes, court decisions and the opinions of the Texas Attorney General with respect to disclosure of public information. WSA may seek to protect from disclosure all information submitted in response to this RFQ until such time as a final agreement is executed. Upon execution of a final agreement, WSA 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 and, therefore, subject to public disclosure under Chapter 552.001. Proposer 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.

PART 5.0 – PROPOSAL RESPONSE REQUIREMENTS

Proposals will become WSA's property and will not be returned.

5.1 PROPOSAL FORMAT

- A. Proposals must be typed, single-spaced, and submitted on 8 ½ x 11-inch paper.
- B. Sequentially numbered pages, including any attachments.
- C. Proposals must contain all required elements in the order prescribed.
- D. Proposals that do not conform to this requirement may be considered non-responsive and excluded from consideration under this procurement.

5.2 NUMBER OF COPIES

- A. Bidders must submit one (1) original with all executed (i.e. original signatures) forms and certificates, plus three (3) exact copies. **Any proposal lacking the required number of copies will be ruled unresponsive and will not be considered under this procurement. Any differences between the original and the copies are at the liability of the bidder.**
- B. The original proposal must be clearly marked "Original" on the Cover Sheet and bear original signatures.

5.3 ORDER OF PROPOSAL CONTENT

Proposals must follow the format below, and must be clearly labeled in the exact order shown below. Compile the proposal in the following order:

- 1. Cover Sheet
- 2. Proposal Narrative
- 3. Fee Schedule and Payments
- 4. A - Certification of Legal and Signatory Authority
- 5. B - Certification Regarding Lobbying, Debarment and Drug-Free Workplace
- 6. C - Certification Regarding Texas Corporate Franchise Tax
- 7. D - Certification Regarding Conflict of Interest
- 8. E - Certification Regarding State Assessment Certification
- 9. F – Certification of Non-Discrimination & Equal Opportunity
- 10. Certification of Historically Under-utilized Business, if applicable
- 11. Any additional attachments not specifically requested in the RFQ but which your organization desires to include with your proposal, including letters of support or collaboration.

5.4 COVER SHEET

Each proposal must be accompanied by a complete proposal Cover Sheet. Bidders must designate a contact person responsible for all communications concerning the proposal and notification of award. Bidders must also designate a person with documented signatory authority and for contract negotiations.

5.5 PROPOSAL VALIDITY PERIOD

Each proposal will remain valid for WSA's acceptance for a minimum of one hundred twenty (120) days after the submittal deadline, to allow for evaluation, selection and Board action, if applicable.

5.6 PROPOSAL NARRATIVE

SECTION A – ORGANIZATIONAL CAPACITY

- Provide a brief description of your company.
- Organizational chart with lines of authority.
- Experience – describe your knowledge of WIOA Career Pathways.
- Capacity – describe the personnel to be assigned to this project including their relevant experience, along with any specific software or platforms associated with the delivery of service.
- Include resumes for personnel to be assigned to this project.

SECTION B – DEMONSTRATED PERFORMANCE

- Describe projects and experience during the last three (3) years that demonstrates success with measurable outcomes in the following areas:
 - Career Pathways by industry sectors
 - Ability to localize data to the Alamo AWDA
 - Outreach to industry sectors, employers, and education providers
 - Examples of collateral materials developed for customers
- Provide three (3) references including name, business and contact information for clients who can provide insights regarding skills, qualifications, and delivery of services. Include the following:
 - Contract amount and brief, concise description of the services stated in the contract.
 - Any extraordinary complexities encountered during the performance of such contracts and describe the innovative approaches used to solve such problems.

SECTION C – CAPABILITES

- Describe the management approach to ensure the services will be provided in a thorough, effective and timely manner.
- Management approach to ensure effective coordination with various WSA staff.
- Describe your proposed ideas and strategies to achieve the services requested.
- Timelines that encompasses all services and activities within the contract period.

SECTION D – COST EFFECTIVENESS

- Provide a cost schedule of all hourly rates for each job classification/job title.
- Provide an itemization and detailed explanation of all costs proposed.
- Describe your proposed strategies for minimizing costs in order to maximize the budget.

SECTION E – HISTORICALLY UNDERUTILIZED BUSINESS

A "Historically Underutilized Business" is an entity with its principal place of business in Texas, and is at least 51% owned by an Asian Pacific American, Black American, Hispanic American, Native American and/or American woman who reside in Texas and have a proportionate interest and demonstrate active participation in the control, operations and management of the entity's affairs.

1. Five bonus points will be awarded to responsive proposals submitted by a HUB certified by the Texas Comptroller of Public Accounts, or other bona fide certifying agency. HUBs must identify their certifying agency on the cover sheet, and attach a copy of the notice of certification to be eligible for points awarded under this section. Certifications that are expired or do not meet the criteria specified shall not be considered for the five additional points.

PART 6.0 – PROPOSAL REVIEW AND SELECTION PROCESS

6.1 EVALUATION PROCESS

The evaluation process will consist of:

- A. An initial review of responsiveness and compliance with the technical specifications and other criteria specified in the RFQ by WSA staff.
- B. All responsive proposals will be evaluated and scored by an internal team of reviewers. Proposals will be evaluated on specific criteria by reviewers using a standardized instrument.
- C. Summary of scoring.
- D. Presentation of scoring and recommendations to the CEO.

6.2 PROPOSAL EVALUATION CRITERIA

Bidders must achieve an overall score of at least **70 points (70%)** to be considered for the award of funds. The review and evaluation of proposals shall be based upon the following criteria:

- | | |
|---|------------------|
| A. Organizational Capacity | 20 points |
| Proposals will be evaluated to identify the organization's structure, staff qualifications, number of staff proposed, work processes and technology to successfully deliver services. | |
| B. Demonstrated Performance | 30 points |
| Proposals will be evaluated on demonstration of past performance is providing similar or comparable services. | |
| C. Capabilities | 40 points |
| Proposals will be evaluated for proposed approach to management of services and the quality of proposed methodologies. | |
| D. Cost Effectiveness | 10 points |
| Proposals will be evaluated on overall reasonableness, necessity and efficient use of funds. | |
| E. Historically Underutilized Business / Bonus | 5 bonus |
| Proposals that document <u>current</u> HUB status will be awarded five bonus points. HUBs must attach a copy of the notice of certification to be eligible for points awarded under this section. | |

TOTAL POSSIBLE POINTS

105 points

6.3 ACCEPTANCE OF EVALUATION METHODOLOGY

By submitting a proposal, bidder acknowledges:

- Bidder's acceptance of the Proposal Evaluation Process;
- The criteria for selection;
- Bidder's recognition that some subjective judgments must be made by WSA and the internal evaluators during the RFQ process.

6.4 ORAL PRESENTATION/INTERVIEWS

Firms/individuals submitting a proposal in response to this RFQ may be required to give an oral presentation or their proposal. Additional technical and/or cost information may be requested for clarification purposes, but in no way will change the original proposal submitted.

Interviews are optional and may or may not be conducted. If an interview is conducted, it is essential that the personnel to be assigned to the work, as well as key representatives, participate in the interview.

6.5 DISPUTE RESOLUTION

WSA 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.

WSA has established the following process for handling appeals of any procurement decisions:

Step 1- Request for Debriefing

A request for a debriefing may be submitted within 15 calendar days of the receipt of notification of the procurement decision by any unsuccessful bidder **not filing an appeal**. The purpose of the debriefing is to promote the exchange of information, explain the procurement process, including proposal evaluation process, and help unsuccessful bidders understand why they were not selected. Debriefings serve an important educational function for proposers, which hopefully will help them to improve the quality of any future proposals. WSA will acknowledge receipt of the request for debriefing in writing within 10 business days of receipt, along with the time, date and place of the scheduled debriefing. The debriefing shall be scheduled as soon as possible but no later than 30 calendar days from the receipt of the Request for Debriefing.

Debriefings may occur in person or verbally on the phone. Materials may be provided in the debriefing to include:

- A blank copy of the proposal scoring sheet used by the independent evaluators;
- Ranking provided to the Board of Directors; and
- A summary of proposal scores and evaluator comments.

Step 2 – Written Notice of Appeal

Proposers not selected by this procurement process may appeal the decision by submitting a written Notice of Appeal to WSA within 10 business days from date of the announcement of the Board's decision. This written notice must clearly state that it is an appeal and identify (1) the solicitation decision being appealed; (2) the specific grounds of the appeal, including a description of any alleged acts or omissions by WSA that forms the basis for the appeal; (3) any written information the appealing party believes relevant to the grant award; (4) the basis for the appealing party interest in the grant award; and (5) the name, address, phone and fax number (if available) of the appealing party(ies).

The Notice of Appeal must be addressed to and as follows:

Alan D. Miller, Interim CEO
Workforce Solutions Alamo
100 N. Santa Rosa, Suite 120
San Antonio, Texas 78207
Dated Material Enclosed

Facsimile or email shall not be accepted at any stage of the appeals process. Written acknowledgement of receipt of the Notice of Appeal will be provided to the appealing party within three (3) business days of receipt of the Notice of Appeal. Such acknowledgement will include specific instructions for completing the appeals process and the date, time and place of the next step, the **Informal Hearing**.

The filing of an appeal within the specified time frame and in the manner required is a non-waivable requirement. There is no relief accorded to appellants for not filing within the published deadlines or following instructions.

Note: Scoring is not grounds for an appeal unless there are material violations of the procurement process.

Step 3 – Informal Hearing

An Informal Hearing will be held at the offices of WSA within 15 business days of the receipt of the Notice of Appeal. The CEO of WSA shall act as the Hearing Officer, and will meet with the appealing party to discuss their concerns and the specific grounds of the appeal. Materials provided in the

Informal Hearing will include:

- A blank copy of the evaluation instrument used by the independent evaluators;
- A spreadsheet of the scoring results and/or rankings provided to the Board; and
- The scoring results and/or ranking of the appellant's bid.

The Hearing Officer may recommend to the WSA Board of Directors 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, the appeal may be ended at this point.

Step 4 – 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 three (3) business days from the date of the Informal Hearing of intent to proceed with the appeal. Request for Formal Appeal must state the specific grounds for the appeal and the remedy(ies) requested. Within 10 business 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 Step 4, the **Formal Hearing**.

Step 5 – Formal Hearing:

The Formal Hearing shall be conducted within 30 calendar days of the date of the Request for Formal Hearing, or sooner if possible. An independent Hearing Officer selected by WSA will conduct the Formal Hearing of the appeal. The Hearing Officer will deal only with those issues identified in the Request for Formal Hearing. 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 WSA staff or the appealing party. After full review, the Hearing Officer will issue his/her decision not later than 15 business days after the Formal Hearing.

Should the Hearing Officer's determination result in a different outcome for the bidder, such recommendation shall be presented to the Board for consideration and possible action at its next scheduled meeting. The Board is **NOT** obligated to accept the Hearing Officer's determination and/or recommendations. The Board's decision shall be the final decision and end the appeals process at the local level.

If the Hearing Officer's determination does not result in a different outcome to the appellant, such information need not be presented to the Board and the appellant shall be informed in writing of the determination of the Hearing Officer. In such cases, the Hearing Officer's decision shall be the final decision and end the appeals process at the local level.

In all instances, information regarding a protest/dispute will be disclosed to TWC. TWC's Integrated Complaints, Hearings and Appeals process is outlined in 40 TAC §§823, et.seq., and the TWC's Financial Manual for Grants and Contracts provide for limited appeals of any local decisions. TWC will not accept a protest or appeal until all administrative remedies at the local level have been exhausted. Commission appeal review is limited to:

- Violations of federal law and regulations;
- Violations of the Board's protest/dispute procedures or failure to review a protest or dispute; and
- Violations of State or local laws shall be under the jurisdiction of State or local authorities.