
Western Arkansas Workforce Development Area Policies and Procedures

TITLE	One Stop Operator & Service Provider Procurement
NUMBER	P0002-24
TYPE	Policy – Programmatic
APPROVING AUTHORITY	Western Arkansas Workforce Development Board
EFFECTIVE DATE	4/30/2024
NEW/REPLACED	New

Purpose:

To provide the process used in the Western Arkansas Workforce Development Area for the procurement and selection of a one-stop operator and/or service provider under the Workforce Investment and Opportunity Act (WIOA) as necessary. As referenced in WIOA, local workforce development boards (WDB) must select a One-Stop Operator through a competitive process at least once every four years (WIOA §121(d)(2)(A)). The competitive process must comply with 2 CFR part 200, including the Department of Labor specific requirements at 2 CFR part 2900. As part of that competitive process, Local WDBs are required to clearly articulate the expected role(s) and responsibilities of the One-Stop Operator (20 CFR 678.620(a)) and include the role(s) and responsibilities in the resulting contract.

Western Arkansas workforce development board (WAWDB) must have local procurement policies that adhere to applicable sections of federal law and regulations and state policy in selecting one-stop operators and service providers and awarding contracts under WIOA.

In accordance with WIOA requirements WAWDB must document, in writing, efforts to identify the availability of one stop operators and service providers and, the allowable processes used to select one-stop operators and service providers and how they were followed, including procurement processes (including selection criteria by which bids were scored), where applicable. Documentation will be maintained in accordance with 2 CFR 200.334 and provided to the State upon request.

Policy:

Federal requirements for procurement of a One-Stop Operators (OSO) and Service Providers:

- 1) One-stop operators must be designated and certified through a competitive procurement process. LWDBs must be able to document, in writing, that they made their board members and the public aware of the competitive process to be used. That includes providing at least 30-day public notice through media where prospective local, state, and national bidders typically identify such opportunities (e.g., local print newspapers, on-line newspapers, LWDB web sites, other community web sites, etc.). Solicitations must include the selection criteria to be used in the process and must be maintained as part of the documentation.
- 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.

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- 3) Local Boards are encouraged to use the same procurement process to select Adult, Dislocated Worker, Youth Service Providers.
- 4) The allowable forms of competitive procurement processes are as follows:
 - a) Sealed bids
 - b) Competitive proposals
 - c) Sole source
 - i) Sole source can be exercised as per local policies that comply with state and federal procurement laws and regulations and 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 and/or service provider, compelling circumstances outweigh the delay that would result from a competitive solicitation, or results of the competition conducted per Section 3(c)(i)(C)(1-2) of this policy are determined inadequate, and only with the agreement of the local Chief Elected Official and Governor.
 - (1) Compelling circumstances are those 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 contact period.
 - (2) Inadequate responses are those judged by a panel of impartial reviewers to score below a predetermined minimum level on scoring criteria published as part of the solicitation.
 - ii) LWDBs may be selected as one-stop operators under a sole source agreement only if they demonstrate adherence to appropriate internal controls and establish conflict of interest policies and procedures that identify appropriate internal controls and are approved by the Governor. LWDBs must complete a request for a waiver to serve as a one-stop operator and submit it to the State Workforce Development Board (SWDB).
- 5) LWDBs may serve as one-stop operators 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 requirement that the solicitation and scoring process be managed by a fair and impartial third party free of conflicts of interest and that LWDB staff and the agency that employs such staff cannot develop the solicitation for proposals, facilitate the scoring process, or score proposals. The SWDB and LWDBs may work together to establish a list of pre-qualified bidders for this role.

Local procedures for procurement of a One-Stop Operators (OSO) and Service Providers:

- 1) Competitive bid process
 - a) Procurement Task Force (team)
 - i) The Western Arkansas Workforce Development Board will form an ad hoc team to oversee the vendor selection process.
 - ii) The team will include at least one board member that will chair the task force.

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- iii) An independent contractor may be utilized to facilitate the procurement process and work with the team.
- iv) The team will keep meeting minutes. The meeting minutes will not be made public prior to the announcement of the successful bidder so the procurement process is not compromised. Minutes may be made available upon request once a contract award is made and approved by the WAWDB in coordination with the Chief Elected Official.
- v) WAWDB's Conflict of Interest Policy applies to the Procurement Task Force members and parties involved in the process. If an independent contractor is used, they will also provide a declaration of no conflict as it relates to the procurement process.
- b) Request for Proposals
 - i) The team will create and issue a Request for Proposals (RFP).
 - ii) The RFP will be emailed to Board Members, Chief Elected Officials, Partner Agencies, and to potential bidders. Following distribution, the RFP shall be posted on the Board's website as well as a notice and URL provided in a local newspaper.
 - iii) An intent to apply will be included in the RFP.
 - iv) The RFP shall allow for a period to ask questions. All questions and answers will be communicated to any organization submitting an Intent to Apply and also will be posted on the Board's website.
- c) Selection process of a One-Stop Operator and/or Service Provider
 - i) The team will review and score all proposals and submit a selection recommendation to the Executive Committee or full Board for vote.
 - ii) If no proposals are received, one proposal is received, or none of the proposals received a score high enough, the WAWDB will exercise the sole source option with the Chief Elected Officials and Governor's approval.
- d) Contracting Procedures

The WAWDB or designated agent will create and manage the contracts with the successful bidder(s). In the event the selected vendor also serves as Board staff or support, an Agreement will be executed between the successful offeror and the Board that clearly defines roles and responsibilities as well as a description of internal controls and related conflict of interest requirements.
- e) Performance Monitoring

The Administrative Entity/Board Staff typically provides monitoring and oversight on behalf of the Board. In the event the existing Administrative Entity/Board Staff is the Successful Offeror, an independent consultant will be contracted to conduct program monitoring at least one time each program year and will report findings directly to the Board.

Approval Signature:

John Craig, Board Chair
