



Spokane Area WORKFORCE DEVELOPMENT COUNCIL

PROCUREMENT

Workforce Investment Act Policies and Procedures

POLICY #: 101

Revised: March 23, 2009
Effective Date: March 07, 2007

As stated in our Operations Plan, the Spokane Area Workforce Development Council (SAWDC) will not have an overlap in the staff to the local board and the staff that directly performs the functions of a One-Stop/WorkSource operator or of a Workforce Investment Act Title I-B core/intensive service provider. Service delivery organizations which will be selected either through grant or contract will be selected using an open competitive Request-For-Proposal (RFP) process to provide core and intensive services as specified in Section 134 of the Act and 20 CFR 663.155 and 663.200.

The Spokane Area Workforce Development Council plays an integral role in the selection of service delivery organizations for the various employment and training programs. The SAWDC establishes annual performance targets, which become part of the Request-For-Proposals. A variety of procedures may be utilized to attract, develop and fund service delivery organizations to carry out the range of programs. The SAWDC will establish the procedures to be used for each situation. The SAWDC operates a one year funding cycle with additional one year subrecipient awards contingent upon performance and fund availability.

For all other types of procurement the SAWDC follows the City of Spokane policies and procedures.

- a. Procurement procedures encourage full and open competition.
- b. Initial Adult, Youth, and Dislocated Worker awards will be advertised and awarded on a competitive basis. Awards are zero-based and demonstrated performance is a key criterion in awarding the funding.
- c. Carry-in, incentive, and Technical Assistance funds will be available only to existing subagents – outside providers will generally not be solicited.
- d. State Discretionary funding made available to the SAWDC and other targeted funding will be evaluated as to the most effective and efficient method of making the funds available to address the stated target(s). In many instances, special targeted funding:
 1. is available other than during our regular Request-For-Proposal (RFP) process,
 2. comes with special requirements, and
 3. requires an expedited planning process.

With the various special project targeted funding, sole source and negotiated procurement methodologies are being retained as alternatives to our annual open competitive RFP process; however, competitive proposals will be utilized to the greatest extent possible. If alternative methodologies are utilized, the reason for selection and documentation will be maintained. Excess profit will not be allowed. Identified Program income will be budgeted and tracked according to procedures issued by the U.S. Department of Labor or the Washington State Employment Security Department.

Amounts will be negotiated based on analysis of costs in the proposal and overall program and historical costs.

- e. Any plans for fee-for-service operation will be fully described in the RFP. In general terms, unsolicited bids are not accepted. Evaluation and selection criteria, regardless of procurement method, will be based on the act and the regulations, including demonstrated performance, proposed plan, and prospect for success as well as the capabilities of agencies to deliver programs and accomplish SAWDC goals within the operating policies established by the SAWDC and SCCETC.

The Spokane Area Workforce Development Council requests proposals for employment and training programs in accordance with Washington State provisions and applicable regulations. The following procedures are followed in the selection of services providers:

- Public announcement is made, indicating the availability of funds and a location where the RFP may be obtained. This is done through publication of a legal ad, posting of information on website, and through partner agency channels to inform community and faith-based organizations.
- Agencies expressing an interest in Workforce Investment Act programs are notified of RFP process and deadlines. (An interested-agency list is maintained and updated periodically.)
- RFP's are distributed to those agencies requesting and notification will be available through the website.
- The staff screens all proposals received to assure compliance with regulations, RFP requirements, and any other conditions or stipulations as the SAWDC may establish. Staff conducts a technical review of all proposals and prepares review/evaluative information for SAWDC members. Reviews may include past performance, audit/monitoring history, a cost/price analysis, and an indication of areas of concern. Line item budgets are required.
- Data is analyzed based on necessity, reasonableness, and allocability criteria. The SAWDC will then evaluate proposals. An oral presentation may be required from those proposers whose proposals are considered to be most responsive to the standards of the RFP. Bidders will be informed at least two working days prior to the date and time of the oral presentation.
- SAWDC members may participate in the proposal evaluation process. SAWDC members are provided with responses to the RFP along with staff reviews and evaluation review forms. Members individually rate proposals according to the published criteria in the RFP. Each member completes and signs a review sheet to include written comments on each criterion evaluated which will become part of the permanent record to remain on file. As the website is developed, electronic distribution of information and online review capability will be utilized. The Youth Council reviews, evaluates and makes recommendations on youth programs.
- As soon as possible, in advance of award hearings, each Workforce Development Council member deemed to be ineligible to vote on awards because of an affiliation, as defined in applicable regulations, with any of the proposers will be so notified by the staff. Any SAWDC member who disagrees with an eligibility determination may request through the SAWDC chairperson review of eligibility from the State of Washington.
- The SAWDC may meet in open session to hear presentations by selected agencies who responded to the RFP. Board members will have the opportunity to question proposers at such a session.
- Following all proposer presentations and Q&A by SAWDC members, the general public will have the opportunity to make comment.
- Following the opportunity for public comment, SAWDC members meet in executive session to review evaluation criteria.
- The SAWDC will then reconvene in open session to make final determinations of agencies funded and funding levels. The official RFP file including all the proposals, background information, review materials, individual rating forms, and SAWDC meeting minutes will be maintained. Proposers will be notified by staff of the Council's determination. Any proposer

dissatisfied with its award may utilize the appeal procedure as established by Council's Operating Rules and Operating Policy.

- Final funding decisions will be made by the Spokane Area Workforce Development Council and by affirmation of the Spokane City Council and Board of Spokane County Commissioners. The content of the accepted proposal will become basis for the negotiation of a final subgrant agreement or contract. This negotiation will include final performance goals, elements of program design and all elements of the program line item budget. Any profit, program income, and fee-for-service strategy identified will be negotiated at this time. Under SAWDC direction, staff prepares contracts or Subrecipient Agreement(s) to implement recommendations and decisions. Pre-award assessment is conducted as appropriate. Application of the evaluation criteria in the Act/Regulations used to evaluate the various potential service delivery organizations ultimately rests with the SAWDC and reflects program objectives and regulatory requirements.

Listed below are the general agency and specific program evaluation criteria used to review responses to RFP's and award funding, unless otherwise stated in the request for proposal:

General Agency Evaluation: Awards are to be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of a proposed contract or Subrecipient Agreement. Such determinations shall be in writing, and take into consideration such matters as whether the organization has:

1. Adequate financial resources or the ability to obtain them;
2. The ability to meet the program design specifications at a reasonable cost, as well as the ability to meet performance goals;
3. A satisfactory record of past performance (in job training, basic skills training, or related activities), including demonstrated quality of training; the ability to provide or arrange for appropriate supportive services as specified in the Youth Individual Service Strategy (ISS), or the Adult and Dislocated Worker Individual Employment Plan (IEP), including child care; retention in employment; and earning rates of participants;
4. The ability to provide services that can lead to the achievement of competency standards for participants with identified deficiencies;
5. A satisfactory record of integrity, business ethics, and fiscal accountability;
6. The necessary organization, experience, accounting and operational controls; and
7. The technical skills to perform the work.

Specific Proposal Evaluation: Proposals must demonstrate how they will address and support the accomplishment of the goals and strategies identified in the Local Strategic Plan and specifically will be evaluated on the following:

1. Comprehensiveness of services offered to participants.
2. Effectiveness of proposed use of funds.
3. Freedom from duplication of services available elsewhere in the community.
4. Demonstrated ability to provide the organizational, managerial, and fiscal expertise necessary to manage a Workforce Investment Act subgrant. In determining demonstrated performance of institutions/organizations that provide training, such performance measures as retention in training, training completion, job placement, and rates of licensure shall be taken into consideration.
5. Reasonableness of stated objectives and budget figures.
6. Compatibility of program design with Workforce Investment Act philosophy and goals.
7. Compliance with goals, objectives and occupational skill levels established by the Spokane Area Workforce Development Council.

Special Agency/program: Consideration will be given to:

1. Applicants who have demonstrated their fiscal and managerial competence in prior employment and training program operation and performance in this geographic area (those who have met SAWDC goals while operating within established guidelines).

Applicants are asked to provide performance results for their previous program or similar, related, or comparable programs. In order to be inclusive of those who have not previously received funding, prospective applicants will be provided with technical assistance, including:

- Answering of technical questions throughout the process;
 - Encouraging attendance at the bidders' conference;
 - Provision for reviewing successful proposals.
2. Program designs that provide for long-range improvement in participant employability and elimination of barriers to employment rather than short-term temporary solutions.
 3. Community-based organizations of demonstrated effectiveness in delivery of employment and training services.
 4. Appropriate educational agencies capable of providing training services.
 5. Program designs, which provide for adequate training to enable disadvantaged adults to obtain and retain productive employment.
 6. For special targeted funding (older worker, youth, dislocated worker, etc.), knowledge of and successful experience in providing employment and training programs for the designated group(s).
 7. In-school and community-based organizations, which operate effective and successful youth programs.
 8. People of color or women-owned business of demonstrated effectiveness are encouraged to bid and participate in the process.

In general, programs will not duplicate facilities or effective services available in the area from federal, state or local sources unless it is demonstrated that an alternate would be more effective. Proper consideration is given to community-based organizations as service providers given demonstrated performance and other applicable evaluation criteria. Women and people of color owned business are self-identified as part of the RFP response. Appropriate educational agencies in the area are given an opportunity to provide services unless the administrative entity demonstrates that alternate organizations would be more effective. Funding will be awarded to the best applicants based upon the criteria specified above. The above procedure will be utilized for selection of youth program operators with the inclusion of the specific required role of the Youth council. The Youth Council will fulfill the role described above, will present their recommendations to the SAWDC for consideration and approval before presentation to the City Council and Board of Spokane County Commissioners for their approval. Training providers will be certified according to the procedure described in Section 122 of the Act and of Subpart E of the regulations, which specifies specific roles for the State Board and Local Board. Providers of training services must meet these requirements in order to be identified as an approved training provider and to be eligible to receive funds made available under Section 133(b).

Cost Reasonableness:

WIA as amended, Final Implementing Regulations; Spokane Area Workforce Development Council/Spokane City-County Employment and Training Consortium RFPs.

The review of the cost reasonableness of WIA programs is a continuing process beginning with the development of the RFP, continuing through the evaluation of proposals, negotiation of subgrant items for proposals recommended for funding, execution of subrecipient agreements, monthly reporting and year-end subgrant closeout.

ASSURANCES:

1. All subgrant applicants must be capable of compliance with assurances and certifications for Workforce Investment Act, Federal Regulations, State Policies and SAWDC Policy Directives, including meeting both SAWDC participant and fiscal reporting requirements.
2. The proposer guarantees that in connection with this proposal the prices and/or cost data have arrived at independently, without consultation, communication, or agreement for the purpose of restricting completion. This does not preclude or impede the formation of a

consortium of organizations to submit a consortium proposal. Further, the bidder warrants that the rates quoted for services in response to this RFP are not in excess of the costs for the same services performed by the same individuals under any other existing contracts or grants. Line item cost/price data will be analyzed based on necessity, reasonableness and allocability criteria stated in WIA and this RFP.

3. Proposals developed with the assistance of organizations or individuals outside the prospective contracts own organization (including paid consultants) should be identified. No contingent fees for such assistance will be allowed to be paid under any contract or subrecipient agreement resulting from this RFP. All proposals submitted become the property of the issuing organizations. It is understood and agreed that the prospective contractor claims no proprietary rights to the ideas and written materials contained in or attached to the proposal submitted in response to this RFP.
4. The prospective subgrantee shall not bill the SAWDC for costs if the agency is being paid by another funding source for those same costs.

GENERAL INSTRUCTIONS:

1. Workforce Investment Act (WIA) and Final Regulations 20 CFR 652 et al, dated August 11, 2000 are available on www.doleta.gov/regis/ website.
2. The Budget proposal will be developed on the forms provided. Proposed budget must be developed on a cost reimbursement basis. As specified in the regulations, subrecipients must plan, control and charge expenditures properly. Allowable costs shall be charged and allocated as appropriate to the extent that benefits are received. Costs allocable to more than one program (different WIA titles and/or WIA and non-WIA funded program) must be supported by a cost award plan acceptable by WIA and SAWDC standards. All costs are program cost unless otherwise stated. Proposers are reminded that cost reimbursement budgets must be detailed by line item.
3. Advance requests by subgrantees are honored by the SAWDC through the Accounting Department of the City of Spokane contingent upon receipt of funds from the State of Washington and U.S. Department of Labor. Funding is disbursed to subgrantees as specified by the SAWDC request schedule.
4. Proposals should not duplicate cost effective services already existing within the County.

Program Costs:

- a) Program costs are made up of the following:
 - (i) All direct costs, including instruction, counseling, job development and materials and supply costs; i.e., costs involving one-to-one direct activities with participants; the important concept to remember-benefits received by or directly benefiting program participants.
 - (ii) Personnel and non-personnel costs directly related to providing outreach, intake, eligibility determinations, as well as those services to participants specified in Section 204(b)(2) of the Act and which can be specifically identified with one or more of these services.
- b) Any plan to pay allowances for classroom training, incentive/bonus payments and/or needs based payments, must be described in Program Design section of the narrative.
- c) Reimbursement for staff salaries will be limited by the maximum salaries as specified in SAWDC Fiscal Guidelines Policy.
- d) Line item overages are not allowed without SAWDC waiver approval. Requests for budget modification will be considered on their merits. No retroactive modifications will be approved.
- e) Requested modification changes in budget line items must be supported by justification and approved in advance of fund obligation. Modifications altering the subgrantee's fiscal and participant loading plans for the reason of bringing the plans into compliance with actual performance will not be accepted.
- f) Work experience participants shall be paid an hourly wage at the same rates as similarly situated employees or trainees, but not less than the higher of the minimum wage

prescribed under federal and state minimum wage laws. No work experience participants will work nor be compensated for more than 40 hours per week.

Reporting Requirements:

- A. The SAWDC Monthly Report of Accrued Expenditures and Budget Balance reports are to be submitted by title on the forms provided by the SAWDC in the same format.
- B. Total expenditures, line item expenditure and other appropriate line items are reviewed monthly and included in quarterly performance reviews.
- C. Performance reports are prepared and distributed as needed.

Subrecipient agreement closeout:

- A. Final expenditure data is reported and compared to budget in line items.
- B. Final line items and expenditures are reviewed by staff for compliance.

REFERENCE:

All fiscal policies and guidance letters published for WIA are governed, as appropriate, under:

- State WIA Policy # 3405 Procurement and Selection of Service Providers
- WIA, Section 134 (d)(4)(G), 121(c)(1) and (2), 121 (d)(2)(A), 181 (e), 117 (f)(1), 128 (b)(1), and 123
- 20 CFR 661.350
- 20 CFR 662.410
- 20 CFR 662.200
- 20 CFR 663.430
- 20.CFR 661.310
- OMB Circular A 110 (Administrative Requirements) 29 CFR 95
- OMB Circular A 102 (Administrative Requirements) 29 CFR 97
- OMB Circular A-122: Cost Principles for Non Profits;
- OMB Circular A-133: Audit of State and Local Government;
- OMB Circular A-133: Compliance Supplement;
- OMB Circular A- 21: Cost Principles for Education Institutions;
- OMB Circular A- 87: Revised Cost Principles for State and Local Government and Indian Tribal Government

SUPERSEDES

Procurement #101 March 7,2007

DIRECT INQUIRES TO:

(As referenced in SAWDC Staff Composition Policy #100)

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