




ÁREA LOCAL
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Public Policy on the Selection Process for the Operator of the "American Job Center" One-Stop Center #17-03:

Date: May 15, 2017
To: All Guaynabo - Toa Baja Local Area Staff, Service Providers, Local Board Members
From:  Oriel Rodríguez Ramírez – Chairman of the Workforce Development Board

I. PURPOSE

The purpose of this policy is to outline the requirements for the procurement and selection of the One-Stop Management Center Operator used by the Guaynabo-Toa Baja Local Workforce Development Area (GTB-LWDA). This policy is established in accordance with the Workforce Innovation and Opportunity Act (WIOA), the regulations under the Office of Management and Budget (OMB), the Uniform Administrative Requirements, Cost Principles and Audit Requirements for the award of federal funds, and Circular Letter WIOA-02-2017. The policy aims to ensure compliance with the WIOA Final Regulations and 2 CFR 200.

II. BACKGROUND

Since its inception in 2014, the Workforce Innovation and Opportunity Act (WIOA) has brought about changes in service delivery. One of the most significant changes is the promotion of competition within the One-Stop Management system. The Act recognizes that open competition is the best method to ensure that Local Boards meet the needs of their communities, as it promotes efficiency, effectiveness, and regular performance review.

Under the previous WIA Act, the One-Stop Management Center Operator was established through an agreement between the Board of Mayors and the Local Board. However, under the WIOA statute, this process has changed. The Local Board is now required to conduct a competitive process that allows various entities, such as educational institutions, community entities, for-profit and not-for-profit entities, public agencies, and consortia, to participate.

Section 184(a)(3)(A) of WIOA mandates that each state, including the Governor, Local Area (including elected officials), or a provider receiving funds under this title, must comply with the uniform administrative requirements established for grants and agreements applicable to the type of entity receiving such funds. These requirements are set forth in the circulars and regulations established by the Office of Management and Budget (OMB).

The OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Funds, Final Rule Title 2 of the Code of Federal Regulations (2 CFR 200), supersede and enhance the requirements of previous OMB Circulars, such as A-21, A-87, A-110, A-122, A-89, A-102, A-133, and the guidance in Circular A-50 regarding monitoring in the Single Audit Act. The goal of 2 CFR 200, also known as the "Super Circular," is to improve and clarify the guidance by consolidating it.

The effective date of 2 CFR 200 is December 26, 2014. The Fiscal Policies and OMB Circulars A-8, A-110, A-122, and A-133 continue to be effective for funds distributed prior to December 26, 2014. However, funds awarded after this date must comply with 2 CFR 200.

III. REFERENCES

- Federal Public Law 113-128, Workforce Innovation and Opportunity Act, sections 107(d)(10), 107(g)(1), 121(d) (1-2), 123, 134(c)(2)(C).
- Code of Federal Regulations (CFR) Title 20, Sections 678.600-678.635, 681.400; and Title 34 Sections 361.600-361.635; 463.600-463.635.
- Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Funds (Uniform Guidance) 2 CFR 200 and 2900.
- Competitive Selection of Operators of One-Stop Management Centers; TEGL 15-16, dated January 17, 2017.
- Circular Letter WIOA-02-2017.

IV. METHODS FOR PROCUREMENT OF SERVICES (2 CFR 200.320)

The Local Board shall conduct a competitive process for the selection of the OSC-AJC Operator every four (4) years.

- i. In doing so, the Local Board shall ensure that the proposed costs for operating the OSC-AJC are allowable, reasonable, necessary, and payable as provided in the Uniform Guidance at 2 CFR part 200.
- ii. The WIOA Act allows Local Boards to compete to be considered an Operator of the OSC-AJC. To do so, if our Local Board would like to be considered, it must:
 1. Comply with and ensure proper management of conflicts of interest, both real or apparent.
 2. The Local Board shall engage an external entity through a separate and independent contract to conduct the competitive procurement process. The

costs associated with this entity and the activities performed by them shall be allowable under the Workforce Innovation and Opportunity Act (WIOA).

3. The external entity must meet the following requirements:
 - a. It must be an independent organization capable of exercising professional and ethical judgment.
 - b. It must submit a Certification of Absence of Conflict of Interest.

V. COMPETITIVE PROCESS FOR SELECTION OF OSC OPERATOR (2 CFR 200.319)

The Local Board will draft a Request for Proposals (RFP) that will include the following:

- a. Operator Qualifications:
 - i. The Operator of the OSC-AJC may be a public, private, or non-profit entity or a Consortium of entities that have demonstrated and corroborated effectiveness of their services in the Local Area.
 - ii. If the Consortium of entities is composed of OSC AJC partners, it must include at least three (3) of the required partners as described in 20 CFR section 678.400. These partners are:
 1. WIOA Title 1 authorized programs.
 2. Employment services programs under the Wagner-Peyser Act.
 3. Programs authorized under Title II of the Adult Education and Literacy Act (AEFLA).
 4. Programs authorized under Title I of the Vocational Rehabilitation Act.
 5. Employment programs authorized under the Senior Community Service Program.
 6. Programs authorized under the Carl D. Perkins Career and Technical Education.
 7. Activities authorized under Chapter 2 of Title II of the Trade Act.
 8. Programs authorized under chapter 41 of title 38, USC for state-funded veterans employment.
 9. Employment and training activities provided by Community Service Block Grants.
 10. Training and employment activities conducted under the Department of Housing and Urban Development.
 11. Programs authorized under state unemployment compensation laws.
 12. Programs authorized under section 212 of the Second Chance Act of 2007.
 13. Temporary Assistance to Needy Families (TANF) authorized under Part A of Title IV of the Social Security Act.

- iii. Operators may administer one or more OSCs-AJC. In addition, there may be more than one OSC-AJC operator in a Local Area.
 - iv. The types of entities that may be OSC-AJC operators include:
 - 1. Institution of higher education.
 - 2. State Employment Services Agency under the Wagner Peyser Act.
 - 3. Faith-based organization, a nonprofit organization, or a workforce system intermediary.
 - 4. Private for-profit entity.
 - 5. Governmental Agency.
 - 6. Local Board with the approval of the Chairman of the Board of Mayors and the Governor.
 - 7. Another interested organization that is capable of performing the duties of a OSC-AJC operator.
 - v. Elementary or secondary level schools are generally not eligible to be OSC-AJC operators, except for non-traditional schools such as night schools, adult schools, or technical schools.
- b. The use of a competitive process for the selection of the OSC-AJC operator must be documented in writing, and notification should be provided to Local Board members and the public. The notification should include the following:
- i. A notice published in print and on the Internet, at least 30 days prior to the closing date, informing local or statewide proposers about the opportunity to compete.
 - ii. The notice will include a summary or explanation of the purposes of the proposed action (operation of the OSC-AJC), a citation of the legal provision authorizing such action, and information about the manner, location, days, and hours in which interested parties can obtain the Guide to Submit Proposals.
 - iii. A period of at least thirty (30) days, starting from the date of publication of the notice, shall be given for the submission of proposals.
- c. If the Board determines that there may be a potential limit to the number of OSC-AJC operators, they have the option to conduct a Request for Information (RFI) process after consulting with the Board of Mayors.
- d. If the Local Board engages in the RFI process and determines that conditions exist that warrant using the sole-source exception instead of the competitive process, the following steps must be taken:
- i. Enter into an agreement between the Board of Mayors.
 - ii. Submit a written request to the Governor, providing justification for utilizing the sole-source process based on the findings from the RFI.

- e. To be evaluated and considered, Proposals must fully comply with all instructions and requirements outlined in the Uniform Administrative Requirements, including the specified selection criteria for evaluation.
- f. A comprehensive file must be maintained, including all proposals submitted (those considered, rejected, and selected), the notice, guidelines, selection notifications (both positive and negative), and all documents utilized for evaluation, selection, and procurement. These records are essential documentation of the entire process.
- g. Guidelines for submitting proposals must be tailored to the specific services being procured and should clearly outline the objective criteria by which proposals will be evaluated. The criteria should align with the goal of achieving the relevant performance measures.

VI. NON-COMPETITIVE PROCESS FOR THE SELECTION OF THE OSC OPERATOR

- a. The Local Board may be considered for selection as the operator of the OSC-AJC under a "sole source" process only if it has successfully participated in the procurement process, adhering to the competitive procurement principles outlined in the Uniform Administrative Requirements at 2 CFR 200.318-326. Additionally, the Local Board must have established and implemented robust internal control measures and strict conflict of interest policies. As part of the internal control requirements, both the Proposal and the evaluation and scoring process must be conducted by an impartial third party or entity, ensuring fairness and impartiality. The Local Board members and the agency employing such personnel must not be involved in developing the proposal or determining the criteria and scores for the evaluation, selection, and procurement of the OSC-AJC operator.
 - i. The non-competitive process may only be utilized under the following circumstances when it is not feasible to select the Operator through the competitive process:
 - 1. When it is determined that only one entity is capable of providing the required service, or
 - 2. When there are public exigency or emergency circumstances that justify the delay in conducting a competitive process, or
 - 3. When the results of the competitive process are deemed inadequate following the RFI process.
 - ii. After fulfilling the aforementioned requirements, the selection of the OSC-AJC operator must obtain written consent from the Board of Mayors and the Governor.

VII. PROPOSAL EVALUATION COMMITTEE

- a. The Local Board shall establish an Evaluation Committee to assess and evaluate the Proposals submitted as part of the competitive procurement process.

b. Conflict of Interest Policy

- i. The committee shall adhere to the Conflict of Interest Policy and Disqualification Mechanism #17-01 issued by the Local Board on April 27, 2017.
- ii. Each member of the evaluation committee shall sign a Certification of Confidentiality and Certification of No Conflict of Interest and shall abide by them.
- iii. Prior to assuming their roles on the Evaluation Committee, all members must disclose in writing any relationships that may be perceived as influencing their judgment in the decision-making process.
- iv. If a contract is entered into between the proposer and the Local Area, the proposer must certify the absence of conflicts of interest, as stated in the Government Office Circular Letter 2002-05.

c. The members of the evaluation committee:

- i. Shall maintain the confidentiality of the votes, results, discussions, and other information pertaining to the Proposals being considered.
- ii. Shall not meet with the Proposers or provide them with any information regarding the proposals of their competitors.
- iii. Must securely and confidentially handle the proposals, notes, evaluation sheets, and other related documents.
- iv. Must strictly adhere to the evaluation criteria against which all Proposers competed.
- v. Must thoroughly read and evaluate each proposal.
- vi. Must be objective, impartial, honest, and fair in their evaluation and recommendation.
- vii. Shall not conduct any investigation, research, or information gathering on any of the Proposers.
- viii. Are not limited to evaluating only the Executive Summary of the proposal.

- ix. Must be prepared to justify their evaluation and assessment to any relevant forum or individual involved in the process.

VIII. EVALUATION AND ASSESSMENT

- a. After a minimum of 30 days from issuing the Request for Proposals, the Local Board will gather the proposals for evaluation and assessment. An external entity will be required to act as the evaluator and take over the responsibilities of the Board in the evaluation and selection process.
- b. A conference will be conducted with the bidders or proposers.
- c. The Proposals, Evaluation and Score Sheets will be distributed to each member of the Evaluation Committee. They will individually evaluate and assess the proposals.
- d. The Evaluation Committee members will convene and discuss the results of the evaluations, preparing the Evaluation Sheet.
- e. An Evaluation Sheet will be used to display the scores obtained by each competing proposer. It will be attached to the Evaluation Sheet. The maximum achievable score will be 30 points. Any proposal that scores 22 points or higher will be recommended to the Local Board.
- f. The negative notifications to the Proposers will include a summary of the process and the criteria for not being selected. The Proposer will have the opportunity to request reconsideration from the Local Board within fifteen (15) days of receiving such notification.
- g. The Local Board shall document the following:
 - i. Efforts made to identify the availability of OSC operators and service providers for the AJC operators and service providers for the Youth Program, and
 - ii. The permissible processes to be used for selecting the OSC-AJC operators and service providers, including the guidelines for submitting proposals and the criteria by which they will be evaluated.
 - iii. All such documentation will be included in the file and made available upon request to federal and state governments for review.

IX. SUGGESTED TIMETABLE FOR PLANNING AND IMPLEMENTATION OF THE SELECTION PROCESS

<p>1 to 14 days</p>	<p>Planning Period</p> <ul style="list-style-type: none"> • This period will be used to identify needs within the Local Area. • Market research will be conducted. • Request for information (RFI), if necessary. • Conduct a cost and pricing analysis. • Develop factors to be evaluated and scores to be awarded, if it is deemed appropriate to include additional elements beyond those contained in the attached template. • The members of the Evaluation Committee will be identified.
<p>1-3 working days</p>	<p>Period of publication of the advertisement</p> <ul style="list-style-type: none"> • The advertisement will be published in a newspaper of general circulation, as well as on the Internet. This will increase competition by widely disseminating and communicating the procurement opportunity to attract as many bidders and offers as possible.
<p>30 days</p>	<p>Mandatory Conference</p> <ul style="list-style-type: none"> • As a prerequisite to the competition, proposers must attend the orientation conference. Failure to attend the orientation will result in elimination from the competition. <p>Closing of the Publication Period</p> <ul style="list-style-type: none"> • A minimum of 30 days will be required from the publication of the Request for Proposals to the closing date.
<p>1 to 14 days</p>	<p>Evaluation period</p> <ul style="list-style-type: none"> • Meetings of the Evaluation Committee members. • Discussion on the result of the evaluations and preparation of the Evaluation Sheet. <ol style="list-style-type: none"> a. An Evaluation Sheet will be used to show the score obtained by each competing proposer. This will be attached to the Evaluation Sheet. • The negative notification to Proposers will contain a summary of the process and the criteria for not being selected.
<p>7-15 days</p>	<p>Selection Period</p> <ul style="list-style-type: none"> • After selecting the OSC-AJC operator, the Local Board will negotiate performance levels. • Negotiate a fair and reasonable profit, if applicable. • Negotiate payment details and frequency. • Negotiate the term of the contract. • Obtain the approval of the Local Board, the designated member of the Board of Mayors and the Governor, if applicable.
<p>15 days</p>	<p>Reconsideration Process</p> <ul style="list-style-type: none"> • Proposers who have received a negative notification may file a reconsideration of the Local Board's decision within fifteen (15) days.

X. GENERAL SELECTION STANDARDS (2 CFR 200.318)

The Local Board shall ensure that the selection procedures used align with state and local regulations, as well as federal standards outlined in 2 CFR Part 200.317 through 200.326. These procedures should be documented in writing and cover the entire selection process, from the solicitation of proposals to the evaluation and awarding of contracts. Additionally, the GTB-LWDA is responsible for monitoring and ensuring compliance and performance of contractors and suppliers who provide goods and services. This includes ensuring that they adhere to the terms, conditions, and specifications outlined in their contracts.

In addition, it shall maintain detailed records that provide evidence of the selection process. These records shall include, but are not limited to:

- The rational method used for selection,
- The selection of the type of contract,
- The basis for selection or rejection of the contractor, and
- The basis for establishing the contract price.

XI. ACCOUNTABILITY AND TRANSPARENCY

The competitive procurement process for the OSC-AJC Operator must prioritize transparency and accountability.

The GTB-LWDA Code of Conduct and Public Policy on Conflict of Interest establishes the standards of conduct that govern the actions of employees involved in the selection, award, and administration of contracts. It is strictly prohibited for any employee, officer, or agent to participate in the selection, award, and administration of contracts funded by federal funds if they have an actual or potential conflict of interest. In the event of a known conflict of interest, it must be disclosed in writing in advance or announced to the selection committee. The individual with the conflict of interest will be excused from any discussions and/or voting related to the matter in question. Violations of these standards will be met with disciplinary action in accordance with the GTB-LWDA Code of Conduct and Conflict of Interest Policy.

XII. CONTRACTING

The Local Board is responsible for entering into a contract or agreement with the selected Entity that will serve as the Operator of the OSC-AJC. Contracts will be awarded only to responsible contractors who demonstrate the ability to effectively perform the services outlined in the proposal. Several factors should be considered during the evaluation, including:

- Contractor integrity
- Compliance with public policy
- Past performance
- Technical and financial resources

Contracts should include the following:

1. Clearly defined roles, functions, and performance expectations for the Operator.
2. Specific details regarding the scope of services, evaluation of performance measures, ethics clauses, and other mandatory provisions.
3. Inclusion of any state and federal laws that mandate specific clauses in government contracts.

If the Local Board is selected as the OSC-AJC Operator, a contract must be signed by the Governor, the designated member of the Board of Mayors, and the Local Board. This contract will outline the specific roles, functions, and performance levels expected of the operator.

It is important to note that any entity selected as an Operator of the OSC-AJC, without exception, will be considered a subrecipient and must adhere to applicable state and federal laws and regulations governing such relationships.

XIII. RECOMMENDATION FOR CONTRACT

- a. Each committee member will evaluate the proposals and make a recommendation based on the content of the proposal.
- b. The evaluation ratings of each proposal are final. The committee will recommend the most favorable proposal to the Local Board.

XIV. NOTIFICATION OF CONTRACT AWARD

- a. The Local Board will provide written notification to the selected entity, informing them of the contract award for the services described in the Request for Proposals (RFP).

XIV. REVIEW PROCESS

- a. The Local Board will issue a notification to unsuccessful Proposers, summarizing the evaluation process and the criteria for their non-selection. The notification will also include the opportunity for Proposers to submit a reconsideration request to the Local Board within fifteen (15) days of receiving the notification.

XV. IMPLEMENTATION

- a. The Local Board shall evaluate and approve contract modifications.
- b. The Local Board shall oversee disbursements and modifications to the budget of the Operator.

**EVALUATION SHEET
SELECTION OF THE ONE-STOP CENTER-AJC OPERATOR**

EVALUATION CRITERIA ASSESSMENT SCALE

0 Does not meet the criteria	1 To be granted in case of poor description of the criteria	2 It means that the information is incorrect	3 Incomplete information, but not yet critical for approval.	4 A situation will be treated close to excellence, complete information or if documentation is missing, it is not critical for approval.	5 It will be an excellent situation, it is attributed to have complete information.
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Evaluation Criteria	Company A:	Company B:	Company C:
Proposed Human Resources			
Proposed Technical Resources and Infrastructure			
Previous experience in the management of federal funds			
Previous Experience with Training and Employment Related Programs			
Previous Successful Program Execution, if applicable			
Financial Capacity			
Proposed Total Costs are reasonable and within the Available Budget			
Total Score			

Evaluation Committee Members:

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____

Name: _____ Signature: _____ Date: _____