

Attachment HH

Procurement and Selection of Request-for-Proposals Policy

Procurement and Selection of Request-for-Proposals

Effective Date: September 19, 2019

Purpose:

To communicate requirements for the procurement and selection of Request-for-Proposals under the Workforce Innovation and Opportunity Act (WIOA) whose contracts are effective July 1, 2016 or later such as fiscal/administrative, one-stop operators, youth services providers, et.al.

Background:

WIOA brought about changes to the law and rules governing procurement and selection of WIOA service providers. Changes in procurement requirements also occurred with issuance of Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (commonly known as the OMB Super Circular), which consolidated eight previous circulars into one Uniform Guidance document and introduced new requirements for performance-based contracting.

WIOA sets the expectation for Local Workforce Development Boards (LWDBs) to conduct open and competitive procurement processes to identify appropriate providers of WIOA services. LWDBs are required to determine whether the amount and quality of providers is sufficient to meet the needs of the community and to work with the Governor and others to increase the availability of service providers as part of their planning process

Overview:

Selected providers/operators shall be selected through a competitive process following the principles of competitive procurement in the Uniform Administrative Guidance at Chapter II of 2 CFR (in particular 2 CFR 200.318 through 200.326). As with any local procurement, locally adopted procurement policies must also be adhered to, as well as, WorkForce West Virginia's Workforce Innovation and Opportunities Act Policy 04-17.

To allow local areas sufficient time to prepare a competitive procurement including conducting market research, RFIs, cost and price analysis, and conduct competitions, the initial selection of a operator/provider must be concluded, with the selection, in place and operating no later than June 30, 2017.

Role of the Operator/Provider:

The LWDB must clearly articulate the role of the operator/provider in their solicitation for

bids. The LWDB has a great deal of discretion in defining the role of a operator/provider to meet the unique needs of the local area. Any procedures not expressly stated herein are subject to local Region VII WDB Procurement Policy, 2 CFR 200.318-326 of the Uniform Administrative Guidance, and WorkForce West Virginia Policy 04-17.

One-Stop Operator:

At a minimum, the One-Stop Operator must coordinate the service delivery of the required one-stop partners and service providers.

At the discretion of the LWDB, the One-Stop Operator may also:

- Coordinate the service delivery of partners and providers
- Be the primary provider of service within a center
- Provide specific services within a center
- Provide other services, not otherwise prohibited

If the LWDB determines the role of One-Stop Operator includes the provision of service(s) or a provider of service(s) within the one-stop system is selected as the One-Stop Operator, the entity selected must have firewalls in place to ensure the operator is not conducting oversight of itself. There must also be proper internal controls and firewalls in place to ensure the entity, in its role as operator, does not conflict with its role as a service provider through a written agreement with the LWDB and Chief Elected Official(s) to clarify how the selected entity will carry out its roles and responsibilities while demonstrating compliance with WIOA, WIOA Regulations, relevant OMB circulars and Local and State Policies, particularly conflict of interest policies.

The One-Stop Operator role shall not include:

- Convening stakeholders to assist in the development of the local plan
- Preparing and submitting local plans (as required of the Local Board under sec. 107 of WIOA)
- Being responsible for oversight of itself
- Managing or significantly participating in the competitive selection process for one-stop operators
- Selecting or terminating one-stop operators, career service providers, or youth provider
- Negotiating local performance accountability measures
- Developing or submitting budget for activities of the LWDB

An entity selected as one-stop operator may perform some or all of these functions in another capacity it also serves when those roles are applicable to that other capacity provided it has established sufficient firewalls and conflict of interest policies in place to fully separate the functions of the multiple capacities. Additional safeguards for entities acting in more than one capacity includes a written agreement with the LWDB and Chief Elected Official(s) to clarify how the selected entity will carry out its roles and responsibilities while demonstrating compliance with WIOA, WIOA Regulations, relevant OMB circulars and Local and State Policies, particularly conflict of interest policies.

Eligible Entities for One-Stop Operator:

One-Stop Operators may be a single entity or a consortium of entities. Types of entities that may be a One-Stop Operator include:

- An institution of higher education
- A State Employment Service agency established under the Wagner-Peyser Act
- A community based organization, nonprofit organization, or workforce intermediary
- A private for-profit entity
- A government agency
- A Local Board, with the approval of the chief elected official and the Governor
- Another interested organization or entity capable of carrying out the duties of one-stop operator
 - ✓ Local chamber of commerce
 - ✓ Business organization
 - ✓ Labor organization

If the consortium of entities is a consortium of one-stop partners, it must include three of the one stop partners. A consortium of one-stop partners is a minimum of three separate entities, each responsible for at least one of the following programs and activities in the local area:

- Programs authorized under Title I of WIOA:
 - ✓ Adults
 - ✓ Youth
 - ✓ Dislocated Workers (DW)
 - ✓ Job Corps
 - ✓ Youth Build
 - ✓ Native American Programs
 - ✓ Migrant and seasonal farmworker programs (MSFW)
- Employment services authorized under the Wagner-Peyser Act (W-P)
- Adult education and literacy authorized under Title II of WIOA (AEL)
- Vocational Rehabilitation program authorized under Title I of the Rehabilitation Act of 1973 (VR)
- Senior Community Service Employment Program authorized under Title V of the Older Americans Act
- Career and technical education programs at the post-secondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006
- Trade Adjustment Assistance activities authorized under chapter 2 of Title II of the Trade Act of 1974 (TAA)
- Jobs for Veterans State Grants programs authorized under chapter 41 of Title 38, U.S.C.
- Employment and training activities carried out under the Community Services Block Grant (CSBG)
- Employment and training programs carried out by the U.S. Department of Housing and Urban Development (HUD)
- Programs authorized under State Unemployment Compensation Laws (UI)
- Programs authorized under the Second Chance Act of 2007

- Unless specifically exempted by the Governor, Temporary Assistance for Needy Families (TANF) authorized under Part A Title IV of the Social Security Act.

Any entity, including a current operator or LWDB, competing to become the One-Stop must have adequate firewalls and conflict of interest policies and procedures in place to prevent them from being involved in the planning or execution of the competitive process. Such involvement would be an inherent conflict of interest.

Policy:

Selection of One-Stop Operator(s)

One-stop operators shall be selected through a competitive process following the principles of competitive procurement in the Uniform Administrative Guidance at chapter II of 2 CFR (in particular 2 CFR 200.318 through 200.326) and any applicable locally adopted procurement policies.

Maintenance of records regarding the procurement process including, but not limited to, documentation of the local determination of the competitive procurement process to be followed as well as the specific details of that process and its results are crucial to demonstrating compliance in the selection of the one-stop operator.

Acceptable processes include

- Procurement by sealed bid
 - Procurement by competitive proposal, and
 - Under limited conditions, procurement by sole-source, only with the approval of the CEO and Governor after
 - ✓ Rigorous analysis of market conditions and other factors lead to a determination sole-source procurement is necessary due to:
 - There is only one entity that could serve as the one-stop operator or
 - An unusual and compelling urgency exists that will not permit a delay resulting from a competitive solicitation, or
 - The results of the competitive procurement were determined to be inadequate.
- A. LWDBs must adhere to applicable sections of the law and regulations and state policy in selecting one-stop operator and awarding contracts under WIOA.
 - B. LWDBs should only one-stop operators as a default, when other options will not effectively meet local needs.
 - C. LWDBs must inventory the availability and quality of service providers as part of their planning processes. LWDBs may chose a number of approaches to determine if there are insufficient service providers, including, but not limited to, conducting a Request for Information or asset mapping with stakeholders and community partners.
 - D. LWDBs must procure one-stop operators through open and competitive processess, This includes providing sufficients public notice of the intent to

procure services to board members and the community. Public notice must be provided for at least 30 days in media where prospective local, state, and national bidders typically identify such opportunities (e.g., local print newspapers, on-line newspapers, LWDB web-site, other community web-sites, etc.)

- E. LWDBs must document, in writing, (1) efforts to identify the availability of providers, and (2) the allowable procurement process used and how it was followed, including the selection criteria by which bids were scored to award a contract. All of this documentation must be maintained and provided to the State upon request,
- F. The Governor must approve a waiver for LWDBs to provide one-stop operator services. The appropriate forms for making such requests are references in each section below and provided as attachments to this policy.

G. Procurement Related Programmatic Requirements

I. Procurement of One-Stop Operators

1. One-stop operators must be designated and certified through a competitive procurement process.
2. The competitive process used by LWDBs to procure one-stop operators must be conducted at least once every four years and follow the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318-326.
3. The allowable forms of competitive procurement processes are as follows:
 - a) Sealed bid
 - b) Competitive Proposals
 - c) Sole Source, only if documented factors, including published notice(s) of intent made available to the public for at least 30 days in media where prospective local, state, and national bidders typically identify such opportunities, lead to a determination that only one entity could serve as an operator, compelling circumstances outweigh the delay that would result from a competitive solicitation, or results of the competition conducted per Section 4(g)(i)(3)(a-b) of this policy are determined inadequate, and only with the agreement of the local Chief Elected Official and Governor.
 - i. LWDBs may serve as one-stop operator under a sole source agreement for no more than the completion of the contract period or the completion of the program year whichever comes first.
 - ii. LWDBs must have in place and demonstrate adherence

to appropriate internal controls and conflict of interest policies and procedures that are approved by the Governor. Such policies must identify the appropriate internal controls.

- iii. Inadequate responses are those judges by a panel of impartial reviewers to score below a pre-determined minimum level on the scoring criteria published as part of the solicitation.
 - iv. Examples of compelling circumstances that outweigh delays that would result from competitive solicitations include the need to avoid a break in services if an operator is terminated for cause or is unable to continue providing services through the end of the contract period.
 - v. Please see WorkForce West Virginia Policy 04-17 **Attachment A**. LWDBs must complete Request for Waiver to Serve as a (One-Stop Operator and submit it to State Workforce Development Board (SWDB).
4. LWDBs may serve as one-stop operator in the region for which they are designated if they are determined to be the successful bidder in a solicitation that conforms to the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200. 318-326, and only if approved internal control and conflict of interest policies are followed. Internal controls include the requirements that the solicitation and scoring process be managed by an impartial third party free of conflicts of interest and that the LWDB staff and the agency that employs such staff cannot develop the solicitation for proposals, facilitate the scoring process, or score proposals.

II. Procurement of Youth Services Providers

- 1. LWDBs must competitively award grants/contracts for eligible providers of youth workforce development activities, except in the case of sole-source awards/contracts and only then if there is satisfactory and demonstrable evidence that there are an insufficient number of providers with the expertise required for serving in-school or out of school youth. Bid solicitations must include a rubric of the selection criteria to be used in this process and must be maintained as documentation of the process.
- 2. LWDBs must be able to document, in writing that they have made their board members and the public aware of the competitive process that will be used to identify youth service providers. This includes providing at least 30-day public notice through media where prospective bidders typically identify such opportunities.

3. LWDBs must establish and use criteria, including the ability of service providers to meet performance accountability measures based on common measures, as well as full and open competition consistent with 2 CFR parts 200 and 2900 in addition to applicable state and local procurement laws to procure eligible providers of youth workforce development activities.
4. Design framework services (intake, objective assessment, development of individual service strategies, case management, and follow-up services) may be exempted from a competitive process if LWDBs determine that they can more appropriately provide these activities.
5. LWDBs must establish local policies and procedures to assess the ability of youth program providers to meet performance accountability measures based on the primary federal indicators of performance for the youth program.

III. Procurement of Adult or Dislocated Worker Training Services

1. LWDBs cannot provided Adult or Dislocated Worker training services unless granted a written waiver by the Governor based on satisfactory and demonstrable evidence that:
 - a) The LWDB determined that there were an insufficient number of eligible providers with expertise in serving Adults or Dislocated job seekers to meet local demand.
 - b) The LWDB meets the requirements of an eligible training provider under Section 122.
 - c) The LWDB's proposed training services prepare participants for in-demand industry sectors or occupations in the local area.
 - d) The LWDB subjected its waiver determination and request to a minimum 30-day public comment period and included all comments received in the final waiver request.
 - e) Please see WorkForce West Virginia Policy 04-17 **Attachment B**. LWDBs must complete Request for Waiver to Provide WIOA Adult and/or Dislocated Worker Training Services and submit it to the State Workforce Development Board (SWDB).

H. Procurement Related Fiscal Requirements

- I. Sub awards are not procurement actions governed by this policy or other procurement laws, rules, or policies unness:
 1. Required by statute
 2. Required by own policies and procedures
 3. Awarded on a competitive basis, in which instance the sub award will

be governed by procurement rules detailed in 2 CFR 200.318-326

- II. When a competitive procurement process is not used in the selection of a sub recipient for a sub award, it must be guided by:
 - 1. Documented internal controls, including written procedures for employee conduct and conflict on interest provisions.
 - 2. The service provider's track record, considering past record of performance, cost principles, record of compliance and audit and monitoring results.
- III. Procurement standards must ensure fiscal accountability and prevent waste, fraud, and abuse in WIOA programs. Where applicable, standards must support fair and competitive procurement of goods and services.
- IV. Wherever possible and where required, all agreements must be performance-based, as defined in Federal Acquisition Regulations (FAR) 37.6, and include the following minimum requirement:
 - 1. Performance requirements defined in measurable, mission-related terms.
 - 2. Performance standards (e.g., quality metrics, required quantities, and timelines) tied to performance requirements.
 - 3. Quality assurance plan describing how the contractor's performance will be measured against performance standards.
- V. All other non-federal entities, including LWDBs, must:
 - 1. Follow general procurement standards established through state law, rule and policy, as well as through 2 CFR 200.318-326
 - 2. Develop and document their own procurement policies, procedures, and standards that reflect applicable state law, rule and policy, and conform to federal law and standards of OMB Uniform Guidance
 - 3. Ensure full and open competition, where necessary
 - 4. Use the most economical approach to the procurement of goods and services
 - 5. Award only to responsible contractors
 - 6. Maintain oversight in order to monitor contractor performance regarding contract terms, conditions, and specifications
 - 7. Maintain records detailing the history of the procurement, including the rationale for the selected method of procurement, selection of contract type, basis for contractor selection or rejection, and basis for contract

price.

Definitions:

Conflict of Interest: Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. A conflict of interest would arise when an individual or organization has a financial or other interest in or participates in the selection or award of funding for an organization. Financial or other interest can be established either through ownership or employment.

Contract: a legal instrument by which a non-federal entity purchases property or services needed to carry out the project or program under a federal award. The term as used in this policy does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or sub award (see 2 CFR 200.92 – Sub award).

Contractor: an entity that receives a contract as defined in 2 CFR 200.22 (Contracts).

Non-Federal Entity: a state, local government, Indian tribe, institution of higher education (IHE), or nonprofit organization that carries out a federal award as a recipient or sub recipient.

Pass-Through Entity: a non-federal entity that provides a sub award to a sub recipient to carry out part of a federal program.

Sub award: an award provided by a pass-through entity to a sub recipient for the sub recipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a federal program. A sub award may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Sub recipient: a non-federal entity that receives a sub award from a pass-through entity to carry out part of a federal program, but does not include an individual that is a beneficiary of such program. A sub recipient may also be a recipient of other federal awards directly from a federal awarding agency.

References:

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

- Workforce Innovation and Opportunity Act of 2014, Section 107(g)(1), 121(d)(2)(A), 122, and 123
- 20 CFR 678.605, 678.610, 678.615, 679.410, 679.430, 680.300 and 681.400
- Title 2, Subpart A, Chapter 11 CFR 200.317-326
- OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Programmatic policies, rules, and guidance:

- Workforce Innovation and Opportunity Act of 2014, Section 107(d)(10), 121(d)(1-2), 134(c)(2)(C), and 134 (c)(3)(C)
- 20 CFR 678.600-615, 680.160 and 680.300

Websites:

<http://www.workforcewv.org>

<http://wvregion7workforce.org>

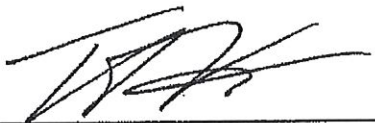
Action:

The Region VII Workforce Development Board and its contractors, as well as WorkForce West Virginia, must distribute this policy broadly throughout the system to ensure that staff are familiar with its contents and requirements.

Equal Opportunity and Grievances: The Region VII Workforce Development Board prohibits discrimination in all aspects of the administration, management, and operation of Workforce Innovation and Opportunity Act programs and activities. Services offered at the Region VII WorkForce WV Career Centers will be provided universally without regard to race, color, religion, sex, national origin, age, disability, or political affiliation or belief. Individuals may file a complaint or grievance by following the Region VII Workforce Development Board Grievance Procedure Policy, a copy of which will be provided upon request.

Questions: Contact the Region VII Workforce Development Board Executive Director, 151 Robert C. Byrd Industrial Park Road, Suite 2, Moorefield, WV 26836. Telephone number is (304) 530-5258. Fax number is (304) 530-5107.

Expiration: Effective until rescinded, in writing, by the Region VII Workforce Development Board.



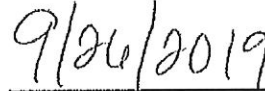
T.J. Van Meter, Executive Director



Date



Layne Diehl, Chairperson Region VII WDB



Date

Attachment II

One-Stop Chartering Criteria

Region VII Chartersing Criteria

October 30, 2002

Category	Criteria	Minimum Standards	Measurement	Proposed Next Level
Leadership	-Management consortium	-Functioning management consortium	-Consortium meets monthly; minutes confirm meetings; topics covered include items in chartering criteria	-One new partner added to center (preferably a private sector partner)
	- Defined management structure	-Site coordinator role re-written to reflect short-term achievable activities	- Revised, short list of duties provided to WIB for review	-Informal list of One-Stop duties developed for all staff (without revising state job descriptions)
Strategic Planning	-Realistic Business plan	-Abbreviated revised business plan in place	-Business plan received by WIB; for Martinsburg, neutral location is covered; for Moorefield and Martinsburg; emphasis on resource room and reception area re-location and re-design	-Plan for employer outreach is defined and implemented defining employer market targeted
	-Plan drives action	-Plan is used for planning One-Stop activities	-Plan is reviewed at consortium meetings	-Plan is updated quarterly and submitted to WIB for review
Customer and Market Focus	-Customer satisfaction	-Employer and job seeker	-WIB receives monthly survey	-Internal staff feedback

	<p>measured</p> <p>-Results widely shared</p>	<p>surveys in place and results tabulated</p> <p>-Results are used in management decisions</p>	<p>results</p> <p>-Consortium minutes reflect discussion of survey results and action items to improve performance</p>	<p>mechanism is in place</p> <p>-Additional feedback mechanisms such as focus groups are instituted and result in process improvement</p>
Information and Analysis	<p>-Resource Center core of One-Stop</p> <p>-Service Integration</p>	<p>-Resource Center accessible and jointly staffed by partners</p> <p>-Center is measured by activities of all partners</p>	<p>-Re-location of resource rooms completed; staffing plan submitted to WTB with business plan</p> <p>-Increase over baseline in referrals and multiple service customers</p>	<p>-Additional services added to resource room e.g. self-assessment tools and other automated self-help systems</p> <p>-Resource room satisfaction is measured separately and used for process improvement</p>
Human Resources	<p>-Staff training</p> <p>-Staff feedback</p>	<p>-Monthly training sessions on One-Stop concepts</p> <p>-Process in place for staff to input to center</p>	<p>-Feedback to WTB on training plan and execution</p> <p>-Evidenced by reports to WTB on quarterly changes to operations</p>	<p>-Staff are cross trained in center programs; training results in increased service integration</p> <p>-Staff are involved in center improvement</p>

		operations		plans
Process Management	<ul style="list-style-type: none"> -Integrated customer flow -Accessible service and resources 	<ul style="list-style-type: none"> Revised customer flow charts reflecting higher integration levels -Conformance with all ADA requirements 	<ul style="list-style-type: none"> -Revised customer flow charts for both employers and job seekers received by WIB -Certification of compliance submitted to WIB based on State agency review 	<ul style="list-style-type: none"> -Customer flow is reviewed quarterly and changed to reflect increased service integration -Center continues to be in compliance with all ADA requirements; center review language and computer skill needs of customers and makes suitable accommodations
Business Results	<ul style="list-style-type: none"> -Customer outcomes -Improvements over baseline 	<ul style="list-style-type: none"> -WIB designated measures collected and reported -Consortium takes action to improve performance on measures over time 	<ul style="list-style-type: none"> -Measures in provisional chartering criteria are tracked and reported monthly to WIB -Improvements in performance seen on quarterly basis over baseline established in Fall 2002 	<ul style="list-style-type: none"> -New measures are added for tracking that focus on outcomes Baselines for new measures set and improvements seen on quarterly basis

Region VII Chartering Process

Background

Every WIB in West Virginia must have a local chartering process for its WORK4WV centers. The charter is basically a license to operate. The WIB has the responsibility of setting the criteria for a center to meet in order to be able to receive a charter. A charter represents a commitment to minimum standards of quality to be available in any WORK4WV Center within the region.

The two centers in Region VII are operating under provisional charters issued when the Workforce Investment Act was first implemented in the State. The provisional charters expire on August 31, 2002 but can be extended if necessary. The WIB wants to change the criteria in an effort to increase the quality of services available in the centers.

The Chartering Committee of the WIB has been exploring new chartering standards including review of the standards used in Region I. A subgroup of the committee met on May 30, 2002 to review current status and to recommend next steps.

Proposed Interim Process

The committee needs to re-examine the criteria it wants to have in place for its local chartering process. There is insufficient time to complete this re-examination in a thoughtful way prior to the expiration of the current charters. Yet there is a real sense that something needs to be in place soon so that the centers can be moving quickly in the direction the WIB wants. Therefore, a two-phased approach is recommended. The first phase will put in place a few very simple criteria that focus on key measures. This will help address a common problem across the State - there is simply no information about center performance available to WIBs. The State as a whole is struggling with creation of an operating system that will give feedback on performance but in the interim there is a terrible void that leaves the board in the dark about performance. That dynamic needs to change. The first phase of the Region VII chartering process will require that WORK4WV centers report to the board monthly on the following key indicators:

- Customer satisfaction of employers and jobseekers
- The number of employers and the number of jobseekers using the center
- The number of jobseekers referred to intensive and training services
- The number of jobseekers referred to participating partners
- The number of jobseekers who receive service from more than one partner

Once these measures are adopted by the WIB, they must be defined in precise terms so that comparable information is received from each center.

It is recognized that developing the data for these measures will require hand counts by the centers and that there will be staff time involved in the process. However, given that establishing a baseline of performance baseline and tracking trends is so critical to success, the staff investment is well the return.

The expectation is that the interim chartering process will include the following steps:

- Agreement within the board on the interim criteria to be part of the provisional charter
- Establish definitions for the criteria to include such things as questions to be asked in the customer satisfaction survey
- Gain LEO commitment for support for the new provisional criteria
- Share the criteria early with center management and offer opportunity for feedback
- Issue a new provisional charter when a center demonstrates that it can produce reports on the measures included in the criteria; set expectation of end of August for this to occur
- Receive reports and set baselines for reference in the longer-range chartering criteria

Next Steps

The newly combined Chartering and One-Stop Committee will meet June 18, 2002 in Romney prior to the WIB training session. At that meeting the full committee will be asked to adopt the short-term measures approach and to establish a process to look at new criteria that relate to issues of concern to the Region. Samples from other regions in the state will be examined as reference points but the committee itself will determine what is important to include in the second phase and to establish a schedule for activities leading to the full chartering process. The schedule and process must include determination of what actions will be taken if the center fails to meet the chartering criteria either initially or during the course of the charter.

The approach will need to be vetted with the full board, the local elected officials and the WORK4WV centers should have an opportunity to comment early in the process so that there are no surprises later on.

Several ideas were put forth during the May 30th meeting for consideration as part of the chartering process. These include:

- More business representation is needed on this committee - the chartering process should be fully responsive to local business needs
- A neutral site for the center is a goal to pursue as leases expire

- Separating Unemployment Insurance from the center would help serve customers better since so much traffic into the center now is from people only looking for UI help

Attachment JJ

**Contract for One-Stop Operator Services
between Eastern West Virginia Community
Action Agency, Inc. and the Region VII
Workforce Development Board**

CONTRACT FOR ONE-STOP OPERATOR SERVICES
Between the
EASTERN WEST VIRGINIA COMMUNITY ACTION AGENCY, INC.
And the
REGION VII WORKFORCE DEVELOPMENT BOARD

This contract for Workforce Innovation and Opportunity Act of 2014 One-Stop Operator services is made and entered into by and between Eastern West Virginia Community Action Agency, Inc. (EWVCAA) and the Region VII Workforce Development Board (WDB). Services identified herein or by reference made herein will commence July 1, 2022 and end June 30, 2023.

Overview

A. Eastern West Virginia Community Action Agency, Inc. (EWVCAA) will serve as the One-Stop Operator. EWVCAA shall provide unduplicated career services to Workforce Innovation and Opportunity Act (WIOA) eligible individuals and business services to employers.

B. EWVCAA will recruit individuals for center services and will also recruit individuals meeting WIOA eligibility criteria in accordance with WIOA and the regulations promulgated thereunder. Outreach and recruiting efforts shall be conducted and documented to WIOA targeted populations including: veterans and eligible spouses, low income or public assistance recipients and individuals that are basic skills deficient.

C. EWVCAA will recruit individuals as necessary to assist one-stop partners co-located or affiliated with the one-stop system in meeting their performance goals.

D. EWVCAA will recruit and certify as eligible sufficient numbers of WIOA applicants to meet Board approved fund allocations.

E. Participants determined, during career services to meet WIOA adult priorities or dislocated worker eligibility, who need and are able to benefit from training, shall be referred to training to the extent funds are available to support the cost of the training.

F. Determinations regarding career services and referrals to training shall be made available to other one-stop partners as necessary.

G. Individuals who are provided with services, in addition to self-service accessible assistance or minimal assistance or who only seek information, or who utilize other low cost services are not required to be WIOA registered by EWVCAA.

H. EWVCAA will be responsible for establishing and maintaining an integrated, seamless services delivery system with One-Stop partners for each of the One-Stop Career Center offices in the area.

I. EWVCAA will appoint a One-Stop Director either on-site or remote at the One-Stop Career Center offices and assure that staff in the centers is aligned by function rather than program.

J. EWVCAA shall develop in coordination with partners a customer flowchart that includes access to and services available for career and training activities.

K. EWVCAA will convene Management Consortium meetings to be held at least quarterly between the operator and other required partners to discuss services, customer flow, partner referrals, and performance outcomes.

L. EWVCAA will establish a policies and procedures for holidays, inclement weather, breaks and time off for distribution to all One-Stop Career Center staff.

M. EWVCAA will continue to provide services to WIOA registered and enrolled clients who are being carried forward from the previous program year.

N. EWVCAA will ensure that the One-Stop Director, working with partner supervisors, assign staff within the center to functional units or teams as appropriate to the respective program functions and goals. The functional units in each center will be welcome, skill and career development and business services. Staff duties will be assigned based on functions.

O. EWVCAA will be responsible for maintaining the MACC database and that information is updated regularly and timely.

P. EWVCAA must receive approval from the Region VII WDB and WorkForce West Virginia prior to the closure or reduction in hours of any comprehensive center.

Q. EWVCAA must notify the Region VII WDB and WorkForce West Virginia of any closure or reduction in hours for any affiliate office.

R. EWVCAA will be responsible for ensuring that career and training services are available in all comprehensive and affiliate sites. EWVCAA will identify and certify as eligible WIOA adult and WIOA dislocated workers in accordance with regulation. Training services will be provided in accordance with Board priorities.

S. EWVCAA will provide a system of internal controls providing firewalls for the management of federal funds pursuant to WIOA DOL Final Rules and WIOA Joint Final Rules, Uniform Guidance, and Guidance Letters (Addendum A):

20 CFR 679.430

20 CFR 683.220

2 CFR 200.61 and 200.62

2 CFR 200.302, 200.303, and 200.400

2 CFR 200.507 and 200.514

TEGL 15-16

TEGL 21-16

T. EWVCAA will have a conflict of interest policy that complies with federal standards.

WIOA Services

WIOA services are to be integrated seamlessly and coordinated with partner programs to the maximum extent possible. EWVCAA agrees to provide the services under career and training within the center based on the services most appropriate to the individual.

Career Services

Career services without significant staff involvement available:

- Eligibility determination
- Outreach
- Intake
- Orientation to the information and other services available through the statewide one-stop delivery system
- Initial assessment
- Job search and placement assistance
- Labor market information, including employment statistics information and demand occupation information
- Performance-related information
- Information pertaining to the availability of supportive services including transportation and child care, and the referral to such services
- Information regarding financial aid assistance for training and education programs not funded under WIOA
- Workshops
- Skill assessment tools
- Follow-up services

Career services with significant staff involvement available (require enrollment in WIOA):

- Comprehensive assessment of skill levels and service needs which may include diagnostic testing as well as in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals
- Development of an individual employment plan (IEP) to identify employment goals, related achievement objectives, and the appropriate combination of services needed to attain the specified goals
- Group counseling as a career service specifically required additional action to be taken by both the individual and staff and may result in the development of an employment plan
- Individual counseling and career planning services
- Case management
- Short-term prevocational services, including the development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct

Training Services

Training services available:

- Occupational skills training
- On-the-job training
- Programs which combine workplace training with related instruction, which can include cooperative education programs and registered apprenticeship programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training (Note: This should not be mistaken as short-term prevocational training, which is a staff assisted career services. This training service is occupation-specific)
- Work experience for adults
- Adult education and literacy activities in combination with any of the previously listed training services
- Customized training

Integration Plan

The Region VII Workforce Development Board and its operator currently oversee two comprehensive centers. The comprehensive centers are located in Martinsburg and Moorefield. The centers will have a One-Stop Director that will be responsible for center functions, customer service, and office performance measures. The duties of the One-Stop Director shall include: staffing plans that provide adequate office coverage at all times in a manner that allows fair and equitable opportunity for time off; ensure that all staff adhere to internal policies and procedures; ensure that all staff present a professional and positive image and ensure that consistent communication procedures are followed. The One-Stop Director may make temporary adjustments to staff duties and schedules to provide adequate front desk coverage and positively impact seamless service delivery.

It is the plan of the local board to facilitate the highest level of service integration possible in all offices to promote seamless service delivery and eliminate duplicative efforts on the part of partner programs. Service integration in all centers will begin by organizing staff and assigning them to the appropriate functional team based on skills, abilities, and desire. Program affiliation will be taken into consideration in relation to allowable activities and services of that program and the most appropriate functions for that partner to participate in. The duties of the staff will be determined by the functional roles within the assigned team rather than by program affiliation to eliminate duplication of job duties and services.

Staff serving in the front or reception area will greet all customers in a friendly and courteous manner. Staff will obtain information regarding customer needs. All business customers will be referred directly to staff assigned to the businesses. The staff in the centers will coordinate with all partner staff in the center to manage and coordinate services.

Job seekers' registration in the Mid-Atlantic Career Consortia (MACC) will be verified. If the individual is not registered they will be asked to do so. Once the registration is complete, staff will review the information for thoroughness and accuracy and service orientation information will be provided. The next step is an initial assessment (interview). This is critical in ensuring individuals' needs are identified and that the individual is referred to appropriate services. Job seekers will also be provided information on assessment tools which are available to them in the center. They will be referred to the appropriate staff or team.

When it is determined that a job seeker is work ready and has skills required for current positions, the job seekers will be referred to the appropriate staff for job search or job development. That staff will review the resume, placement and job referrals or referral results to determine if further skills development is needed. If so, he/she will refer to the appropriate staff for further assessment.

If at the time of the initial assessment the job seeker is in need of skill upgrading or training, he/she will be referred directly to WIOA staff for assessment.

Center staff involved in skill and career development functions are responsible for assisting customers who require or desire more than informational and self-directed services. Services associated with skill and career development include: career services with significant staff involvement, training and supportive services.

Job seekers will be referred for skill and career development as needed. If an in-depth skills assessment is needed, there are options available. Skill assessments will be administered as appropriate to the needs of the customer or employers.

If enrolled in WIOA services, staff will work with the customer to develop an individual employment plan (IEP) to expand or enhance the skill set of the customer. Job seekers will be evaluated and screened to determine if On-the-job training (OJT) is an appropriate service for this customer. Where an OJT is appropriate, the staff will communicate with the business services staff to identify potential OJT positions or job development possibilities. If additional training is needed and desired, the job seeker will be enrolled in a training program that leads to employment in a demand occupation in the local community. This type of training will be provided through career services or an Individual Training Account (ITA).

The center staff involved with business services is responsible for building business relationships and becoming the bridge between business and job candidates by coordinating with all center staff to actively recruit and refer qualified job seekers based on the needs of the business. Services associated with this function include: business outreach, recruitment and referral for job vacancies primarily for targeted business or industry, job candidate qualification review, provision of economic, business, and workforce trends, organize service delivery around business and industry needs, provide information on human resource services, job development, and referral to community services.

Services to job seekers will be delivered individually, in groups, and through digital media based on the needs of the job seeker and the capacity of the center.

The One-Stop Director is responsible for determining one-stop system training needs for staff in the offices and requesting training. Webex, video conferencing, and in-person training will all be utilized for capacity building of staff and teams.

Career Pathways Development

EWVCAA shall work with representatives of secondary and postsecondary education programs to help develop and implement career pathways by aligning the employment, training, education, and supportive services that are needed by job seekers, particularly for those individuals with barriers to employment.

Business Driven

All programs and services must be aligned with targeted industry and occupation strategies based on local, regional, and statewide economic conditions.

Proven and Promising Practices

EWVCAA shall work to identify and promote proven and promising strategies and initiatives for meeting the needs of employers, job seekers, and youth in the local workforce development system and identify and disseminate information on proven and promising practices carried out in the other local areas both in and outside of West Virginia for meeting such needs.

Job Driven Strategies

Job driven strategies must be reflected in contracts, operations, processes, and performance. EWVCAA shall demonstrate job-driven services and training as follows:

- Work up front with employers to determine local or regional hiring needs and design training that is responsive to those needs
- Prioritize work based learning opportunities, including on-the-job training, internships pre-apprenticeships, and registered apprenticeships as training paths to employment
- Utilize timely, reliable and readily accessible labor market information in conjunction with program outcomes to guide job seekers in choosing the types of employment or fields of study, training, and credentials to pursue.
- Include career assistance and supportive services as needed to enable an individual to participate in, and complete, education and training activities, and secure employment
- Work collaboratively with businesses, educational institutions, and labor and non-profit organizations.

Technology

EWVCAA shall develop strategies for the use of technology to maximize the accessibility and effectiveness of services to employers, workers, and job seekers through the following:

- Identifying strategies for better meeting the needs of individuals with barriers to employment, including strategies that augment traditional service delivery, and increase

access to services and programs of the one-stop delivery system, such as improving digital literacy skills, and leveraging resources and capacity within the local workforce development system

- Facilitating access to services provided within the one-stop delivery system including facilitating access in remote areas.

Outreach and Eligibility Determination

A. Eligibility determination is a program specific service. Eligibility determination for any program within the center is the responsibility of the staff working under that program.

B. EWVCAA agrees to abide by eligibility rules and regulations established in WorkForce West Virginia Guidance Notice No. 6 – 16 – Eligibility. In the event of a discrepancy between the state and local policy, the state policy will be the governing policy.

C. Documentation of eligibility for WIOA services will follow the guidelines established in WorkForce West Virginia Guidance Notice No. 6 – 16 – Eligibility will be conducted in a manner that will satisfy state and federal requirements. EWVCAA will examine originals and copies of documents to establish the eligibility of individuals and will make copies of documents necessary to substantiate the eligibility of individuals seeking WIOA staff assisted career and/or training services. Documents shall be placed in the participant's file.

D. EWVCAA will verify selective service registration of any male seeking WIOA services born after January 1, 1960 and will not provide service to individuals who have not met selective service registration requirements. EWVCAA shall facilitate the registration of male career service customers and applicants for WIOA staff assisted services by referring them to the resource room where these job seekers may register for selective service online.

E. EWVCAA will ascertain job seekers immigrant status and right to work in accordance with Immigration and Naturalization Service Laws prior to referring the job seeker for staff assisted career services.

F. During staff assisted career services, EWVCAA will develop and implement an Individual Employment Plan (IEP) which will serve as a roadmap outlining needed services. The IEP will identify the specific services needed to assist job seekers in securing a job, support services, as well as ancillary services which may be required to overcome other issues impacting ability to secure and maintain employment. In developing an IEP for job seekers, EWVCAA will consider those services available through agreements and contract between the Board and service providers in the community and shall refer them to such services. The IEP must include a work or career objective and identification of skills and training necessary to achieve the career objective.

G. No WIOA participant may be referred to training or education without first having been determined to be in need of training and having participated in the development of the IEP.

H. EWVCAA will coordinate with other center and community resources to assist in the completion of assessments and service strategies for non-English speaking clients.

Services to Job Seekers

A. EWVCAA will coordinate the provision of career services to all job seekers.

B. EWVCAA will provide job placement and replacement services as needed by job seekers of the one-stop.

C. When funds are available, EWVCAA may arrange for limited support services while job seekers are accessing career services. Support services may include transportation or childcare while parents are engaged in job search or receiving career services. EWVCAA shall follow the Region VII WDB policy for obligating these funds.

D. Supportive service payments, whether for emergency services, bus passes, child care, clothing vouchers, books, tools, or other support services will be paid and monitored by EWVCAA to assure that payments are made pursuant to Board policy.

E. EWVCAA shall assure that staff and recipients sign relevant forms, time sheets, check receipts, or support receipt documents.

F. EWVCAA will require staff to adopt customer service principles targeted at customer satisfaction which will meet customer expectation in the delivery of services under this agreement. This may include in service, disciplinary actions, role modeling, case studies and such other techniques and strategies applicable to fostering the adoption of a value system based on continuous improvement principles and customer satisfaction.

G. EWVCAA will communicate with their staff and the staff of the partners co-located in the one-stop centers that customer satisfaction is an important goal of the Board.

H. EWVCAA will recognize staff who exhibit good customer service.

I. The Board will contact the appropriate individual in EWVCAA's office any time a complaint other than a formal grievance is referred to the Board.

J. EWVCAA will respond to the Board in writing within three work days of receipt of the complaint, regarding the disposition of the complaint; except that in emergency situations, EWVCAA shall respond to the Board sooner as is appropriate to the circumstance.

K. The Board will follow up with the client. When the client's issue has not been satisfactorily resolved, the Board will contact the person responsible for client complaints in EWVCAA's office who shall respond within 10 days.

L. If, upon further inquiry of the client, it is determined that the matter still has not been satisfactorily resolved, the Board staff will conduct an informal resolution process using techniques in accordance with West Virginia law.

Referrals to Training Services

A. The Board shall provide EWVCAA the information regarding financial availability of funds to pay for career and training and services. EWVCAA shall be responsible for any costs related to enrollments which commit the Board for payments in excess of the amount budgeted for training activities.

B. EWVCAA shall be responsible for meeting or exceeding performance measures for WIOA in accordance with the measures established by the Board with the State as well as any additional measures adopted by the Board. The determination of whether the performance measures applicable to the Board have been met shall be determined by using quarterly reports produced by the State Workforce Board. See Page 10 **Programmatic Management** for specific WIOA performance measures.

Services to Employers

A. Business service units will maintain a list of key employers in their region and shall designate staff to be the point of contact with these employers.

B. Business Services will be coordinated with local Chambers of Commerce, economic development organizations, employer organization, and labor unions.

C. Business service staff will identify new, expanding, closing or relocation businesses and will contact them about available one-stop center services.

D. Business Service staff will document business services provided to employers in their service area. Business services will include: job listings, employer tax incentive and wage subsidy information, and assistance in filing for these subsidies, information about self-employment and entrepreneurship, and workforce demographics.

Fiscal and Programmatic Management:

Fiscal Management. The Board will ensure the one-stop operator (EWVCAA) is familiar with the federal government's requirements for financial management. The use of a double entry electronic accounting system to maintain financial information on a fund basis will be required. The financial management system will provide the following:

- The services of an in-house CPA to manage the One-Stop Career Center expenditures with the budget parameters established by the management consortium and the Region VII Workforce Development Board
- Oversight of budget expenditures to assure compliance with the rules of 2 CFR 200, state and federal guidelines under the Workforce Innovation and Opportunity Act (WIOA)
- Direct management of the One-Stop centers with input from the Management Consortium and technical input from the WDB

- Monthly fiscal reports on all One-Stop Career Center activities
- Access to purchase contracts and vendors
- Oversight of property leases and equipment purchases
- Access to property and casualty insurance coverage through the State Board of Risk
- Access to individual and family medical coverage through EWVCAA's health insurance provider (currently Highmark Blue Cross/Blue Shield)
- Access to long and short term disability insurance coverage (Lincoln National)
- Access to a 401K retirement plan administered by Mutual of America
- Agency holidays, annual leave, and sick leave

Programmatic Management. The Board will ensure the one-stop operator (EWVCAA) is familiar with WIOA's requirements for programmatic management. The use of the Mid-Atlantic Career Consortium (MACC) system to maintain client information is required. The performance requirements are as follows:

	<u>Adult</u>	<u>Dislocated Worker</u>	<u>Youth</u>
1. Employment Rate 2 nd Quarter After Exit	69.3%	81.2%	63.3%
2. Employment Rate 4 th Quarter After Exit	70.0%	83.2%	69.7%
3. Credential Attainment	78.0%	83.0%	73.3%
4. Median Earnings	\$6,231.00	\$9,000.00	\$2,534.00
5. Measurable Skills Gain	28.0%	27.5%	25.0%

EWVCAA will provide:

- Coordination of service and delivery among partners and service providers
- Act as liaison with the WDB staff
- Market the One-Stop Career Center and their services
- Ensure each partner abides by their MOU addendum
- Recruit additional partners
- Facilitate the sharing and maintenance of data
- Create continuous improvement methods reflective of the One-Stop delivery system as envisioned in ETA's Training and Employment Guidance Letter (TEGL) 4-15
- Create and maintain a resource guide
- Serve as liaison to the community, partner agencies, and employers for the workforce system
- Review and maintain Eligible Training Provider lists; processing and assessing how they need to be updated to reflect changes
- Assure compliance with State and Local WDB certification criteria essential for receipt of infrastructure funding

EWVCAA understands and will comply with the specific duties and tasks as outlined below:

- Community/Partner relations
- Establish and maintain key relationships with workforce partners
- Coordinate with partners, the implementation of quality and continuous improvement principles within the system, including streamlining services and minimizing duplication

- Ensure the appropriate delivery of workforce development services in accordance with all governing laws, statutes, regulations, guidance and policies
- Facilitate capacity building within the system with partner agencies
- Promote adoption of creative and innovative methods and best practices in the delivery of required services
- Promote workforce programs within the communities concerning the workforce system services
- Coordinate the development and implementation of a formal referral process for services within and outside the Center(s); including minimum standards for referral, follow-up requirements, and the documentation of referral outcomes
- Work with One-Stop partners to create and maintain a Resource Guide of relevant sources of assistance in the community to be used by the One-Stop staff, job seekers, and our partners
- Ensure One-Stop partners are providing services in accordance with the WIOA regulations, State and Local policies, and Memorandum of Understanding (MOU)
- Coordinate access to virtual resources at appropriate partner locations and other points throughout the communities such as libraries, that strengthen the accessibility to services

WDB Collaboration and Compliance:

- Implement WDB strategic priorities and policy directives at the Centers
- Assist Board's outreach efforts and event coordination on behalf of the WDB
- Serve as a community liaison to represent the goodwill on the One-Stop system
- Generate monthly invoices for expenses under contract
- Advise and assist the Board on all items relevant to One-Stop as required by WIOA
- Assist the Center and partners in meeting and exceeding federal, state, and local performance measures
- Perform continuous improvement activities to achieve high level service quality and exceptional customer service
- Participate in regular meetings with the WDB Executive Director to review contract terms, processes, performance data, and results of internal quality assurances monitoring and corrective actions.

Obligation/Expenditure Rate

EWVCAA will meet the minimum obligation rate of 80% by the end of the 4th quarter of the fiscal year.

Term Agreement

The term of this Agreement is for the period of July 1, 2022 – June 30, 2023. This contract could be extended at the discretion of the Region VII WDB based upon EWVCAA's performance and continued funding being made available.

Area of Service

EWVCAA shall deliver the above described services in the State of West Virginia for the counties of Berkeley, Grant, Hampshire, Hardy, Jefferson, Mineral, Morgan, and Pendleton with comprehensive One-Stop Career Centers located in Martinsburg, West Virginia at 202 Viking Way, Martinsburg, WV 25401 and Moorefield, West Virginia at 151 Robert C. Byrd Industrial Park, Suite 2, Moorefield, WV 26836.

Compensation

Total compensation paid to EWVCAA for providing these services under this Agreement shall be determined annually by the Region VII WDB as part of the annual budget.

The contractual limitation shall be **\$600,000.00** for FY 2023.

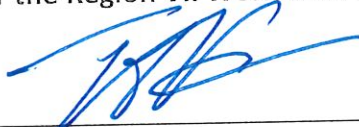
For Eastern West Virginia Community Action Agency, Inc.



Matthew Hinkle, Chief Executive Officer

6/21/22
Date

For the Region VII Workforce Development Board



T.J. Van Meter, Executive Director

6/27/22
Date

Federal Award Information

Sub Recipient Name: Eastern West Virginia Community Action Agency, Inc.

Sub Recipient DUNS Number: 804530087

Federal Award Identification Number: AA-36353-21-55-A-54

Federal Award Date: 7/1/21 – 6/30/23

Sub Award Period of Performance Start and End Date: 7/1/22 – 6/30/23

Amount of Federal Funds Obligated by this Action: \$600,000.00

Total Amount of Federal Funds Obligated to the Sub Recipient: \$600,000.00

Total Amount of the Federal Award: \$1,648,304.00

Federal Award Project Description: One-Stop Operator Services

17.259 WIOA Youth Formula Grants – States

To help low income youth, between the ages of 14 and 24, acquire the educational and occupational skills, training, and support needed to achieve academic and employment success and successfully transition into careers and productive adulthood.

17.258 WIOA Adult Activities – States

The Adult Program is one of the six core programs authorized by Title I of the Workforce Innovation and Opportunity Act (WIOA). The program serves individuals and helps employers meet their workforce needs. It enables workers to obtain good jobs by providing them with job search assistance and training opportunities. Under WIOA, the Adult Program will ensure that the unemployed and other job seekers have access to high-quality workforce services, and that priority for services will be given to those who are public assistance recipients, low-income individuals, and/or basic skills deficient. In addition, the program will provide individuals with disabilities access to high quality workforce services, and better prepare them for competitive, integrated employment. Performance program measures include entry into unsubsidized employment, earnings, skills and credentials attainment. The employment goals are measured by using the Unemployment Insurance Wage Records Information System whenever possible.

17.278 WIOA Dislocated Workers Formulas – States

The purpose of the WIOA Dislocated Worker program is to help dislocated workers become reemployed. It provides them with job search assistance, career services, and/or training that builds their skills to meet labor market needs. Dislocated Worker services are targeted for workers who are unemployed and have lost a job through no fault of their own, or who have exhausted their Unemployment Compensation.

Federal Awarding Agency and Pass-Through Entity: US Department of Labor; WorkForce West Virginia and the Region VII Workforce Development Board (Contact Information: T.J. Van Meter, Executive Director; Phone: 304-530-5258; Email: tjvanmeter@region7workforce.org)

CFDA Number and Name: 17.258 WIOA Adult
17.259 WIOA Youth
17.278 WIOA Dislocated Workers

Are any federal funds to be used for Research and Development: No

Indirect Cost Rate: None

**Addendum A – Assurance of Firewalls between Eastern West Virginia
Community Action Agency, Inc, Region VII Workforce Development
Board, and the Comprehensive One-Stop Career Centers in Region VII
known as:**

***Martinsburg One-Stop Career Center
202 Viking Way, Martinsburg, WV 25401***

&

***South Branch One-Stop Career Center, 151 Robert C. Byrd Industrial
Park Road, Suite 2, Moorefield, WV 26836***

Applicable internal controls, firewalls, and provisions guarding against potential conflicts of interest to the Region VII Workforce Development Board's delivery system and management of Federal grants are addressed here in Addendum A. This addendum is based on the following WIOA DOL Final Rules and WIOA Joint Final Rules, Uniform Guidance, and Guidance Letters:

20 CFR 679.430

20 CFR 683.220

2 CFR 200.61 and 200.62

2 CFR 200.302, 200.303, and 200.400

2 CFR 200.507 and 200.514

TEGL 15-16

TEGL 21-16

Overview of Internal Control

Pursuant to WIOA at 20 CFR 683.220, grant recipients and sub recipients of Title I and Wagner Peyser funds must install internal control that are consistent with the Uniform Guidance at 2 CFR 200.303:

Eastern West Virginia Community Action Agency, Inc. (EWVCAA) assures the provision of an internal control structure and written policies in place that provide safeguards to protect personally identifiable information, records, contracts, grants funds, equipment, sensitive information, tangible items and other information that is readily or easily exchanged in the open market, or that the Department of Labor or the recipients or sub recipient considers to be sensitive, consistent with applicable Federal, State and local privacy and confidentiality laws.

EWVCAA will provide reasonable assurances to the following:

- EWVCAA will comply and manage the award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award;
- EWVCAA will evaluate and monitor the recipient's and sub recipients compliance with WIOA, regulations, and the terms and conditions of Federal awards; and
- EWVCAA will take prompt action when instances of non-compliance are identified.

Internal controls are in compliance with the guidance in "The Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

As defined by COSO, EWVCAA provides "reasonable assurance" regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations
- Reliability of financial reporting
- Compliance with applicable laws and regulations
- Safeguarding of assets

Pursuant to Uniform Guidance at 2 CFR 200.61, internal controls means a process, implemented by a non-Federal entity, designed to provide reasonable assurance regarding the achievement of objectives in the following categories:

- Effectiveness and efficiency of operations;
- Reliability of reporting for internal and external use; and

- Compliance with applicable laws and regulations.

Governance of WIOA requires Internal Controls in functions of entities involved in the local delivery system including:

- Local WDB
- Committees
- Staff to the Local WDB
- Fiscal Agent
- Administrative Entity
- One-Stop Operator
- Service Providers

Uniform Guidance and WIOA requires internal controls in financial systems involved in the local delivery system including:

- Budgeting
- Cost Allocation
- Accounting & Payables
- Financial Reporting
- Information Systems
- Travel
- Cash Management Procurement & Purchasing
- Property Management
- Personnel & Payroll
- Participant Related Payments
- Contracting & Leasing

An effective internal control structure/system:

- Control Environment
- Risk Assessment
- Control Activities
- Information & Communication
- Monitoring

These components work to establish the foundation for sound internal control and culture that emphasizes accountability for control.

Conflict of Interest

Pursuant to WIOA 20 CFR 683.200(c)(5), in addition to the requirements at 2 CFR 200.318 (UG), which address codes of conduct and conflict of interest the following applies:

A State WDB member, Local WDB member, or WDB standing committee member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or that member's immediate family.

Neither membership on the State WDB, the Local WDB, or a WDB standing committee, nor the receipt of WIOA funds to provide training and related services, by itself, violates these conflict of interest provisions.

In accordance with the requirements of 2 CFR 200.112 (UG), recipients of Federal awards must disclose in writing any potential conflict of interest to the Department. Sub recipients must disclose in writing any potential conflict of interest to the recipient of grant funds.

Pursuant to Uniform Guidance 2 CFR 200.112, EWVCAA must disclose in writing any potential conflict of interest to the Federal awarding agency or pass-through entity in accordance with applicable Federal awarding agency policy.

"Potential conflicts" are defined as real, apparent, or organizational conflicts of interest.

Pursuant to Uniform Guidance 2 CFR 200.318, EWVCAA must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest.

The persons whose interests are attributed to the employee include the following:

- Employee's spouse
- Employee's children
- Employee's general partner or outside business endeavors
- Any organization that the employee serves on or is an employee of

A real or actual conflict of interest arises when an employee or person is assigned official responsibilities in a particular matter that will directly and predictably affect the employee's personal financial interests or the interests of other specific persons.

The appearance of a conflict of interest arises where an employee is assigned to participate in an official duty matter where an organization with which the employee has a covered relationship is or represents a party to that matter, or where the matter is likely to affect the interests of a household member, and there are circumstances that would cause a reasonable

person with knowledge of the relevant facts to the question the employee's impartiality in the official matter.

Members of their households and relatives with whom they are deemed to have close personal relationships are as follows:

- Persons or organizations with whom they have or seek a business, contractual, or other financial relationship other than a routine consumer transaction;
- Persons or organizations for whom their spouses, parents, or dependent children are, to their knowledge, serving or seeking to serve as an officer, director trustee, general partner, agent, attorney, consultant, contractor, or employee;
- Persons or organizations for whom they have, within the last year, served as an officer, director, trustee, general partner, agency, attorney, consultant, contractor, or employee; or
- An organization in which they are an active participant (e.g., serves as a committee chair, spokesperson, promotes the organization, coordinates fund-raising events).

Firewalls

A conflict of interest can arise when actions are taken or may appear to be taken by an entity involved in more than one role, such that the performance of that entity in one role affects its interest in its other role, thereby making it difficult for the entity to perform the procurement process objectively and impartially.

Therefore, EWVCAA and the Region VII WDB developed proper firewalls to ensure the transparency and integrity of the procurement process and demonstrate to the public and to the Department of Labor that the selection process was impartial and that no preferential treatment was given to the awardee.

Areas that require firewalls:

- Procurement and financial system functions and responsibilities
- Governance and roles and functions
 - Local WDB and Committees
 - Staff to the Local WDB
 - Administrative Entities
 - Fiscal Agents
 - One-Stop Operators

Procurement:

No entity or individual that has any role in the issuance of a solicitation may compete or submit a proposal under that procurement action which includes development of requirements, drafting the RFP, evaluation of proposals/bids, and identification of best entity.

Firewall – EWVCAA and the Region VII WDB have a complete separation of duties used to identify an alternate entity such as a third party to engage in the solicitation of proposals.

Prohibited Functions of the One-Stop Operator, only the Local WDB can do the following:

- Convene system stakeholders to develop the local plan
- Prepare and submit the local plan
- Conduct oversight over itself or its functions
- Manage or participate in the competitive selection process of the one-stop operators
- Select or terminate one-stop operators, career service providers, and youth providers
- Negotiate local performance accountability measures
- Develop and submit budgets for activities of the Local WDB

Firewalls - Entities performing in multiples roles/functions:

- Roles and functions are clearly articulated by Local WDB and the entity in the contract, agreement, or MOU.
- Include outside or alternative entity to assist in procurements or processes to mitigate risk and conflict of interest. These entities may include:
 - State WDB
 - State agencies
 - Other independent agencies
 - State Auditors or State Inspector General

Good Management Practices:

- Ensure that conflict of interest and/or financial disclosure forms are up-to-date for all members and persons involved in more than one role, function or procurement action.
- Update when new procurement actions arise.
- Provide reasonable assurance that separation of duties is enforced from all sides of the local delivery system.

Transparency:

By connecting internal controls with firewalls, EWVCAA will strengthen transparency in the local workforce delivery system.

Eastern West Virginia Community Action Agency, Inc. and the Region VII Workforce Development Board have detailed personnel, conflict of interest, financial management and other related policies as well as detailed job descriptions that are available upon request.

Signature of this addendum serves to provide assurance by the respective parties that EWVCAA and the Region VII WDB will adhere to the applicable internal controls, firewalls, and provisions guarding against potential conflicts of interest to the Region VII Workforce Development Board's delivery system and management of Federal grants. In accordance with WIOA DOL Final Rules and WIOA Joint Final Rules, Uniform Guidance, and Guidance Letters:

20 CFR 679.430
20 CFR 683.220

2 CFR 200.61 and 200.62
2 CFR 200.302, 200.303, and 200.400
2 CFR 200.507 and 200.514

TEGL 15-16
TEGL 21-16

For Eastern West Virginia Community Action Agency, Inc.


Matthew Hinkle, Chief Executive Officer

6/21/22
Date

For the Region VII Workforce Development Board


T.J. Van Meter, Executive Director

6/27/22
Date

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER
RESPONSIBILITY MATTERS PRIMARY COVERED TRANSACTION**

Applicant Organization: Eastern West Virginia Community Action Agency, Inc.

This certification is required by the regulation implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98-510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

- (1) The prospective primary participant (i.e. grantee) certifies to the best of its knowledge and belief, that it and its principles:
- (a) are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a Federal department or agency;
 - (b) have not within a three-year period preceding this renewal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not within a three-year period preceding this application/renewal had one or more public transactions (Federal, State or Local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this renewal package.

Matthew Hinkle

Name of Certifying Official



Signature and Date

6/21/22

CERTIFICATION REGARDING LOBBYING

CERTIFICATION FOR CONTRACTS, GRANTS, LOANS, AND COOPERATIVE AGREEMENTS

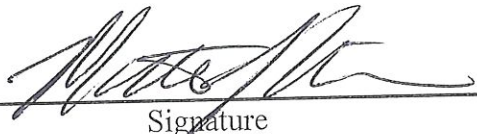
The undersigned certifies, to the best of his or her knowledge and belief that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instruction.
- (3) The undersigned shall require that the language of the certification be included in the award documents for all sub awards at all tiers (*including subcontracts, sub grants, and contracts under grants, loans, and cooperative agreements*) and that all sub recipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this certifications a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000.00 and not more than \$100,000.00 for each such failure.

Eastern West Virginia Community Action Agency, Inc.
Applicant Organization

Matthew Hinkle
Name of Certifying Official


Signature

6/21/22
Date Submitted

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

- A. The contractor certifies that it will or will continue to provide a drug-free workplace by:
- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the contractor's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - b. Establishing an ongoing drug-free awareness program to inform employees about:
 1. the dangers of drug abuse in the workplace;
 2. the grantee's policy of maintaining a drug-free workplace;
 3. any available drug counseling, rehabilitation, and employee assistance programs, and
 4. the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
 - c. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement by paragraph "a" above
 - d. Notifying the employee in the statement required by paragraph "a" that, as a condition of employment under the grant, the employee will:
 1. abide by the terms of the statement; and
 2. notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction;
 - e. Notifying the agency in writing, within ten (10) calendar days after receiving notice under subparagraph "d.2" from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose contract activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
 - f. Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph "d.2", with respect to any employee who is convicted:
 1. taking appropriate personnel action against such an employee, up to and including termination, consistent within the requirements of the Rehabilitation Act of 1973, as amended; or
 2. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
 - g. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs "a", "b", "c", "d", "e", and "f".

Eastern West Virginia Community Action Agency, Inc.

Applicant Organization

Matthew Hinkle

Name of Certifying Official


Signature

6/21/22
Date

EQUAL OPPORTUNITY NON-DISCRIMINATION NOTICE

Eastern West Virginia Community Action Agency, as a recipient of One Stop Career Center implementation financial assistance under Workforce Innovation and Opportunity Act (WIOA) Title I financial assistance, shall provide initial and continuing notice that it does not discriminate on any prohibited ground to: registrants, applicants, eligible applicants/recipients, participants, applicants for employment, employees and members of the public, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients.

ASSURANCE

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity.

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. The assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

TYPED NAME OF AGENCY OFFICE: Eastern West Virginia Community Action Agency, Inc.

TITLE: Chief Executive Officer

SIGNATURE: 

DATE: 6/21/22


ADMINISTRATIVE ASSURANCES
Title 1 of the Workforce Innovation and Opportunity Act of 2014

Any application for use of Title 1 funds under the Workforce Innovation and Opportunity Act (WIOA) or Local Plan for the use of Title 1 WIOA funds must include authorized signature(s) acknowledging acceptance of the following assurances:

1. Recipients of WIOA funds will maintain sound Fiscal Control and Fund Accounting Procedures to ensure the proper disbursement of, and accounting for, funds through the allotments made under WIOA.
2. Adherence to Section 188 of the Workforce Innovation and Opportunity Act which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I-financially assisted program or activity. By assuring adherence to Section 188 of WIOA, also assures acceptance to Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; The Age Discrimination Act of 1975; Title IX of the Education Amendments of 1972.
3. Adherence to Title 11, subtitle A of the American with Disabilities Act of 1990 which prohibits the exclusion, on the basis of disability, from participation in or denial of the benefits of services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.
4. Certification Regarding Drug-Free Workplace Requirements (29 CFR subtitle A, Appendix C to part 98): WIOA funded grantees certify that it will provide a drug-free workplace by notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace and specifying the actions taken against employees for violation of such prohibition. Grantees certify that it will make a good faith effort to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f) of 28 CFR subtitle A, Appendix C to part 98.
5. Certification Regarding Disbarment and Suspension (29 CFR subtitle A, Appendix A to part 98): WIOA funded Grantees certify to the best of its knowledge that it is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency. (a) Have not within a three-year period preceding this period been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, or attempting to obtain, or performing a public (Federal, State, or Local) transaction or contract under a public transaction; (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with the commission of any fraud or criminal offences in obtaining or attempting to obtain, or performing a public

transaction under a public contract. (c) Have not within three years preceding this period had one or more public transactions (Federal, State, or Local) terminated for cause or default.

- 6 Certification Regarding Lobbying (29 CFE subtitle A, Appendix A to Part 93): WIOA funded grantees certify to the best of its knowledge that no Federal funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency; a Member of Congress; and officer or employee of Congress; or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, loan, cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant loan, or cooperative agreement.



Agency Head or Designee

6/21/22

Date



T.J. Van Meter, Executive Director Region VII WDB

6/27/22

Date

EQUAL OPPORTUNITY NON-DISCRIMINATION ASSURANCE

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws, and will remain in compliance for the duration of the award of federal financial assistance:

Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

TYPED NAME OF AGENCY OFFICIAL: Matthew Hinkle

TITLE: Chief Executive Officer of Eastern West Virginia Community Action Agency, Inc.

SIGNATURE: 

DATE: 6/21/22

Attachment KK

Regional Policies

<https://wvregion7workforce.org/resources/policies/>