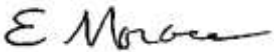


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<b>Policy Number</b> 100-10	<b>Policy Name</b> One-Stop Operator		
<b>Category</b> 100	<b>Category Name</b> Introduction	<b>Effective Date</b> 05/18/2017	<b>Revision Date</b>
<b>Director</b> Elaine Morace	<b>Signature</b>		

**Purpose:**

The Workforce Innovation and Opportunity Act (WIOA) requires that all one-stop operators are selected or designated through a competitive process. The basic role of a one-stop operator is to coordinate the service delivery of participating one-stop partners and service providers.

**References:**

- Workforce Innovation and Opportunity Act (WIOA) 121(d)
- Training and Employment Guidance Letter (TEGL) 15-16

**Policy:**

1. A competitive process for the procurement of a one-stop operator must occur at least once every four years.
2. The one-stop operator may be an entity (public, private or nonprofit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners of demonstrated effectiveness, located in the local area.
  - 2.1. Such entities may include the following:
    - 2.1.1. An institution of higher education;
      - 2.1.1.1. Elementary schools and secondary schools shall not be eligible for designation or certification as one-stop operators, except that nontraditional public secondary schools and area career and technical education schools may be eligible for such designation or certification.
    - 2.1.2. An employment service State agency established under the Wagner-Peyer Act, on behalf of the local office of the agency;
    - 2.1.3. A community-based organization, nonprofit organization, or intermediary;
    - 2.1.4. A private for-profit entity;
    - 2.1.5. A government agency; and
    - 2.1.6. Another interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.
  - 2.2. Sufficient firewalls and conflict of interest policies and procedures must be established to ensure the transparency and integrity of the procurement process when the entity selected to serve as the one-stop operator is also serving in a different role within the one-stop delivery system.
  - 2.3. An entity selected as a one-stop operator may not be debarred, suspended, or otherwise excluded from or made ineligible for participation in Federal assistance programs or activities.
3. The role of the one-stop operator must be clearly articulated in all phases of the procurement process, as well as in the legally binding agreement between the Chief Elected Official (CEO) and the one-stop operator.
4. One-stop operators shall:
  - 4.1. Disclose any potential conflicts of interest arising from the relationship of the operators with particular training service providers or other service providers;
  - 4.2. Not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training and education services; and
  - 4.3. Comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

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5. Additional roles for the one-stop operator may include the following:
  - 5.1. Being the primary provider of services within the center;
  - 5.2. Providing some of the services within the center;
  - 5.3. Coordinating service providers within the center and across the one-stop system; and
  - 5.4. Coordinating serving delivery in a multi-center area, which may include affiliated sites.
6. One-stop operators may not perform the following functions:
  - 6.1. Convene system stakeholders to assist in the development of the local plan;
  - 6.2. Prepare and submit local plans;
  - 6.3. Be responsible for oversight of itself;
  - 6.4. Manage or significantly participate in the competitive selection process for one-stop operators;
  - 6.5. Select or terminate one-stop operators, career service providers; and youth providers;
  - 6.6. Negotiate local performance accountability measures; or
  - 6.7. Develop and submit budgets for activities of the Workforce Development Board (WDB) in the local Area.
7. The following methods of procurement are permissible to select a one-stop operator through a competitive process.
  - 7.1. Sealed bids (formal advertisement)
    - 7.1.1. When a purchase is greater than \$25,000.00, bids are publically solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest price.
  - 7.2. Competitive proposals
    - 7.2.1. Competitive proposals are conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded.
    - 7.2.2. Request for Proposals (RFP's) are considered competitive proposals and must be publicized and identify all evaluation factors and their relative importance.
    - 7.2.3. A formal competitive process may include the following phases and steps, which may take place concurrently with others
      - 7.2.3.1. Planning Phase which may include:
        - 7.2.3.1.1. Identify need which must specify all parameters to be negotiated with the one-stop operator and outlines in the subsequent contract, agreement, or Memorandum of Understanding (MOU);
        - 7.2.3.1.2. Conduct market research;
        - 7.2.3.1.3. Issue requests for information (RFI);
        - 7.2.3.1.4. Identify procurement method;
        - 7.2.3.1.5. Develop requirements for one-stop operator;
        - 7.2.3.1.6. Develop procurement solicitation;
        - 7.2.3.1.7. Develop factors for evaluation/scoring; and
        - 7.2.3.1.8. Identify panel and signatory authority
      - 7.2.3.2. Release and Evaluation Phase which may include:
        - 7.2.3.2.1. Publicize procurement solicitation;
        - 7.2.3.2.2. Host bidders conference to ensure clarity of requirements;
        - 7.2.3.2.3. Collect proposals/bids; and
        - 7.2.3.2.4. Score or evaluate proposals/bids

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- 7.2.3.3. Negotiation and Selection Phase which may include:
  - 7.2.3.3.1. Negotiate performance levels;
  - 7.2.3.3.2. Negotiate fair and reasonable profit, if applicable;
  - 7.2.3.3.3. Negotiate payment details and frequency;
  - 7.2.3.3.4. Negotiate duration of contract, MOU or agreement;
  - 7.2.3.3.5. Obtain approval, as applicable;
  - 7.2.3.3.6. Make offer and obtain acceptance;
  - 7.2.3.3.7. Certify or designate one-stop operator; and
  - 7.2.3.3.8. Execute contract, MOU or agreement
- 7.2.3.4. Implementation Phase which may include:
  - 7.2.3.4.1. Conduct oversight and monitoring;
  - 7.2.3.4.2. Issue timely invoices;
  - 7.2.3.4.3. Make timely payments;
  - 7.2.3.4.4. Monitor performances of the one-stop operator in accordance with performance and service deliverables; and
  - 7.2.3.4.5. Evaluate and approve contract or MOU modifications
- 7.2.3.5. Closeout Phase
  - 7.2.3.5.1. Reconcile costs and payments;
  - 7.2.3.5.2. Reconcile performance goals with actual performance;
  - 7.2.3.5.3. Ensure participant and financial records are secured and retained; and
  - 7.2.3.5.4. Prepare closeout documents.
- 7.3. Noncompetitive proposals
  - 7.3.1. Procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:
    - 7.3.1.1. The item is available only from a single source.
    - 7.3.1.2. The public exigency or emergency for the requirement will not permit a delay resulting from a competitive solicitation.
    - 7.3.1.3. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from a non-federal entity, or
    - 7.3.1.4. After solicitation of a number of sources competition is determined inadequate.
- 8. No employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated here-in, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.
  - 8.1. Individuals with real or apparent conflicts of interest are required to disclose the conflict of interest and recuse themselves from the competitive process.

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- 8.2. If the number of members required to be recused deprives the WDB of quorum, an alternate process for selection of the one-stop operator must be used such as outsourcing the selection to an outside entity or State agency or State WDB.
  - 8.2.1. A quorum consists of more than 50% of the members on the board.
  - 8.2.2. An outside entity must be an independent organization that is capable of exercising professional and ethical judgment. The outside entity must also be required to submit a conflict of interest statement.
- 8.3. Conflicts of interest and recusals must be publicly disclosed.
- 9. The costs of the one-stop operator must be allowable, meaning that they are reasonable, necessary and allocable.
- 10. Situations considered to be restrictive of competition include, but are not limited to:
  - 10.1. Placing unreasonable requirements on firms in order for them to qualify to do business;
  - 10.2. Requiring unnecessary experience and excessive bonding;
  - 10.3. Noncompetitive pricing practices between firms or between affiliated companies;
  - 10.4. Organizational conflicts of interest;
  - 10.5. Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
  - 10.6. Any arbitrary action in the procurement process.
- 11. Information contained in the proposals submitted by offerors/bidders is maintained in a manner that is confidential, to avoid the use of the information to another offeror/bidder’s advantage and to prevent collusive budding.
- 12. Information about the selection and certification of the one-stop operators must be made available to the public on a regular basis through electronic means and open meetings and made available to auditors and Federal reviews.
  - 12.1. Such information may include minutes from Board meetings in which the decision on selection and certification is made.
  - 12.2. Making information available to the public includes regularly posting information to a website and responding promptly to written or electronically submitted requests for information.
  - 12.3. Information that is required to be made available to the public includes, but is not limited to,
    - 12.3.1. Conflict of Interest policies;
    - 12.3.2. Procurement policies;
    - 12.3.3. Procurement solicitation;
    - 12.3.4. A listing of the entities that have submitted bids or proposals;
    - 12.3.5. An abstract of those bids or proposals;
    - 12.3.6. The identity of the selected one-stop operator; and
    - 12.3.7. The total award amount and duration of the contract with the one-stop operator.
- 13. When selecting a one-stop operator, the award may only be given to responsible entities that possess the ability to successfully perform under the terms and conditions of the proposed procurement. Consideration must be given to the entity’s integrity, compliance with public policy, record of past performance, and financial and technical resources.
- 14. All contacts, agreements, or MOUs between the one-stop operator and the WDB must include the essential elements of a legally executed and binding written agreement, and contain at a minimum the following:
  - 14.1. Statement of work
    - 14.1.1. The statement of work specifies the period of performance or the start and end date of the contract. It also specifies the services to be performed including measurable performance goals to be delivered under the contract, agreement or MOU.

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14.2. Authorized Officials and Purpose

14.2.1. Authorized officials are persons authorized to enter into and sign legally binding agreements and must be on record as the signatory official. Signatures of the offeror/bidder and offeree must be contained as part of the written agreement.

14.3. Additional contractual terms and conditions

14.3.1. Contracts, agreements, and MOUs must include such standard terms and conditions that are either required by the State, Local Area, or the Federal agency as national, State or local policy requirements. The contract, agreement, or MOU must identify that one-stop operators are subrecipients of Federal funds.

15. Recordkeeping

15.1. Records sufficient to detail the history of procurement and the determination concerning the nature of the competitive process to be followed in selecting a one-stop operator are to be maintained for a period of three years from the date of submission of the final expenditure report.

15.2. Records must include, but are not limited to the following:

- 15.2.1. All proposals/bids received;
- 15.2.2. Ratings of those proposals;
- 15.2.3. Rationale for the method of procurement;
- 15.2.4. Selection of agreement or contract type;
- 15.2.5. Selection or rejection of proposals/bids;
- 15.2.6. Appeals and disputes; and
- 15.2.7. The basis for the contract price

15.3. Documentation for noncompetitive proposals must be maintained for the entire process of making a sole source selection. Documentation must be retained and must clearly identify the review process. The documentation should provide evidence that the review was performed by an impartial entity and detail the firewalls that were in place during the review of the proposals.

16. Monitoring

16.1. Oversight and Monitoring is an integral function to ensure the one-stop operator’s compliance with the requirements of WIOA, the activities per the SOW, performance reporting requirements, and the terms and conditions of the contract or agreement governing the one-stop operator.

16.2. Monitoring includes an attestation by the monitoring entity that it has examined compliance with the requirements of WIOA, the Uniform Guidance at 2 CFR part 200 and 2 CFR part 2900, and the terms and condition of the contract/agreement with the one-stop operator.

16.3. When the Local WDB is the one-stop operator, there is an inherent conflict of interest in that the Local WDB cannot effectively monitor itself.

16.3.1. In such circumstances, an outside entity or State agency, such as a State auditor or inspector general, must conduct the monitoring and report the monitoring results to the CEO.

16.4. If the State agency is selected as the operator, in a State that is not a Single State Local Area, an independent State agency, like an auditor or inspector general, should conduct the monitoring.

16.5. For Single State Local Areas where a State agency is the operator, there often is an inherent conflict of interest in that a State agency cannot effectively monitor itself.

16.5.1. In such circumstances, an outside entity must conduct the monitoring. The outside entity could be a State auditor who does not have real or apparent conflicts of interest.

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16.5.2. In circumstances where sufficient independence exists between the State WDB and the State agency selected as the one-stop operator, (such as may occur when a State WDB is incorporated as a nonprofit) the State WDB could effectively monitor the State agency serving as one-stop operator.

17. Appeal Procedure

- 17.1. Respondents who are denied funding have the right to appeal.
- 17.2. Appeals that are received within the required timeframe as stated in the RFP will be reviewed and responded to within ten (10) business days by the Chairperson of the WDB.
- 17.3. In the event the WDB Chairperson’s response is not satisfactory to the Respondent, an appeal to the CEO may be requested. Appeals to the CEO that are received within the required timeframe as stated in the RFP will be heard at a time selected by the CEO after consultation with legal counsel, as appropriate.