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TO: Local Workforce Development Area Signatory Officials and Administrators

FROM: Don Grant, Chief Financial Officer *DG*
Pat Sherlock, Director of Policies and Procedures *PS*

DATE: December 1, 2016

SUBJECT: Competitive Procurement of One-Stop Operators under WIOA

In accordance with the Workforce Innovation and Opportunity Act (WIOA), one-stop operators selected under a competitive process must be in place and operating SC Works Centers no later than July 1, 2017. Local workforce boards were expected to demonstrate, by November 17, 2016, the steps taken to prepare for this requirement. We are in receipt of each local area's report regarding operator procurement status.

Our review indicates that four workforce areas currently have operators in place as a result of a competitive procurement process. Their most recent Requests for Proposals (RFPs) allow for an extension at least through Program Year 2017. Therefore, no active solicitations are planned for the upcoming program year in these four areas. In the remaining eight workforce areas, RFPs are projected to be issued in January through early spring. One local area has already released an RFP for procurement of an operator.

As local workforce areas move forward in their competitive procurement of one-stop operators, and while we await further federal guidance on this topic, we remind all local areas that any competitive process must:

- provide fair and open competition;
- avoid the appearance of any impropriety;
- allow for and explain the appeal process, should proposing entities protest; and
- abide by applicable ethics rules and procurement laws and regulations.

Further, the WIOA Final Rule states that local areas must use a competitive process based on local procurement policies and procedures and the principles of competitive procurement in the Uniform Guidance outlined in 2 CFR 200.318 through 200.326. Such principles require:

- Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical.
- Proposals must be solicited from an adequate number of qualified sources.

- There must be a written method for conducting technical evaluations of the proposals received and for selecting recipients.
- Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
- Sole source procurement may be used only when one or more of the following circumstances apply:
 - The item is available only from a single source.
 - The public emergency for the requirement will not permit a delay resulting from competitive solicitation.
 - After solicitation of a number of sources, competition is determined inadequate.

Please ensure that local workforce development boards and chief elected officials understand the above requirements, as the responsibility for WIOA Title I funds and liability for misuse of funds rest with the local chief elected officials.