

Memorandum



CITY OF DALLAS

DATE October 25, 2019

TO Honorable Mayor and Members of the City Council

SUBJECT **Staff Response to City Council Questions from October 23, 2019 City Council Meeting**

On Wednesday, October 23, 2019, City Council authorized three one-year service contracts with two one-year renewal options for the Overcoming Barriers to Work program. The Overcoming Barriers to Work program is funded by Community Development Block Grant (CDBG) funding. This memo is to provide additional information about the proposals submitted, and how they were processed and scored.

Background

On January 9, 2019, City Council authorized initial support of the new Five-Year Consolidated Plan, covering the period of FY2019-20 through FY2023-24 for the four U.S. Department of Housing and Urban Development grant funds, which included the recommended strategic approach for the utilization of CDBG Public Service funding to address drivers of poverty, with a focus on reducing and/or eliminating barriers to work.

In preparation for the FY2019-20 Consolidated Plan Budget, the Office of Community Care worked with the Office of Budget to develop recommended programming parameters for the Overcoming Barriers to Work funding for presentation to and feedback from the Community Development Commission. On June 12, 2019, City Council adopted the new Five-Year Consolidated Plan, covering the period of FY2019-20 through FY2023-24, and FY2019-20 HUD Consolidated Plan Budget, which includes \$153,868 for the Overcoming Barriers to Work program.

The Office of Community Care developed a Request for Proposals (RFP – attached) with insight from the Community Development Commission and working with the Office of Economic Development. The RFP was advertised on July 15 through July 22, 2019 and a pre-proposal conference was hosted on July 23, 2019, which had 10 external attendees representing 8 organizations. There were 1,200 downloaded notices for the RFP and 50 document takers. The due date for written questions was July 26, 2019. The due date for proposals was August 1, 2019. A total of 8 proposals were submitted.

Scope of RFP and Services Sought

Proposals were sought for services that enable clients to participate in job training, career development, and job seeking programs by helping them overcome barriers (such as lack of transportation and access to childcare services) to participation in these programs. Supported projects should clearly articulate the potential barriers faced by clients in accessing programming and identify how the proposed services minimize or eliminate identified barriers. All programs were required to demonstrate that they will 1) provide supportive and referral services for individuals participating in job training/career

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development programs and 2) engage in client outreach and partnership with job training/career development programs. Priority consideration was given to services targeting client populations identified in the Drivers of Poverty Report, including individuals residing in neighborhoods of concentrated Poverty, single female heads of household, families with children living in poverty, individuals with Limited English Proficiency, and/or teen parents. Proposers were invited to submit requests of \$25,000 up to \$100,000 as recommended by the Community Development Commission.

Proposal Scoring

The proposals were scored by an evaluation committee comprised of staff from the Office of Community Care, Office of Resilience, and Office of Welcoming Communities and Immigrant Affairs staff members who are involved in the internal planning team for the development of a consolidated approach to Workforce Development programming. Scoring was completed in the City’s Bonfire procurement system. Scoring criteria and point allocation is included on pages 12-20 of the RFP. Programs were scored on a scale of 135 total points, with 15 of those points allocated for Business Inclusion and Development plan. Proposers scores are as follows:

Proposer	Score (Out of 135)
International Rescue Committee	123.75
Open Arms Inc./dba Bryan's House	122.58
The Salvation Army	121.75
Citizens Development Center dba Achieve	121.25
Community Council of Greater Dallas	112.42
Southern Link Dallas Inc.	36.33
Zeena Ventures, LLC	31.83
Eaglin Team Administrative Solutions	6.5

Summary of Overcoming Barriers to Work Proposals

**Denotes funded program*

*International Rescue Committee** – 123.75 average score (of 135 total points)

Awarded Amount: \$76,844

Requested Amount: \$76,883

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Program Overview: Funding will support the Digital Literacy Skills for Work project to support individuals with barriers to employment in gaining foundational digital literacy skills they need to succeed in job training and career development programs that lead to either a first job or a higher skill/higher wage job. The program targets work-authorized Limited English Proficiency (LEP) clients who may be able to orally describe their work or occupational skills, check text messages and follow basic instruction, but may not be able to manage the digital aspects of these tasks.

Target Clients: The program targets work authorized LEP clients living in Dallas, of which many reside in the Vickery Meadows neighborhood (a neighborhood of concentrated poverty). The program has an additional focus on targeting clients who are primary income earners in an extremely low-income family or family home to one or more minor children and/or female heads of household.

Performance Measures:

Outputs:

- 100 unduplicated clients who participate in at least one service provided through IRC Dallas that helps a person obtain and/or maintain employment
- 50 eligible participants enroll in Career Pathways – Digital Literacy
- 40 participants enroll in Career Pathways – Digital Literacy with an attendance rate of 80% or higher
- \$13.00 hourly wage among all individuals included in employment (total)

Outcomes:

- 40 participants improve their digital literacy skills
- 40 participants secure jobs with more than 30 hours/week and complete their first day of work
- All of participants with attendance rate of 100% will receive a computer
- Participants who complete digital literacy course will have increased hourly wages after course completion

*Open Arms, Inc. dba Bryan's House** – 122.58 average score

Awarded Amount: \$36,698

Requested Amount: \$50,000

Program Overview: The Single Working Mothers Program directly supports low-income, racially and ethnically diverse single mothers by providing specialized childcare for their special needs children at no cost. These mothers want to work and need to work, yet often cannot afford the kind of specialized care that their children need and are thus unable to work. The program provides childcare, and essential services, such as resources to fund a job or complete an educational goal, financial management and education on how to advocate for their children. By removing the cost and care burden, mothers are able to focus on gaining new skills, taking on more responsibilities in their job, or enhancing their education due to the programs' holistic approach and case management.

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Target Clients: The program targets single, working mothers with special needs or medically at-risk children who require specialized care. Services are offered at the Bryan's House located in the 75212-zip code and at the client's home.

Performance Measures:

Outputs:

- Average hourly wage among all individuals included in employment (total)
- Number of individuals who secured employment during the current reporting period or past reporting period who achieved one of the following indicators of advancement: promotion along and identified career path at a business, increase in hourly wage or salary, increase in hours worked each month, or improved working conditions (better hours or benefits)

Outcomes:

- 75% of parents will be employed, seeking employment, or attending school or job training at the end of year one
- 80% of parents who obtain employment or remain employed, receive job training, or continue their education due to the agency providing childcare
- 85% of children will maintain or improve in all areas of education or developmental domains when measured at year end

*The Salvation Army** – 121.75 average score

Awarded Amount: \$40,377 (73% of request)

Requested Amount: \$55,257

Program Overview: The Carr P Collins Social Service Center provides comprehensive programs and services to individuals and families overcoming homelessness, addiction and poverty. Funding will support one-on-one job coaching and classroom job readiness services to assist clients with the development of skills needed to obtain employment and/or advance in the workplace. Clients will receive these services within the setting of holistic case management, enabling them to overcome significant barriers to employment, with the support of an employment specialist who provides services, referrals and linkages tailored to the individual needs of each client.

Target Clients: Individuals experiencing homelessness and homeless mothers with children, veterans, victims of family violence, participants in court-ordered substance abuse treatment programs and individuals at imminent risk of homelessness.

Performance Measures:

Outputs:

- Total number of clients enrolled in job readiness
- Total number of four-class courses taught
- Total number who complete the course
- Total number who obtain full-time employment

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- Average hourly wage for those employed

Outcomes:

- 75% of clients who enroll in job readiness services complete the course
- 65% of clients who complete the job readiness course or receive individual job coaching will obtain full-time, permanent employment

Citizen's Development Center dba Achieve – 121.25 average score

Program Overview: The purpose of the Workforce Development Program is to provide assistance, training, and advocacy to enable individuals with disabilities to successfully obtain and maintain employment. Funding was requested to support providing participants with financial support, such as bus passes, food cards, rental assistance, etc., to ensure that clients are stable enough to secure/maintain employment.

Community Council of Greater Dallas – 112.42 average score

Program Overview: The Skill QUEST program seeks to prepare low-income individuals for middle skill careers in healthcare, information technology, auto and equipment technology, logistics and other high-demand professions. The program is a comprehensive program designed to remove or lessen barriers that interfere with job training or job placement, including barriers such as cost of tuition, textbooks, transportation and childcare.

Southern Dallas Link, Inc. – 36.33 average score (score due to inadequate information for key program areas)

Program Overview: Southern Dallas Link provides reliable transportation to and from work, with the goal to link men and women of the Southern Sector with reliable transportation to help them become gainfully employed.

Zeena Ventures, Inc. – 31.83 average score (score due to inadequate information for key program areas)

Program Overview: Zeena Ventures provides transportation services. The program would provide transportation services to program clients, provide courses for technology competence, and provide life skills and self-sufficiency courses that address the following: effective communication for English speakers and those who are using English as a second language, co-relation between mental health and success, basic skill set for aspiring professionals, and strategy and sustainability.

Eaglin Administrative Solutions – 6.5 average score (score due to inadequate information for key program areas)

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Program Overview: Eaglin Administrative Solutions provides the following products and services: administrative consulting, virtual management of schedules, management and tracking purchases, preparation of travel arrangements – international and domestic, coordination of meetings and business events, specialization in keynote speaking engagements, coordination of conferences and events, preparation and review of talking points, updating of social media pages, and location and hiring of temp staff.

Summary

On October 23, 2019, City Council authorized three one-year service contracts with two one-year renewal options for the Overcoming Barriers to Work program with International Rescue Committee in the amount \$76,833, Open Arms, Inc. dba Bryan's House in the amount of \$36,698, and The Salvation Army in the amount of \$40,377 for the above-described services.

Should you have any questions or concerns, please contact myself or Jessica Galleshaw, Director of Office of Community Care.



Nadia Chandler-Hardy
Assistant City Manager
[Attachment]

c: T.C. Broadnax, City Manager
Chris Caso, City Attorney (Interim)
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Chief of Staff to the City Manager
Majed A. Al-Ghafry, Assistant City Manager

Jon Fortune, Assistant City Manager
Joey Zapata, Assistant City Manager
Michael Mendoza, Chief of Economic Development and Neighborhood Services
M. Elizabeth Reich, Chief Financial Officer
Laila Aleqresh, Chief Innovation Officer
Liz Cedillo-Pereira, Chief of Equity and Inclusion
Directors and Assistant Directors

Request for Proposals (RFPs) Overcoming Barriers to Work Program

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General

The City of Dallas (City) is soliciting proposals from entities providing programming that provide supportive services to address overcoming barriers to work. These barriers may include but are not limited to, lack of transportation and childcare services. The supportive services programs should support clients who are participating in job training, career development, and job seeking programs. These participants should be provided the skills and needed support to gain and maintain jobs that pay livable wages. Services will be provided in CDBG eligible neighborhoods and targeting CDBG eligible clients. Programming may be offered in neighborhoods that are not CDBG eligible; however, all participating clients must meet the CDBG eligibility requirements. All program locations must be within the City of Dallas and can be offered through non-profit and for-profit organizations. Entities should be in partnership with providers of workforce development. This partnership should allow them to specifically support clients pursuing training and development, that provides a pathway to becoming self-sufficient through stable employment. Funding will be used for supportive services programming for individuals participating in job training, career development and job seeking programs.

Example of programs eligible for this type of funding will include:

- Programs that provide supportive services for individuals participating in job training, career development and job seeking programs in conjunction with programs that provide case management.

Program Type	Description
Supportive Services	Supports programs that enables clients to participate in job training, career development, and job seeking programs by helping them overcome barriers (such barriers a, lack of transportation and childcare services) to participation in these programs. Supported projects should clearly articulate the potential barriers faced by clients in accessing programming and identify how the proposed services minimize or eliminate identified barriers.

Supportive Services programming will support clients participating in these types of programs:

- Programs that provide jobs skills training and career development services and that include a job placement component
- Programs that support jobseekers in identifying and obtaining good jobs, including “soft skills” training and resume development support
- Programs that connect people with pathways to careers with advancement
- Programs that provide adult basic education and adult literacy courses for individuals with low educational attainment
- Programs that provide educational opportunities for individuals with Limited English Proficiency, such as English as a Second Language courses
- Programs that provide supportive services for individuals participating in job training, career development and job seeking programs

Additionally, projects will be given priority consideration that serve the following target populations identified by the Office of Community Care (by the Mayor’s Task Force on Poverty):

- Individuals residing in identified Neighborhoods of Concentrated Poverty
- Single female heads of household
- Families with children living in poverty
- Individuals with Limited English Proficiency
- Teen parents

Funding for the Program will be provided through the City of Dallas Community Development Block Grant (CDBG) and must be expended by September 30, 2020.

An organization submitting a proposal shall have a Data Universal Numbering System (DUNS number) and be registered with the System for Award Management (SAM) prior to execution to the contract.

Definitions

For the purposes of this RFP, the following underlined terms shall be defined as:

Authorized Individual: Person appointed by the Organization who can legally sign documents binding the organization.

CCA: Contract Compliance Administrator, employed by the City of Dallas.

CDBG: Community Development Block Grant

CFR: Code of Federal Regulations

City: The City of Dallas, Texas, a municipal corporation of Dallas County, Texas, acting by and through (a) its governing body, or (b) its City Manager, each of whom is required by law to perform specific duties. Responsibility for final enforcement of contracts involving the City of Dallas is by authority vested in the City Manager.

City Attorney: Department established to act on legal transactions and proceedings on behalf of the City.

City Manager: The City Manager of the City of Dallas, Texas, or her duly authorized designees.

Contract: The written document between the City of Dallas and a service provider, which contains the terms and conditions of the agreement. The Contract includes a written statement of work, or the specifications including special provisions and the proposal. Supplemental changes or agreements pertaining to the work, term, price or other elements of the Contract shall also become a part of the Contract.

Contractor: A service provider or program operator under contract with the City of Dallas.

SAM: System for Award Management is the official federal government procurement system for the U.S. Governmental. Any organization receiving an award of funds shall be registered in SAM. Prior to registering, the organization shall have DUNS Number. To register, go to the SAM website at SAM.gov or contact the SAM Federal Customer Service Desk at 1-800-985-7658. SAM registration is active for one-year only, and shall be updated annually.

Department: An administrative division within the City of Dallas.

Director: The director of the City of Dallas, Office of Community Care, or his/her designee.

DUNS Number: A Data Universal Numbering System (DUNS) number, which is a unique nine-digit identification number assigned to a business by Dun and Bradstreet (D&B). Any organization receiving an award of funds shall have a DUNS Number. An organization may apply for a DUNS number via the internet at www.dnb.com or by phone at 1-866-705-5711. A DUNS number is provided free of charge to federal grant recipients – select the option for “U.S. Government Contractors, Vendors, and Grant Recipients.”

Eligible Persons: Residents of the City who are Low and Moderate Income as defined by the U. S. Department of Housing and Urban Development.

HUD: U. S. Department of Housing and Urban Development

Low and Moderate Income: Individuals and/or households whose income is equal to or less than the Area Median Family Income (AMFI) low-income limits established by HUD. As June 1, 2018, the limits are:

<u>Family Size</u>	<u>Extremely Low (30%)</u>	<u>Low-Income (50%)</u>	<u>Moderate Income (80%)</u>
1	\$16,250	27,050	\$43,250
2	\$18,550	\$30,900	\$49,400
3	\$20,850	\$34,750	\$55,600
4	\$25,100	\$38,600	\$61,750
5	\$29,420	\$41,700	\$66,700
6	\$33,740	\$44,800	\$71,650
7	\$38,060	\$47,900	\$76,600
8	\$42,380	\$51,000	\$81,550

Non-Responsive: An Organization whose Proposal does not contain all of the required information stated in the Responsiveness Checklist (Attachment C).

Organization: The non-profit organization that submits a written proposal for consideration to perform the work described in the RFP.

Program: The Program as described above in Section I. General.

Proposal: The written offer duly submitted to the City of Dallas, an Organization to perform a contract for work described in the RFP specifications at a specified price.

RFP: Request for Proposals

Responsive: An Organization whose Proposal contains all the required information stated in the Responsiveness Checklist (Attachment C).

Responsiveness Checklist: A listing of items required to be included in a Proposal.

Work Plan: A process used by the Organization to deliver services as outlined in the Proposal.

Purpose

The purpose of the Overcoming Barriers to Work Program is to support projects that provide City of Dallas residents with skills and needed support to gain and maintain jobs that pay livable wages. This program will specifically provide supportive services for individuals participating in Job Training/Career Development programs. Programming will be offered in community locations, such as community centers, daycare centers, nonprofit facilities, etc., in CDBG eligible neighborhoods and targeting CDBG eligible clients. Programming components may be offered in neighborhoods that are not CDBG eligible, as long as all participating clients meet CDBG eligibility requirements.

Definition - Supportive Services for Individuals Participating in Job Training/Career Development Programs

This focus area supports programs that enables clients to participate in job training, career development, and job seeking programs by helping them overcome barriers to participation in job training and career development programming. Supported projects should clearly articulate the potential barriers faced by clients in accessing programming and identify how the proposed services minimize or eliminate identified barriers.

Definition - Job Training/Career Development Programming

Supports programs that enable individuals to obtain and keep good jobs. These programs will meet clients where they are and provide the necessary training and skills to enable the individual to obtain jobs with increased pay, increased stability, improved working conditions and/or increased opportunity. Program goal is to enable clients to become self-sufficient through employment. Programs should be targeted towards preparing applicants for employment and career opportunities in a regional high-demand industry. Regional high demand industries may include: Healthcare, Information Technology (IT), Advanced Manufacturing, Logistics/Warehouse Distribution, and Construction, however, other industries may be considered if the respondent demonstrates an employer partnership and employment needs.

An Organization seeking funding for each category shall submit a separate and complete proposal for each category.

Program Criteria

A minimum of 12 months of relevant experience providing this type of service is required. Funding will be awarded based on an assessment of experience, qualifications, and Work Plan (see sample evaluation criteria on **Attachment D**) provided by the Organization.

All proposals for a comprehensive program shall include the following elements:

- 1. Supportive and Referral Services for Individuals Participating in Job Training/Career Development Programs** – Supportive services will complement individuals participating in a job training/career development program. Applicants shall include a comprehensive set of supportive and/or referral services available to program participants based on individual/family assessment results. Supportive and referral services strategies include, but are not limited to, the below services. The Buyer will consider proposals for services that are not listed below so long as the proposal clearly demonstrates how the proposed programs enables clients to participate in job training/career development services:

- Childcare services (tuition or fees)
 - Transportation
 - Tuition for training
- 2. Client Outreach and Partnership with a Job Training/Career Development Program**
 – Proposal shall demonstrate the existence of a formal or informal partnership with organizations providing job training and career development programming services for clients and shall show how clients from those programs are targeted. Ultimately, the proposal should be able to demonstrate that, were it not for the proposed service, the clients would have been unable to participate in the job training/career development program.

The Contractor will be required to complete and maintain certain documentation, such as client rosters, sign in sheets, program evaluation materials, etc. to verify that the services were provided, to whom they were provided, and how those participants were determined to be eligible.

Program Evaluation

All applicants should submit a comprehensive program Evaluation Plan that demonstrates the impact of the program. The evaluation plan should include proposed metrics and targets identified by the applicant. The proposed target metrics should include at least 1 of items 2-15 in the list of Common Metrics attached (see Common Metrics from United Way of Metropolitan Dallas on **Attachment F**). All applicants will be expected to report on item 1, number of unduplicated individuals who participated in at least one service provided through your organization that helps to support a person to obtain and/or maintain employment.

The Evaluation Plan should clearly articulate:

1. Target Measures to demonstrate the program impact, as selected by the applicant, and justification of these targets and measures as a means of demonstrating impact
2. Shorter-term, medium-term and longer-term program outcomes
3. An explanation of the data collection and evaluation process for each proposed target and for the program overall
4. Who is responsible for collection, analysis and reporting of data
5. The frequency with which data is collected and analyzed or a timeline for collecting, analyzing and reporting program data and outcomes
6. Samples or examples of the program's evaluation measurement tools
7. Applicants are strongly encouraged to include a program Logic Model with their submission

Contractors will be required to submit monthly progress reports by the 10th day of the following month that include clients served and progress against significant program milestones, including progress against target metrics.

Program Budget Appropriations

The City approved the final adoption of the Fiscal Year 2019-20 HUD Consolidated Plan Budget on June 12, 2019. A budget of up to \$153,868 is allocated for the Overcoming Barriers to Work Program in Fiscal Year 2019-20 to be awarded in multiple contracts for the described service.

Supportive Services for individuals participating in job training programs – up to \$153,868 will be awarded for this service. Contracts will be awarded in an amount ranging from \$25,000 to \$100,000.

Contract Term

The selected Organizations will be required to execute contract documentation. The contract period will be for **twelve (12) months, with two (2) one-year renewal options** beginning on or after the date of the award. **The first contract period will begin on October 1, 2019 and expire September 30, 2020.**

Funding is available after contract execution and distributed on a reimbursement basis. The contractor will be asked to submit a monthly report of program activities and documented expenditures for reimbursement. The City reserves the right to withdraw or reduce the amount of an award, or to cancel the contract resulting from this procurement if adequate funding is not available. Contract award is subject to approval by the City Manager and City Attorney's Office. The City will require the Contractor to sign the necessary contract documents prepared by the City Attorney's Office prior to contract execution.

No work shall commence until the contract is executed. No contract is binding until it has been approved as to form by the City Attorney and executed by the City Manager.

Contract Requirements

Insurance

Prior to execution of the Contract, the successful Organization shall furnish evidence of coverage with a company satisfactory to the City and authorized to do business in the State of Texas. Funds provided under the Contract cannot be used to pay for the required insurance. The applicable insurance requirements are listed in (**Attachment A**).

Suspension/Debarment

No Proposals will be accepted from any entity that has been suspended, debarred, or otherwise prohibited from participation in federal awards (**Attachment E**).

Equal Employment Opportunity Clause

- a) The successful Organization shall not discriminate against any employee or applicant for employment because of race, age, color, religion, sex, ancestry, national origin, place of birth, or physical disability unrelated to job performance.

The successful Organization shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, age, color, religion, sex, or national origin. This action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

- b) The successful Organization shall in all solicitations or advertisements for employees' state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, or national origin.
- c) The successful Organization shall furnish all information and reports required by the City Manager or designee and shall permit the City Manager or designee to investigate payrolls

and personnel records which pertain to current contracts with the City for purposes of ascertaining compliance with this equal employment opportunity clause.

Records Retention Requirements

The successful proposer shall comply with the audit requirements set forth below. During the term of the contractual agreement and for a period of four (4) years following termination of the contract or until completion of any litigations, claims or audits, whichever is later, proposer agrees to provide the City, the Secretary of the United States Department of Housing and Urban Development, the Comptroller of the United States, or any of their duly authorized representatives, with access to all books, accounts, records, reports, files and other papers or property, as required by federal regulations provided in 24 CFR part 570.506 and 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rewards."

Financial and Administrative Requirements

Single Audit

If the proposer has expended \$750,000 or more in the past fiscal year, a copy of the Proposer's Single Audit shall be provided as required by 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rewards."

Audited Financial Statements

If an Organization does not expend \$750,000 or more in federal funds, audited financial statements are required but not subjected to the 2 CFR Part 200, Subpart – Audit Requirements. Audited financial statements shall be examined by an independent certified public accountant (CPA) in order to issue an opinion (unqualified, qualified, adverse, or disclaimer) regarding adherence to generally accepted accounting principles (GAAP). This is an external financial audit conducted in accordance with the American Institute of Certified Public Accountants (AICPA) standards by someone not directly connected with the organization.

Audited financial statements shall include the following six components prepared in accordance with AICPA standards. (Computer printouts from the organization's accounting software are not sufficient for this purpose.)

- Independent Auditor's Report
- Statement of Financial Position (balance sheet)
- Statement of Activities (revenue/expense or profit/loss statement)
- Statement of Cash Flows
- Accompanying notes to the financial statements
- Statement of Functional Expenses

Monthly Reports

Proposer understands that the successful Proposer upon submission of a monthly invoice accompanied by required documentation will be reimbursed under the contract with CDBG funds received from the U.S. Department of Housing and Urban Development (HUD) and agrees to comply with all applicable city, state and federal laws, CDBG regulations and all other regulations of HUD and other federal agencies, including but not limited to 24CFR Part 570 and 2CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." These Regulations are available on-line or may be obtained from the City upon request.

Proposal Process

1. Submission of Questions

During review of the RFP and preparation of proposals, Proposers may discover certain errors, omissions or ambiguities. If so, or if in doubt about the meaning of any part of this RFP, submit written questions to the designated purchasing agent with the RFP number no later than close of business on **July 26, 2019**. This is to give the City time to answer the questions and distribute written responses to all Proposers. All communications about this RFP shall be directed through the Buyer.

Claudia Morey

claudia.morey@dallascityhall.com

Note

All Addenda and any additional applicable correspondence (general information, questions/responses) to this proposal will be made available “exclusively” through the City of Dallas website for viewing/retrieval at:

<https://bids.dallascityhall.com/webapp/VSSPROD/AltSelfService>

2. Proposal Submissions

The City of Dallas has migrating to a new electronic solicitation portal as of March 1, 2019. All proposals must be submitted through the portal and are due by 2:00 p.m. on the stated due date. Starting at 2:01 p.m. on the proposal due date, submissions will not be accepted. Vendors are encouraged to register on this new portal (<https://dallascityhall.bonfirehub.com/login>) to ensure continued notification of business opportunities with the City and to submit electronic responses once the system is live.

3. Selection of Reasonably Qualified Proposals

The City will review all proposals submitted for Responsiveness. The Proposals determined to be Responsive will be evaluated on the basis of the factors listed in Section XI., Proposal Requirements, to determine which Proposal(s) are reasonably qualified for the award(s) of the contract(s).

The City of Dallas may, at any time, investigate an Organization’s ability to perform the work. The City may ask additional information about a company and its work on previous contracts. Organization may choose not to submit information in response to the City of Dallas’ requests; however, if the City’s questions are not addressed, the City may discontinue further consideration of a particular Proposal. The City would typically be interested in previous experience in performing similar or comparable work; staffing and personnel turnover; financial statement of resources for current and past periods; and other relevant information.

Please be aware that the City may use sources of information not supplied by the Organization concerning the abilities to perform this work. Such sources may include current or past customers of the Organization; current or past suppliers; media reports; articles from industry newsletters or other publications or from non-published sources made available to the City.

4. Discussions with Reasonably Qualified Organizations

After selection of a reasonably qualified Organization(s), the City of Dallas may enter into discussions with the Organization(s). Discussions will be on an individual basis and closed to third parties and other Organization(s).

The City will review in detail all aspects of the City's requirements and the Proposal. During this review, the City may request clarifications which may lead to revisions to the Proposal submitted, prior to finalizing a contract.

5. Confidentiality

In accordance with state law, Proposals shall be opened so as to avoid disclosure of contents to competing Organization and shall be kept secret and confidential during the negotiation process. All proposals submitted for this RFP shall be open for public inspection after contract award. Clearly marked and identified trade secrets and confidential information contained in the proposals shall not be open for public inspection. If a third party challenges the trade secret or confidential nature of certain information, it will be the responsibility of the Organization to defend the challenge.

6. Disqualification of Organization

Organization may be disqualified for any of the following reasons:

- a. Reason to believe collusion exists among the Organizations;
- b. The Organization is involved in any litigation against the City;
- c. The Organization is or has been noncompliant on a current or prior contract with the City;
- d. Lack of financial stability; or
- e. Reason to believe a conflict of interest exists under the City's Conflict of Interest policy or applicable federal regulations.

7. Conflict of Interest

The Proposer acknowledges that the following section of the Charter of the City of Dallas prohibits certain transactions between the City and its officers and employees, to wit:

CHARTER XXII Sec. 11 FINANCIAL INTEREST OF EMPLOYEE OR OFFICER PROHIBITED

No city official or employee shall have any financial interest, direct or indirect, in any contract with the city, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services, except on behalf of the city as a city official or employee. Any violation of this section shall constitute malfeasance in office, and any city official or employee guilty thereof shall thereby forfeit the city official's or employee's office or position with the city. Any violation of this section, with knowledge, express or implied, of the person or corporation contracting with the city shall render the contract involved voidable by the city manager or the city council. The alleged violations of this section shall be matters to be determined either by the trial board in the case of employees who have the right to appeal to the trial board, and by the city council in the case of other employees. The prohibitions of this section shall not apply to the participation by city employees in federally-funded housing programs, to the extent permitted by applicable federal or state law. This section does not apply to an ownership interest in a mutual or common investment fund that holds securities or other assets unless the person owns more than 10 percent of the value of the fund. This section does not apply to non-negotiated, form contracts for general city services or benefits if the city services or benefits are made available to the city official or employee on the same terms that they are

made available to the general public. This section does not apply to a nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board. A nominee or member of a city board or commission, including a city appointee to the Dallas Area Rapid Transit Board, shall comply with any applicable conflict of interest or ethics provisions in the state law and the Dallas City Code. (Amend. of 8-12-89, Prop. No. 1; Amend. of 8-12-89, Prop. No. 15; Amend. of 11-4-14, Prop. Nos. 2 and 9

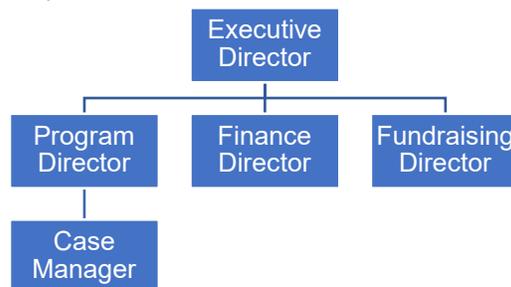
Proposal Requirements and Evaluation

Proposals should be prepared in accordance with these instructions. The proposal package shall include the following information and documents, preferably, in the following order. Evaluations will be scored by a panel of evaluators in accordance with the percentages below.

Required Information and Attachments

1. General Information (5% of evaluation point total)
 - 1.1. Exhibit 1 (Completed)
 - 1.2. Board of Directors Listing
 - 1.3. Copy of your Articles of Incorporation, By-laws
 - 1.4. Copy of IRS determination letter of tax-exempt status
 - 1.5. Complete Board Data Form (Exhibit 2). Board representation should be a reflection of the demographics of the community served.
 - 1.6. A copy of the minutes from the three (3) most recent Board of Directors meeting.
2. Organization History and Experience Narrative (10% of evaluation point total)
 - 2.1. Summarize the history and purpose of the Organization to include the number of years in service. Organization shall have at least twenty-four (24) months of prior experience in providing the services requested in this RFP.
 - 2.2. Spotlight past experience and performance on projects similar to the proposed project to be undertaken by this RFP. Include specific outputs and outcomes data to demonstrate the proposed program's impact.
 - 2.3. Describe any participation with the City on past or present contracts. Discuss the performance/outcome measures. Provide information on how the goals were met or not met.
 - 2.4. Provide a copy of the agency's organizational chart. An organization chart is a diagram that shows the structure of the organization and the relationship of positions/jobs (e.g., superiors and subordinates).

Example:



3. Financial Information (10% of evaluation point total)
 - 3.1. Provide a copy of the Organization's most recent Form 990 (or other applicable federal tax return) filed with the Internal Revenue Service (IRS). All non-profit organizations are required to file either

a Form 990 or Form 990-EZ with the IRS. A copy of a current Form 990 shall be included with the proposal. Note: Beginning May 17, 2010, the Internal Revenue Service began revoking tax exemptions for non-profit corporations that do not file the required Form 990 for three consecutive years. Organizations should expect that their non-profit status will be verified via the IRS website at: www.irs.gov/app/pub-78/ and www.irs.gov/index.html.

3.2. Provide a copy of the Organization's current unaudited financial statements for (i) the most recent quarter preceding this RFP, and (ii) year to date. These quarterly and year-to-date financial statements (which may be printed from the organization's accounting system) shall include:

- Statement of Financial Position (balance sheet)
- Statement of Activities (revenue/expenses or profit/loss statement)

All nonprofit organizations are required to have a financial management system in place that allows for accurate, current, and complete financial reporting. A copy of quarterly and year to date un-audited financial statements must be included with the proposal.

3.3. Provide a copy of the most recent audited financial statements (including the independent auditor's report or accountant's letter). Audited financial statements shall include the following six components prepared in accordance with AICPA standards:

- Independent Auditor's Report of Accountant's Letter
- Statement of Financial Position (balance sheet)
- Statement of Activities (revenue/expense or profit/loss statement)
- Statement of Cash Flows
- Accompanying Notes to the Financial Statement
- Statement of Functional Expenses

Computer printouts from the organization's accounting software alone are not sufficient to meet the audit requirement.

3.4. If the proposer has expended \$750,000 or more in the past fiscal year, a copy of the Proposer's Single Audit shall be provided required by 2 CFR Part 200.

3.5. Please note that the maximum amount expended for federal and state funds for this fiscal year required by 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Subpart F- Audit Requirements", has increased from \$500,000 to \$750,000. For those organizations expending more than \$750,000 in an operating year beginning on/or after December 26, 2014, will be required to meet the new maximum amount according to 2 CFR Part 200, Subpart F.

4. Qualifications, Staffing and Licensing (5% of evaluation point total)

State the qualifications of staff members who will carry out the operations of the Program, including both service staff and administrative staff supporting the Program. Describe how Organization and staff are uniquely qualified to provide the services. If staff positions need to be filled, explain when and how they will be filled. State whether any state and/or local licenses or permits are required for project staff and/or the agency to operate. If so, do you have the required license(s) or permit? (If applicable, please provide a copy of the required license or permit.)

5. Program Activities Narrative and Work Plan (30% of evaluation points total)

5.1. Name and purpose(s) of your program – Specify the specific purpose(s) of your program (i.e. what your program plans to accomplish)

- 5.2. Geographic Area - Identify the location(s) within which you intend to provide services and identify your program eligibility service area. Explain why you selected the service area and why you believe that the programming is needed in the identified location.
- 5.3. Target Population – Include the following:
 - 5.3.1. The number of persons expected to be served by the entire program
 - 5.3.2. The number of persons expected to be served by the program attributable to City funding
 - 5.3.3. A description of who the target population is, which should include populations identified in Section 1: General (Individuals residing in identified Neighborhoods of Concentrated Poverty, Single female heads of household, Families with children living in poverty, Individuals with Limited English Proficiency, Teen parents)
 - 5.3.4. Program Activities and Timeline – Provide an overview of all primary and secondary program activities, including outreach activities and a program implementation timeline for the contract term.
6. Evaluation Plan (30% of evaluation point total)

Organizations should select measures to report that best demonstrate the impact of their programming towards fulfilling the Purpose (p. 6) of the solicitation. For examples of metrics, please review the Common Metrics attached to this solicitation (**Attachment F**) from the United Way of Metropolitan Dallas. The Evaluation Plan should include all areas outlined in Section 5, Program Evaluation.

 - 6.1. Performance/Outputs Measures

Specify the performance measures for the program and timeline/timeframe for accomplishing each. Examples include operational measures, such as number of training sessions, presentations, case management sessions, workshops, etc. These measures shall be quantified (i.e. give a number) and reflect the measures through which the outcomes referenced below will be accomplished. The program shall have at least two performance measures.
 - 6.2. Proposed Outcomes Measures and Targets

Include outcome measures for the program and proposed targets. Outcomes measures should clearly demonstrate how the services provided are impacting the clients' knowledge and behavior, and/or how the program is supporting clients in overcoming barriers to work. Clearly specify the timeframe for each proposed outcome and the targets for each target at each timeframe.
 - 6.3. Evaluation

Submit your plan to evaluate the impact and benefit of the Program on the target population. The program evaluation plan shall explain in detail how the effectiveness of the Program will be measured, including what data collection procedures will be undertaken, what evaluation tools will be utilized, how data will be analyzed. The plan should identify who will perform the evaluation, the time line involved, and any standardized instruments to be used. Proposers are encouraged to submit a program logic model along with the evaluation plan.
7. Program Budget (30% of evaluation point total)
 - 7.1. Complete Exhibit 3 detailing the Program budget which includes City and other funding that will be used to operate the Program. *Note: A schedule listing each funded position (including job title and incumbent's name) and job descriptions for all funded positions shall be attached to Exhibit 3.*
 - 7.2. Attach a list to identify all other funding source(s) dedicated to the Program and tell whether those funds are committed. Other funding sources dedicated to the Program should match the amounts

- shown in the Other Sources column on Exhibit 3 and should be sufficient to cover the cost of the Program not proposed to be paid by City funding in the Program Budget.
- 7.3. Attach a list to identify all other funding source(s) for the organization as a whole. Separate funding sources for the proposed Program and funding for the organization's administration and other programs.
 - 7.4. Submit a Budget Narrative, detailing each budget line item expense and purpose in the Program.
8. **Business Inclusion and Development Plan (Maximum 15 points)**

Demonstrated inclusion and commitment to and understanding of the City's Business Inclusion and Development (BID) Plan – It is the policy of the City to involve Minority and Women Business Enterprises (M/WBE) to the greatest extent feasible on the City's construction, procurement and professional services contracts. The following information shall be submitted with the proposal and shall include:

 - 8.1. Submission of an Affirmative Action Plan or Policy – 1%
 - 8.2. Submission of the Ethnic Workforce Composition Report – 1%
 - 8.3. Submission of the RFP/RFS Contractors Affidavit Type of Work by Prime and Sub-consultant Form, which includes a significant number of diverse M/WBE firms in meaningful roles on the project – 7%
 - 8.3.1. The name, address and telephone number of each M/WBE;
 - 8.3.2. The description of work to be performed by each M/WBE; and
 - 8.3.3. The approximate dollar amount/percentage of the participation
 - 8.4. Submission of the Business Inclusion and Development (BID) Affidavit, which demonstrates the intent to comply with the policy and evidence of M/WBE inclusion to meet the BID goal for the project. The BID Affidavit exhibits evidence of the acknowledgement of the City's BID Plan – 2%
9. **Insurance**

Include copy of Certificate of Insurance or affirmation that Organization meets or will meet prior to the contract execution, the insurance requirements as specified Attachment A.
 10. **Suspension/Debarment**

Include copy of completed and signed/dated Suspension/Debarment Certification Form.
 11. **Drug-Free Workplace Policy**

Include copy of Organization's Drug-Free Workplace policy and sample of employee notifications regarding the policy.
 12. **Federal Accountability and Transparency Act**

Include copy of completed Federal Funding Accountability and Transparency Act Worksheet (Exhibit 4). This worksheet shall be completed and signed by the applicant. (There are four signature blocks on this worksheet.) *Note: This worksheet also explains how to apply for a DUNS number and how to register with the System for Award Management (SAM) – if you have not already done so.*
 13. **Wage Floor Requirement**

On November 10, 2015, the Dallas City Council passed Resolution 15-2141 which requires prime contractors awarded general service contracts valued greater than \$50,000 and first-tier subcontractors on the contract to pay their employees rendering services on the contract a wage floor of not less than \$11.15 per hour.

Pursuant to Resolution 15-2141 the wage floor requirement for all general service contracts greater than \$50,000 shall be effective immediately on all new contracts awarded after November 10, 2015. Vendors bidding/proposing on general service contracts shall take into consideration such wage floor requirements in their bid/proposal. The wage floor requirement for the City's general service contracts shall be derived from the most current Massachusetts Institute of Technology Living Wage publication and shall remain fixed for the term of the respective contract. The City reserves the right to audit such contracts for compliance with the wage floor requirement as mandated by Resolution 15-2141. This requirement does not apply to construction contracts in which prevailing wage of employees is governed by the Davis-Bacon Act as defined in the Texas Local Government Code 2258, purchase of goods, procurements made with grant funds or procurements made through cooperative and/or inter-local agreements.

The purpose of this policy is to promote an acceptable wage floor for working families in the City of Dallas, increase the level of service delivered to the City through specific contracts and reduce turnover in such contracts thus maintaining a continuous and consistent level of service for vested parties.

The City Manager shall use the following definitions to administer the benefactors of the "wage floor" for purposes of the referenced resolution:

"City" means the City of Dallas, Texas

"General Services Contract" means any agreement between the City and any other Person or business to provide general services through an awarded City contract valued greater than \$50,000. A General Services Contract for purposes of the Resolution does not include (i) a contract between the City and another governmental entity or public utility, (ii) a contract subject to federal or state laws or regulations that would preclude the application of the application of the wage floor, (iii) or a contract with all services under the contract performed outside of the City of Dallas.

"Subcontractor" means any Person or business that has entered into its own contract with a prime contractor to perform services, in whole or in part, as a result of an awarded City general services contract.

"Employee" means any person who performs work on a full-time, part-time, temporary, or seasonal basis, including employees, temporary workers, contracted workers, contingent workers, and persons made available to work through services of a temporary services, staffing or employment agency or similar entity.

13.1. Wage Floor Reporting Requirements

Contractors awarded City general services contracts as described in the wage floor rate requirement section of this specification shall be required to provide the buyer the residential zip code and respective number of employees directly impacted by the wage floor requirement ten days after Council approval and on January 1st. but not later than January 31st. for the term of the contract. The Contractor shall submit the report to the contract administrator during the established period.

13.2. Wage Floor Compliance Requirements

Vendors submitting a response to a solicitation for general services shall comply with the wage floor requirement to be considered responsive. The City may request of vendors, at any time during the pre or post award process, to demonstrate compliance with the wage floor requirement. Vendors not compliant with the wage floor requirement shall be deemed nonresponsive and shall not be considered for award. Vendors awarded general service contracts shall comply with the wage floor policy and reporting requirements for the term of the contract, failure to remain in compliance may result in breach of contract.

Submission Format

Please use the following format for submission of the Proposal.

1. All submissions should include the project name number, firm name, address, telephone number, and designated contact person.
2. Narrative shall be typewritten and single-spaced.
3. Proposals shall contain a "Table of Contents" with appropriate page numbers for locating the required information and attachments.

Proposal Evaluation and Selection

Proposal Evaluation

Each Proposal will be reviewed using the Responsiveness Checklist (Attachment C) to determine if the Proposal is responsive. A Proposal may be declared non-responsive if any of the items listed on the Responsiveness Checklist are not received. If more than one Proposal is responsive, the committee will evaluate each proposal according to the attached proposal evaluation sheet (Attachment D) and develop an overall ranking.

Proposal Selection

The Department may determine that oral presentations, demonstrations, and site visits are required before making a final decision.

Award, if any, shall be to the responsible Organization whose proposal is determined to be the most advantageous to the City.

Contract award is subject to approval and funding by the City Manager or the City Council. The City reserves the right to begin contract negotiation with one or more of the finalists. The Organization shall be required to execute a contract prepared by the City Attorney. This RFP does not commit the City to award any contract, and the City reserves the right to reject any and all Proposals or waive irregularities.

Terms and Conditions

Acceptance of Evaluation Methodology

By submitting a proposal in response to this RFP, respondent accepts the evaluation process as outlined and acknowledges and accepts that determination of the most qualified firm(s) offering the most advantageous response to the City as determined by the evaluation criteria in Section 14 may require subjective judgments by the evaluation committee.

Fees and Expenses

The contractor will be asked to submit a monthly report of program activities and documented

expenditures for reimbursement. Only the expenditures listed on the proposal form will be accepted. Fees shall be invoiced and approved in accordance with City policies before payment is made.

Confidentiality

Any information deemed confidential, shall be clearly noted as such on each page or pages. Efforts will be made to keep the marked information confidential; however, the City cannot guarantee it will not be compelled to disclose all or part of any public record under the Texas Open Record Act.

Proposals will be opened by the City so as to avoid disclosure of contents to competing Respondents and kept secret and confidential during the process of negotiation. It is the responsibility of the Respondent to clearly mark and identify all portions of the proposal that contain trade secrets, confidential information and other proprietary information. All proposals will be open for public inspection after the contract is awarded, but trade secrets and confidential information in the proposals will not be open for public inspection; however, upon receipt of an open records request, the City will notify the proposer of the request and submit the request and relevant proposal to the Texas Attorney General's Office for review and consideration. Upon the decision of the Texas Attorney General's Office the City may have to disclose the information that the Texas Attorney General's Office determines to be open to the public.

Right to Reject

This RFP does not commit the City to award any contract. The City reserves the right to reject any and all proposals or parts of proposals. Late proposals will not be considered; envelopes will be returned unopened. The City, at its option, may consider and accept a proposal, even though not prepared and submitted in strict accordance with the provisions hereof, by waiving informalities, minor irregularities, and/or technicalities as determined by the City. The City may reject the proposal of a firm which is in litigation with the City or which has previously failed to perform properly on engagements of a similar nature and may reject the proposal of a firm which is not, in the opinion of the City, in a position to satisfactorily perform the Contract. The City reserves the right to reject any proposal if the evidence submitted by, or investigation of, such proposer fails to satisfy the City that such proposer is properly qualified to carry out the obligations of the Contract and to provide the services contemplated therein. The proposer shall provide all information requested in order for the proposal to be considered responsive.

Exceptions

Minor exceptions, conditions, or qualifications to the provisions of the City's specifications or Ordinances shall be clearly identified as such with the reasons therefore, and alternate language proposed by respondent, if any, clearly stated and inserted in the appropriate place in the proposal submission. Substantive exceptions may cause unqualified rejection of the proposal.

Exceptions, conditions, or qualifications to the City's specifications or Ordinances will be included, as appropriate, in the contract documents. Items and matters not explicitly excepted in this manner shall be deemed to be in conformance with City's specifications and Ordinances.

The City is the final judge of acceptability of items quoted in this proposal request.

Non-Performance

The City may terminate the contract if the City, in its sole discretion, feels the institution is not satisfactorily meeting its service requirements as specified herein. The City will provide written

notice of areas of non-performance and allow the institution up to 30 days to rectify the problem(s). If after this 30-day period, the City has not been satisfied, the City may, at its option, terminate the contract by written notice.

Insurance and Bonding

The successful Respondent will be required to purchase and maintain insurance, as identified in Attachment A, during the term of the agreement. Every Respondent shall submit the Insurance Affidavit with their proposal.

Business Inclusion and Development Plan

It is the policy of the City of Dallas to involve Minority and Women-Owned Business Enterprises to the greatest extent feasible on the City's construction, procurement, and professional services Contracts. The City and its Contractors shall not discriminate on the basis of race, color, religion, national origin, or sex in the award and performance of Contracts. In consideration of this policy, the City of Dallas has adopted the Business Inclusion and Development Plan (BID Plan) for all City of Dallas Contracts. The information shall be submitted with the proposal and shall include:

1. Submission of an Affirmative Action Plan and/or Policy. If your company does not have an Affirmative Action Plan, the Business Inclusion and Development Staff can provide the Affirmative Action Requirements (BDPS-PRO-204) which will serve as a template to be utilized for this criterion.
2. The Ethnic Workforce Composition Report (BDPS-FRM-204)
3. Submission of documentation showing the RFP Contractor's Affidavit History of M/WBE Utilization Form (BDPS-FRM-205) on previous Contracts on the form provided.
4. Firm(s) Team make-up includes a significant number of diverse M/WBE firms in meaningful roles on the project. Please submit the RFP Contractor's Affidavit Type of Work by Prime and Sub-Consultant Form (BDPS-FRM-206)
 - a. The name, address and telephone number of each M/WBE;
 - b. The description of the work to be performed by each M/WBE; and
 - c. The approximate dollar amount/percentage of the participation.
5. Evidence of acknowledgement of the City's Business Inclusion and Development (BID) Plan, signed Business Inclusion and Development Affidavit (BDPS-FRM-203) that demonstrates intent to comply with the policy and evidence of M/WBE inclusion to meet the BID goal for the project.

Other Conditions

In accordance with Chapter XXII, Section 11 of the Charter of The City: "No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies or services...".

Unless otherwise stated in the specification, all proposals will be considered firm for acceptance within one hundred and fifty (150) days of proposal opening date unless requested to be extended by the buyer. Any exception to this shall be so stated on the face of the proposal.

Indemnity

The CONTRACTOR agrees to defend, indemnify and hold the City, its officers, agents and employees, harmless against any and all claims, lawsuits, judgments, costs, and expenses for personal injury (including death), property damage or other harm for which recovery of damages

is sought, suffered by any person or persons, that may arise out of or be occasioned by CONTRACTOR'S breach of any of the terms or provisions of the contract, or by any other negligent or strictly liable act or omission of CONTRACTOR, its officers, agents, employees, or subcontractors, in the performance of the contract; except that the indemnity provided for in this paragraph shall not apply to any liability resulting from the sole negligence or fault of the City, its officers, agents, or employees and in the event of joint and concurrent negligence or fault of CONTRACTOR and CITY, responsibility, and indemnity, if any, shall be apportioned comparatively in accordance with the laws of the State of Texas, without waiving any governmental immunity available to the City under Texas law and without waiving any defenses of the parties under Texas law. The provisions of this paragraph are solely for the benefit of the parties hereto and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.