

ATTACHMENT
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Region VII WDB
Procurement Policy

Procurement for One-Stop Operator Policy

Effective Date: June 20, 2024

1. Purpose:

The purpose of this policy is to establish a detailed step-by-step process for the Region VII Workforce Development Board (WDB) to handle Request for Proposal (RFP) procurement for a One-Stop Operator, in compliance with the Workforce Innovation and Opportunity Act (WIOA) federal law and applicable Code of Federal Regulations (CFRs).

2. Definitions:

2.1. WDB: Region VII Workforce Development Board

2.2. RFP: Request for Proposal

2.3. One-Stop Operator: An entity responsible for the management and coordination of services provided through the American Job Center network, specifically in Region VII.

3. Applicable Laws and Regulations:

This policy is guided by the following federal laws and CFRs:

3.1. Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128

3.2. 20 CFR Part 678 - One-Stop Operations

3.3. 20 CFR Part 679 - Statewide and Local Governance of the Workforce Development System

4. RFP Procurement Process:

4.1. Planning Phase

4.1.1. The WDB shall establish a procurement committee consisting of board members and other relevant stakeholders.

4.1.2. The committee shall review the current One-Stop Operator contract, assess performance, and identify areas for improvement.

4.1.3. The committee shall develop a comprehensive scope of work (SOW) for the One-Stop Operator, including performance expectations, deliverables, and evaluation criteria.

4.2. RFP Development Phase

4.2.1. The procurement committee shall draft the RFP document, incorporating the SOW and evaluation criteria.

4.2.2. The RFP shall include a clear description of the WDB's expectations, eligibility requirements, and evaluation process.

4.2.3. The RFP shall be consistent with WIOA regulations (Section 121(d)(2)(A)) and CFRs (20 CFR 678.300), ensuring fair and open competition.

4.3. Third-Party Vendor Engagement when deemed necessary and appropriate

4.3.1. The WDB shall engage a third-party vendor when deemed necessary and appropriate to assist with the submission, circulation, and initial evaluation of received proposals.

4.3.2. The third-party vendor when deemed necessary and appropriate shall be selected through a separate procurement process, ensuring compliance with WIOA regulations

(Section 121(d)(2)(A)) and CFRs (20 CFR 678.300).

4.4. RFP Release and Advertisement

4.4.1. The third-party vendor when deemed necessary and appropriate, in collaboration with the procurement committee, shall publish the RFP in accordance with WIOA regulations (Section 121(d)(2)(B)) and CFRs (20 CFR 678.300), ensuring broad public notice.

4.4.2. The RFP shall be advertised in local newspapers, on the WDB's website, and through other appropriate channels.

4.4.3. The advertisement shall include the deadline for proposal submission, contact information, and any mandatory pre-proposal conferences.

4.5. Proposal Evaluation and Selection

4.5.1. The third-party vendor when deemed necessary and appropriate, in coordination with the procurement committee, shall receive and organize all received proposals.

4.5.2. The procurement committee shall establish an evaluation team consisting of subject matter experts and impartial individuals.

4.5.3. The evaluation team, with support from the third-party vendor when deemed necessary and appropriate, shall review and evaluate all received proposals based on the predetermined evaluation criteria.

4.5.4. The evaluation team shall conduct interviews or presentations, if necessary, to clarify proposal details or assess the capabilities of proposers.

4.5.5. The evaluation team, in collaboration with the third-party vendor when deemed necessary and appropriate, shall select the proposer that best meets the evaluation criteria and demonstrates the capacity to fulfill the SOW.

4.6. Contract Negotiation and Award

4.6.1. The WDB, with support from the third-party vendor when deemed necessary and appropriate, shall enter into contract negotiations with the selected proposer, ensuring compliance with WIOA regulations (Section 121(d)(2)(C)) and CFRs (20 CFR 678.300).

4.6.2. The negotiation process shall address any outstanding issues, including performance expectations, budget, and reporting requirements.

4.6.3. Once negotiations are successfully completed, the WDB shall award the contract to the selected proposer.

4.7. Contract Monitoring and Performance Evaluation

4.7.1. The WDB shall establish a monitoring and evaluation plan to ensure the One-Stop Operator's compliance with the contract.

4.7.2. The WDB shall conduct regular performance evaluations, as required by WIOA regulations (Section 121(d)(2)(D)) and CFRs (20 CFR 678.300), to assess the One-Stop Operator's effectiveness.

4.7.3. The WDB shall take appropriate actions, including corrective actions or termination, if the One-Stop Operator fails to meet performance expectations.

5.2 CFR 200.320(c)

5.1 Noncompetitive procurement. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- 5.1.1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
- 5.1.2. The item is available only from a single source;
- 5.1.3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- 5.1.4. The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- 5.1.5. After solicitation of a number of sources, competition is determined inadequate.

6. Affirmative Action Plan

6.1. General.

- 6.1.1. The contracting officer shall make a contract award (1) by written or electronic notice, (2) within the time for acceptance specified in the bid or an extension, and (3) to that responsible bidder whose bid, conforming to the invitation, will be most advantageous to the Government, considering only price and the price-related factors included in the invitation. Award shall not be made until all required approvals have been obtained.
- 6.1.2. If less than two bids have been received, the contracting officer shall again solicit additional bids from vendors. The contracting officer must document all solicitations and the results of those solicitations. If all vendors decline the solicitation and the solicitations are documented, only then may the WDB move forward with the one bid received. The contracting officer must meet the requirements under 2 CFR 200.320(c)(5) and ensure that solicitation was made to a "number of sources," the vendors declined, and competition was then deemed inadequate.
- 6.1.3. Award shall be made by mailing or otherwise furnishing a properly executed award document to the successful bidder.
- 6.1.4. When a notice of award is issued, it shall be followed as soon as possible by the formal award.
- 6.1.5. When more than one award results from any single invitation for bids, separate award documents shall be suitably numbered and executed.
- 6.1.6. When an award is made to a bidder for less than all of the items that may be awarded to that bidder and additional items are being withheld for subsequent award, the award shall state that the Government may make subsequent awards on those additional items within the bid acceptance period.
- 6.1.7. All provisions of the invitation for bids, including any acceptable additions or changes made by a bidder in the bid, shall be clearly and accurately set forth (either expressly or by

reference) in the award document. The award is an acceptance of the bid, and the bid and the award constitute the contract.

6.2 Records of invitations for bids and records of bids.

6.2.1. Each contracting office shall retain a record of each invitation that it issues and each abstract or record of bids. Contracting officers shall review and utilize the information available in connection with subsequent acquisitions of the same or similar items.

6.2.2. The file for each invitation shall show the distribution that was made and the date the invitation was issued. The names and addresses of prospective bidders who requested the invitation and were not included on the original solicitation list shall be added to the list and made a part of the record.

6.3. Presolicitation notices.

In lieu of initially forwarding complete bid sets, the contracting officer may send presolicitation notices to concerns. The notice shall-

6.3.1. Specify the final date for receipt of requests for a complete bid set;

6.3.2. Briefly describe the requirement and furnish other essential information to enable concerns to determine whether they have an interest in the invitation; and

6.3.3. Normally not include drawings, plans, and specifications. The return date of the notice must be sufficiently in advance of the mailing date of the invitation for bids to permit an accurate estimate of the number of bid sets required. Bid sets shall be sent to concerns that request them in response to the notice.

7. Compliance and Reporting:

7.1. The WDB shall ensure that the third-party vendor when deemed necessary and appropriate adheres to all applicable laws, regulations, and confidentiality requirements during the RFP procurement process.

7.2. The WDB shall maintain documentation of the entire RFP procurement process, including evaluation scores, interview notes, and contract negotiations.

7.3. The WDB shall submit required reports to the appropriate federal agencies, as outlined in WIOA regulations (Section 121(d)(2)(E)) and CFRs (20 CFR 678.300).

8. Review and Revision:

This policy shall be reviewed annually by WDB staff to ensure compliance with any updates or changes to WIOA federal law and CFRs. Any necessary revisions shall be made in consultation with appropriate state and federal entities, as well as approved by the WDB.

9. References:

9.1. Workforce Innovation and Opportunity Act (WIOA) of 2014, Public Law 113-128

9.2. 20 CFR Part 678 - One-Stop Operations

9.3. 20 CFR Part 679 - Statewide and Local Governance of the Workforce Development System

9.4. 2 CFR 200.320 (c) – Methods of Procurement to be followed

10. 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.

11. 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.

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



T.J. Van Meter, Executive Director

6-24-24

Date



Layne Diehl, Chairperson Region VII WDB

6/24/2024

Date