



Workforce Services Guidance - One-Stop Operator and Career Service Provider Procurement

Effective Date: January 27, 2017, updated February 23, 2018

Duration: Until Changed

This guidance was updated February 23, 2018, to clarify the requirements of LWDBs to competitively procure the One-Stop Operator as well as providers of career services

Subject:

State guidelines for One-Stop Operator and Career Service Provider procurement

Purpose:

To provide guidance to the Local Workforce Development Boards in Tennessee as it relates to the procurement of the federally mandated One-Stop Operators and Career Service Providers of the American Job Centers under the Workforce Innovation and Opportunity Act (WIOA).

Scope:

Office of the Governor, Tennessee Department of Labor and Workforce Development (TDLWD); Division of Workforce Services (WFS); Tennessee Department of Economic and Community Development (ECD); Tennessee Department of Education (TNED); Tennessee Department of Human Services (DHS); State Workforce Development Board (SWDB); Title I – Adult, Dislocated Worker, and Youth Programs, Title II – Adult Education and Family Literacy Act Program(AE); Title III – Wagner-Peyser Act Program (WP); Title IV – Vocational Rehabilitation Program (VR); Regional Planning Council (RPC); Local Workforce Development Boards (LWDB); Local Workforce Development Areas (LWDA); American Job Center (AJC); One-Stop Operator (OSO); Workforce System Sub-Recipients (Sub-Recipients); Workforce System Partners (Partners)

Background:

Pursuant to the Workforce Innovation and Opportunity Act, Local Workforce Development Boards (LWDBs) must competitively procure the operator for the comprehensive One-Stop or American Job Center system. This procurement must¹ ensure an efficient and effective process is in place for the selection of the One-Stop Operator.

Competitive Procurement Requirements:

The minimal guidelines to assist LWDBs in developing the competitive procurement documents (Request For Proposals) at the local level are in the attachment titled "State Guidelines for Local Workforce Development Boards One-Stop Operator Procurement". Each LWDB is requested to incorporate these required guidelines and additional recommended criteria into their procurement documents.

¹ 20 CFR 678.605

Inquiries

A list of Frequently Asked Questions with accompanying answers is provided as an attachment to this document. Please refer to these FAQs prior to submitting written inquiries to TDLWD. In order to remain compliant and maintain integrity with the procurement process, inquiries regarding this guidance should be directed to the State Workforce Development Board account at the following email address: workforce.board@tn.gov. RFPs must be submitted to the TDLWD for monitoring when released by the LWDBs - RFPs will be emailed to workforce.board@tn.gov.

Attachment 1:

State Guidelines for Local Workforce Development Boards - One-Stop Operator and Career Service Provider Procurement

Attachment 2:

FAQs regarding One-Stop Operator and Career Service Provider Procurement

Attachment 3:

Example Questions to include in the Procurement of the One-Stop Operator (optional)

Attachment 4:

Evaluator Training Guide

Attachment 5:

RFP Checklist

References:

TEGL 15-16; WIOA Joint Rule for Unified and Combined State Plans Performance Accountability and the One-Stop System Joint Provisions: Final Rule, Subpart D- One-Stop Operators; Uniform Administration Guidance (2 CFR 200.318-326); 20 CFR 678.605; 20 CFR 678.200; 20 CFR 678.600; 20 CFR 678.61 O; WIOA Sec. 1234(c)(2)(C); 20 CFR 678.400; 2

Contact:

For any questions related to this policy, please contact the Program Integrity Unit at Workforce.Board@tn.gov.



Kenyatta Lovett, Workforce Services Assistant Commissioner

Revised: February 4, 2020

One-Stop Operator and Career Service Provider Procurement Guidance Attachments

Attachment 1

State Guidelines for Local Workforce Development Boards One-Stop Operator and Career Service Provider Procurement

All Request for Proposals (RFPs) that contain requests for One-Stop Operators and Career Service Providers must include the duties set forth in **20 CFR 678.620** which are adopted in the State of Tennessee's Regional and Local Planning policies, as well as the State's One-Stop Delivery and Design System policy. Both the One-Stop Operator and Career Service Provider must be competitively procured, either as one RFP with one entity providing both services, or as separate RFPs to procure separate entities for the One-Stop Operator and Career Service Provider

LWDBs must follow all federal, state, and local competitive procurement requirements when selecting the operator of the comprehensive One-Stop and the provider of career services. Additionally, LWDBs must incorporate the following items listed within this document.

All RFPs must include a reference page that provides relevant WIOA references, the local entity's policies and procedures, and other applicable state and/or federal regulations.

I. Requirements and Recommendations for Bidder's List:

Bidder's List: Local Workforce Development Boards (LWDBs) must maintain a comprehensive list of eligible entities able to provide One-Stop Operator services. At minimum, this list should include entities eligible under **20 CFR 678.600**. This bidder's list should also be reviewed to ensure it is up-to-date and extensive. The list should contain both local and non-local eligible entities, including non-profit as well as for-profit agencies.

It is highly encouraged that LWDBs within the same or adjacent planning regions share and compare bidder's lists to ensure a full and open competitive procurement process is maintained for the region.

It is recommended that the RFP be distributed in all applicable legal publications, as well as on the procuring entity's website. Effort must be made to make the RFP as widely available as possible (*Examples: governmentbids.com and contacting the State Central Procurement Office for any listings*).

II. Requirements and Recommendations for Requested Documentation:

In order to be considered responsive, a bidder must provide two years of audited financial history. Adequate documentation could include recent audit reports, the entity's Comprehensive Annual Financial Report (CAFR), an independent review by a certified public accountant, tax records, or another recognized review of accounting process and procedures. Bidders who fail to provide this information must be deemed non-responsive.

In order to be considered responsive, a bidder must provide an organizational chart.

All organizations that are private, for-profit, or not-for-profit must be able to provide documentation of their registration under either Tennessee or their respective state's Secretary of State's office.

The RFP must be conducted using the non-Federal entity's own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable federal laws and the standards identified in **2 CFR 200.318**. The RFP must also be conducted in a manner providing full and open competition consistent with the standards of **2 CFR 200.319(a)**.

All bidders are required to provide their Dun & Bradstreet number (DUNS number). Prior to reviewing responses, the reviewing entity should verify that the bidders are not on the federal debarred/suspended list.

III. Requirements and Recommendations for Requested Information/Responses for Evaluation:

Bidders must discuss how they will work to incorporate all partners into the comprehensive One- Stop system. This discussion must include partners who are electronically present in the comprehensive One-Stop.

Note: Potential One-Stop Operator needs to be aware of any implications or special arrangements or how they will organize to meet the requirement of **20 CFR 678.630**, which states: *"Continued use of State merit staff for the provision of Wagner-Peyser Act services or services from other programs with merit staffing requirements must be included in the competition for and final contract with the One-Stop operator when Wagner-Peyser Act services or services from other programs with merit staffing requirements are being provided."*

Bidders must describe how the proposed One-Stop Operators will fit into their organizational chart (see the "Requirements and Recommendations for Requested Documentation" section above) and whether current or newly hired staff would be providing the services. Where possible, they should either provide resumes of current staff or titles and job descriptions/posting for any new positions.

Bidders must describe their customer service experience and discuss any experience with handling complaints and/or concerns from customers. Other required experience should include oversight of staff teams and experience in developing and delivering technical assistance.

Bidders must propose outcome measures that comprehensively capture and evaluate their effectiveness at providing services. This response should also include a proposed data collection and validation methodology as well as a proposed reporting method.

Bidders must discuss how they will ensure all partner agencies are collaborating and cooperating in the implementation of the partner programs. This should include discussions on both training for the One-Stop Operator staff and cross-training for the partner-program staff. Capacity-building experience would be relevant to this discussion.

Bidders must discuss how they will bring together the partner programs to ensure adequate outreach of the One-Stop center and demonstrate a thorough understanding of target populations for partner programs. Discussion should also include how the bidder will take ownership/leadership to ensure all partners are contributing to the center, both financially as well as through resources and staff time.

Bidders must discuss how they will comply with all federal/state/local regulations, as well as provide oversight to ensure that all partner agencies are also in compliance.

IV. Requirements and Recommendations for Evaluation Criteria:

There must be at least one evaluation criterion that assesses the bidder's financial capabilities.

There must be at least one evaluation criterion that assesses the bidder's technical/programmatic capabilities.

There must be at least one evaluation criterion that assesses the bidder's service delivery experience. (**Note:** it is not mandatory that bidders have WIOA experience, but it is recommended that the bidders have some experience with customer service and/or service delivery.)

V. One-Stop Operator and Career Service Provider Evaluation Criteria Guidance:

Upon receipt of One-Stop Operator and Career Service Provider RFP responses, each LWDB or secured third party will be tasked to evaluate and score each received sealed bid. The goal is to allow LWDBs, or the third party, the flexibility to evaluate bid packages in a manner that fits local needs and priorities while still providing basic standardization throughout all local areas. Information provided by the State of Tennessee Central Procurement Office regarding compliant procurement is included as **Attachment 4 - Evaluator Training Guide**, and **Attachment 5 - RFP Checklist**. The State has identified important evaluation criteria and strongly recommends that these criteria be included in the LWDB's (or third party's) evaluation procedures. Each LWDB evaluation committee retains the right to add any criteria based on the needs of the local area.

Organizational Overview/Experience:

- Bidder submitted record of past performance with WIOA (or similar program)
- Bidder provided a clear and relevant mission/vision
- Bidder provided a description and brief history of the organization
- Bidder demonstrated unique expertise that distinguishes organization

Financial/Fiscal Accountability:

- Bidder has financial and administrative experience in managing multiple federal, state, and/or private funding sources
- Bidder provided documents establishing financial history
- Bidder is up-to-date on taxes (i.e. income, annual state & federal, payroll, etc.)
- Bidder provided evidence that acceptable accounting systems are in place

- Bidder provided a proposed budget and narrative, which may include: personnel costs, operational expenses, direct expenses, and other estimated costs
- Bidder's budget is adequate for the scope of work presented in the RFP

Capacity:

- Bidder provided a functional or proposed organizational chart that is deemed satisfactory to meet One-Stop needs
- Bidder provided a workflow/logistical model
- Bidder provided a reasonable plan for staffing
- Bidder described resources the entity can bring to the workforce system

Partnerships & Community:

- Bidder demonstrated experience with oversight of multi-organizational staff
- Bidder demonstrated a plan for partner integration within the entity
- Bidder described strategies for outreach and enrollment
- Bidder provided a plan/method for community and business outreach
- Bidder provided a plan or demonstrated expertise in working with both rural and urban populations simultaneously (if applicable to local area)
- Bidder explained how the organization will measure customer satisfaction

Programs/Program Outcomes:

- Bidder provided a proposed program design model
- Proposed outcomes are relevant to the mission and objectives of One-Stop partner programs
- Bidder has detailed a service delivery model that correlates to the proposed outcomes
- Narrative clearly demonstrates how program activities will lead to the proposed outcomes

Technology, Data, & Reporting:

- Bidder described existing data and reporting system process
- Bidder described how they will track and evaluate each specific performance goals on a recurring basis
- Bidder described technological needs in order to assume operation
- Bidder demonstrated an ability to ensure and maintain data integrity

FAQs regarding One-Stop Operator and Career Service Provider Procurement

1. Are One-Stop Operators required by WIOA and what are their role(s)?

Yes. Pursuant to **20 CFR 678.620(a)**, at minimum, a One-Stop Operator must coordinate service delivery of the required One-Stop American Job Center (AJC) partners and service providers. The role of the One-Stop Operator in the State of Tennessee AJCs is further defined through guidance provided in the State's Transitional Regional Plans and Transitional Local Plans policies:

- Oversee management of the One-Stop Career Centers and service delivery
- Evaluate performance and implement required actions to meet performance standards – *This does not include performance negotiations as this is specifically a LWDB requirement.*
- Evaluate various customer experiences (including but not limited to employers, jobseekers, and partner staff)
- Ensure coordination of partner programs
- Act as liaison with the LWDB and One-Stop Career Center
- Define and provide means to meet common operational needs (e.g., training, technical assistance, additional resources, etc.)
- Oversee full implementation and use of all State systems by all Local Workforce Development Areas (LWDAs)
- Design the system integration and service coordination for the site and partners
- Manage fiscal responsibility for the system or site
- Plan and report responsibilities
- Write and maintain business plan
- Market One-Stop Career Center services
- Facilitate the sharing and maintenance of data; primarily the site, with emphasis on the state system
- Integration of available services and coordination of programs for the site with all partners

The State's One-Stop Delivery and Design System policy includes functions performed by the One-Stop Operator to provide direction of the partner/function based group of team leads. This policy also ensures comprehensive cross-training and development plans are established for each AJC and its staff.

The LWDB may add further responsibilities to the One-Stop Operator, per **20 CFR 678.620(a)**. Keep in mind that the competition for a One-Stop Operator must clearly articulate the role of the One-Stop Operator for the respective LWDA.

2. Does the Local Board have to competitively procure One-Stop Operators?

Yes. WIOA requires the selection of the One-Stop Operator through a competitive process. Subrecipients of federal funding must use a competitive bid process in accordance with federal procurement policies described in **2 CFR 200.318-326**. This includes:

- Procurement by sealed bids

- Procurement by competitive proposals
- Procurement by sole source (under limited conditions as described in **20 CFR 678.610**.)

Office of Management and Budget **2 CFR 200.319(a)** states: *"All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements."*

Note: LWDBs must prepare written documentation prior to the release of the RFP describing their process to select a One-Stop Operator and submit to the State Workforce Development Board (SWDB) by email at workforce.board@tn.gov. Documentation must include LWDB's statement of intent to manage the procurement process, or to utilize a third party vendor.

3. Can a Local Board be a One-Stop Operator?

No. LWDBs may not compete for or be selected as One-Stop Operators. A single entity may not perform the functions of fiscal agent, Board Staff, One-Stop Operator, and service provider. Structures that create situations allowing for a single entity to have control and administration of funds, coordination of activities, and receiving contracts for services does not suffice WIOA firewall requirements in the State's **TN-WIOA (17-2) Conflict of Interest Policy** and **TN-WIOA (16-12) One-Stop Delivery and Design System**. In order to ensure compliance with firewall requirements the fiscal agent, staff to the LWDB, or other LWDB staff entities may not be a provider of career services (**WIOA Section 134[c][2][C]**). The State of Tennessee may set strict requirements in regards to firewalls, and has determined that LWDBs may not compete for and be selected as One-Stop Operators.

4. Who can be a third party in the procurement process?

The third party may be a consultant, a professional, or any other independent entity retained specifically to arrange, notice, and process the procurement. Such entities may be retained locally or statewide and retained by one or more LWDBs. The LWDBs must use discretion in retaining entities with whom it previously has done business to avoid conflicts of interest or any appearance of favoritism toward the LWDB in its final selection.

The third party may be the Chief Local Elected Official (CLEO) utilizing their county government procurement office, or local area consortium. Discretion should be used in retaining one LWDB to process the competitive procurement of another LWDB as there is potential for conflicts of interest and the appearance of impropriety. The Tennessee Department of Labor and Workforce Development (TDLWD) is unable to act as a third party in the procurement process due to the department's possible involvement in disputes or appeals arising from the local area process. LWDBs may utilize the State of Tennessee Department of General Services Central Procurement Office.

5. Must a Local Board competitively procure career service providers under WIOA?

Yes. WIOA recommends the selection of career service providers through a competitive process, as outlined in Training and Employment Guidance Letter (**TEGL**) **15-16**. The State's

One-Stop Delivery and Design and Conflict of Interest policies address competitive procurement of the One-Stop Operator. Information relating to the competitive process for procurement of the One-Stop Operator may be useful to consider when procuring other program activities or services including selection of a fiscal agent, procuring elements of the youth program, career service providers, and/or training services. Subrecipients of federal funding must use a competitive bid process in accordance with federal procurement policies described in **2 CFR 200.318-326**. This includes:

- Procurement by sealed bids
- Procurement by competitive proposals
- Procurement by sole source (under limited conditions as described in **20 CFR 678.610**).

Office of Management and Budget **2 CFR 200.319(a)** states: *"All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards of this section. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or requests for proposals must be excluded from competing for such procurements."*

6. Who may operate the One-Stop American Job Centers?

Consistent with **20 CFR 678.600**, a One-Stop Operator may be a single entity or it may be multiple entities working together to form a consortium. The operator may be for profit, non-profit, private or public. If the consortium of entities is comprised of One-Stop Career Center partners, it must include a minimum of three One-Stop Career Center partners, as described in **20 CFR 678.400**. The One-Stop Operator should consist of multiple staff members providing functional management of the AJCs. Should a for-profit entity (or a consortium that includes a for-profit entity) be selected as a One-Stop Operator, there are two points that must be kept in mind: First, except for WIOA Title I funds (Adult, Youth, and Dislocated Worker), no profit may be paid from USDOL awards. Second, **2 CFR 200.323(b)** requires profit to be negotiated as a separate element of price for each contract in which there is no price competition or in which a cost analysis is performed.

7. What entities may be selected through competitive procurement to be a One-Stop Operator?

The types of entities that may be a One-Stop Operator include, but are not limited to:

- An institution of higher education
- An Employment Service State Agency established under Wagner Peyser
- A community-based, non-profit organization or workforce intermediary
- A private-for-profit entity
- A government agency (i.e. a municipality)
- Other interested organizations or entities capable of carrying out the duties of the One-Stop Operator, including Local Chambers of Commerce, business organizations, or labor organizations
- Nontraditional public secondary schools, night schools, adult education schools, career and technical education schools

Note: Elementary schools and secondary schools are not eligible to be selected as the One-

Stop Operator

8. What entities may be selected through competitive procurement to be a Career Service Provider?

The types of entities that may be a Career Service Provider include, but are not limited to:

- The One-Stop Operator
- An institution of higher education
- A community-based, non-profit organization or workforce intermediary
- A private-for-profit entity

9. How often are One-Stop Operators competitively procured?

WIOA requires One-Stop Operators to be competitively procured at least every four (4) years. A state may require, or a LWDB may choose to implement, a competitive selection process more than once every four (4) years.

10. Can a One-Stop Operator also be a service provider?

Yes. However the Local Board must create appropriate "firewalls" through policies and procedures that ensure competition, oversight, and evaluation of the provider's performance. Additionally, the entity serving as the One-Stop Operator/Career Service Provider must implement internal firewalls for these functions. Internal controls must be in place to avoid all conflicts of interest. All organizations—including the LWDB, administrative entities, fiscal agents, One-Stop Operators, and service providers—that perform multiple functions must develop written agreements with the LWDB and CLEO clarifying how the organization fulfills its responsibilities and demonstrates compliance with WIOA, including relevant Uniform Administrative Guidance.

11. How should appropriate firewalls be applied to procurement?

The LWDB must apply appropriate policies to ensure participants in a competitive bid are not directly involved with the procurement process itself, including (but not limited to) drafting procurement requirements, establishing review criteria, and conducting the review of responses and the final selection. The entity conducting the procurement must have no financial interest in the outcome of the procurement. Please see **Attachment 4: Evaluator Training Guide**.

12. What is the effective date for competitively-procured One-Stop Operators to be in place and providing services?

Per guidance provided in **TEGL 15-16**, Competitive Selection of One-Stop Operators—as of July 1, 2017—all existing and new One-Stop Operators must have been selected using a competitive process. Procurement procedures must be developed and the procurement process completed so all One-Stop Operators are under contract to provide its services beginning July 1, 2018, unless otherwise directed by the TDLWD.

13. What other mechanisms may be used to assure full and open competition at the local level? Pursuant to **TEGL 15-16**, the SWDB may opt to retain an outside entity to conduct an objective review of all aspects of the competition process. This review includes the entities selected as a One-Stop Operator such as: past performance, compliance with Federal requirements and policies, financial systems, internal control framework, and policies to

perform and manage the One-Stop Operator services in accordance with WIOA. The outside entity may include the services of the Central Procurement Office of the Department of General Services, or state auditors with the Comptroller of the Treasury.

Please see ***Attachment 4: Evaluator Training Guide.***

Example Questions to Include in the Procurement of the One-Stop Operator (Minimum Requirements)

A. ANSWER THE FOLLOWING QUESTIONS ABOUT THE ONE-STOP OPERATION:

1. Facilities, Equipment, and Technology:

- a. Describe how you will assure that One-Stop services are accessible to all jobseekers and employers in the respective LWDA, including areas with high unemployment and transportation barriers such as in rural communities. Include location and scope of any proposed affiliates, access locations and/or other venues for meaningful access and adaptation for customers with disabilities.
- b. What are your planned hours of operation?
- c. Describe how you will equip, stock, and staff a resource room that is customer focused. Include all technology to be available in the resource room, computer laboratories, and web-based (Wi-Fi) access quality throughout the facility.
- d. In the light of minimizing costs, what is your plan to acquire information technology specialists? Describe how they will carry out helpdesk functions in the AJC.

2. One-Stop Operation:

- a. Describe how you will provide knowledgeable staff, including partner staff, trained and motivated to dress and act professionally with the confidence to address both employers and job seeking customers. **Note:** Potential One-Stop Operator needs to be aware of any implications or special arrangements. Describe how they will organize to meet the requirement of 20 CFR 678.630, which states: *"Continued use of State merit staff for the provision of Wagner-Peyser Act services or services from other programs with merit staffing requirements must be included in the competition for and final contract with the One-Stop operator when Wagner-Peyser Act services or services from other programs with merit staffing requirements are being provided."*
- b. How will you lead One-Stop partners with:
 - i. Integrating a menu of services for job-seeking customers and employers,
 - ii. implementing agreements among the partners such as Memorandum of Understanding and resource sharing, and
 - iii. Maintaining communications with all One-Stop Partners and co-located staff.
- c. Describe the service delivery methods to be implemented in the AJC(s) to ensure that the planning region's goals, regarding placement and credentials, are met or exceeded.
- d. Describe the optimum continuous improvement and quality assurance methods needed in Tennessee's AJCs. Include the metrics which address customer needs, as well as ensure customer satisfaction, in a cost-effective manner.
- e. What is your agency's approach to management of information systems, connectivity and confidentiality? Attach, or include, a privacy policy. **Note:** The State of Tennessee and its LWDA's all use the Virtual One-Stop system.

3. Services for Customers:

- a. Describe your organization's outreach methods to reach target populations to promote AJC Services. Be specific as to the actual outcomes.
- b. Describe your plan to provide staffing, curricula, and the optimum customer flow process in the AJC(s). The plan should demonstrate how best practices with customers and employers are incorporated in the design and delivery of services.
- c. Describe your organization's experience with developing and implementing customer satisfaction instruments, such as web-based services used to track and report actual outcomes.
- d. Describe your experience in utilizing Labor Market Information, fiscal, and other workforce data sources to develop planning estimates of the number of core program (i.e. WIOA Titles I, II, III, and IV) customers to be served, including their respective employment and earnings rates after exit.

4. Services to Employers:

- a. What is your organization's experience working with LWDBs, partners, and/or service providers to develop strategic approaches to support regional economic development and employers with high staffing needs in high-demand occupations?
- b. Describe how you will engage and meet with employers to identify and improve employer resources in the AJC. Include previous experience with employers in a One-Stop setting.
- c. Describe how you will gather and analyze information on sustainability to support ongoing and emerging needs of regional employers.
- d. Describe the full set of services envisioned for area employers, including those serving on the LWDB and all employers with workforce needs that may strengthen an existing system.
- e. Provide how the organization will carry out the vision of the LWDB in regards to how the Center will be structured and staffed to respond efficiently and effectively to area employers. Include a description of proposed customer flow.
- f. Describe how your organization will conduct continuous improvement of employer services, both planned and to be provided, and outcomes of the services to include increased customer satisfaction.
- g. Describe how you will promote and sustain business engagement. Address the methods used to explain and communicate these successes with the LWDB, as well as to the general public.
- h. Describe how your agency plans to integrate and/or coordinate various business engagement strategies and programs. How will these be managed so as to avoid duplication and the risk of multiple partners calling on the same employer(s)?

5. Performance and Reporting:

- a. Please explain and justify the service models that should be used to serve traditionally underserved participants and employers.
- b. Describe your organization's experience in tracking and reporting discrete participant activities while at the same time ensuring full compliance with Personal Identifiable Information (PII).
- c. Describe your strategy to meet or exceed the LWDA's performance goals. How will your organization manage measurement, achievement, and documentation of

performance standards?

B. ANSWER THE FOLLOWING QUESTIONS FOR THE OPERATION OF SERVICES FOR ADULTS and DISLOCATED WORKERS:

1. General Job-Seeking Customer Program Operation:

- a. Describe how you will work with the LWDB, officers, and executive staff relative to the many policy and market intersections. Describe how you will work with the administrative entity and fiscal agent, as well as all monitors and auditors from independent, state, or federal agencies.
- b. Describe how you will help ensure an efficient use of the WIOA funds while maximizing services provided for both adults and dislocated workers.
- c. Describe how you will provide staff to determine WIOA eligibility and enter eligibility and other customer information into Jobs4TN. Describe the coordination of these systems, with the WIOA identified key partners, over time.
- d. Describe how you will work with required partners, and others co-located at the American Job Center, to include the following:
 - i. Describe how you will handle ongoing communication needs with all AJC staff, as well as with agency leadership and the LWDB.
 - ii. Describe how you will approach organization of shared staff and negotiate cost sharing with the required partners. Include how you will ensure agreements are established with all partners in order to meet requirements for infrastructure and cost recovery.

2. Outreach and Recruitment:

- a. Describe how you will market to and recruit WIOA customers, including those from targeted populations which may require specialized marketing.
- b. Describe your experience in utilizing Labor Market Information, fiscal, and other workforce data sources to develop estimates of the number of adults and dislocated workers to be served in a fiscal year.

3. Customer Flow:

- a. Describe how WIOA services will be staffed and customers will flow through various services, assistance with employment, and follow-up.
- b. Describe how you will provide orientation to WIOA services, including any planned adaptations for targeted populations.

4. Workshops:

- a. Describe workshops you plan to offer and the best practices, or other information, utilized in their design.
- b. Describe how you recruit and use volunteers to expand workshop offerings beyond what staff can provide.

5. Assisting Customers:

- a. Describe how WIOA services will assist customers in locating and retaining employment.
- b. Describe how you will interact with and refer youth to and from the AJC, particularly with the WIOA focus on out-of-school youth.



**Evaluator Training Guide Developed and
Provided by the State of Tennessee
Central Procurement Office**



Evaluator Training Guide

RFP#

SOLICITATION COORDINATOR

Name

Central Procurement Office
Tennessee Tower, 3rd Floor
312 Rosa L. Parks Avenue
Nashville, TN 37243

Phone #

Email Address



OUTLINE

- Overview of procurement evaluation process
- The proposal evaluation team selection process and duties
- Conflict of Interest
- Confidentiality requirements
- RFP Purpose, structure, and contents
- Technical response and cost proposal scores
- Evaluation process
- Scoring best practices
- Completing a scoring worksheet
- Evaluation criteria
- Evaluation team responsibilities for scoring an RFP
- Deadlines



WHAT IS A PROCUREMENT EVALUATION?

- A Request for Proposal (RFP) is a formal invitation to a potential respondent to submit a proposal to provide a good or service to fulfill a need the agency has identified.
- After the procurement closing date, all submitted RFPs must be analyzed. This analysis begins the evaluation process and is conducted in order to identify the highest rated respondent.
- It is essential that throughout the evaluation of RFPs that evaluators pay careful attention to the policies and procedures that regulate the evaluation process.
- An evaluation committee is formed to analyze all submitted Requests for Proposals (RFPs).



GUIDELINES FOR FORMING AN EVALUATION TEAM

- The proposal evaluation team should consist of at least three (3) members that are state employees
- If practicable, an odd number of evaluators may be helpful to prevent the occurrence of any ties
- The evaluation team members should have technical expertise in terms of education, training, and experience to assist with the technical component of the solicitation
- Before the evaluation process begins, the evaluation committee must become familiar with all aspects of the solicitation at hand, along with any relevant policies and procedures and the Procurement Procedures Manual
- Only evaluation committee members are permitted to score responses.

RESPONSIBILITIES AND DUTIES OF AN EVALUATION TEAM MEMBER

- Become familiar with all aspects of the RFP
- Become familiar with any relevant policies and procedures
<http://www.tn.gov/generalservices/topic/education-library>
- Read and sign the Conflict of Interest Disclosure Statement Form
- Read and sign the Attestation Regarding Confidentiality Form
- Attend all evaluation committee member meetings
- **Attend all oral presentations by offerors (NOTE—if applicable)**
- Read each RFP to evaluate it against the proposal evaluation criteria detailed in the RFP
- Complete the Evaluation Forms for each RFP
- Submit the Evaluation Forms to the RFP Coordinator
- Ensure fair and equitable treatment of all respondents
- Maintain confidentiality until after the CPO issues the “intent to award” notice.

CONFLICT OF INTEREST

- **No** individual involved in evaluating a solicitation or the associated scope of services should have a *financial interest* in a prospective respondent or have the *appearance of a conflict of interest* with regard to the solicitation or prospective respondent.
- Before participating in any aspect of a procurement and viewing and evaluating the proposals, evaluators must complete and sign a Conflict of Interest Disclosure Statement Form.
 - Review the list of respondents and identify whether you have a conflict of interest. Check the appropriate box on the form, sign & date, and print your name.
 - An evaluator should avoid even the appearance of favoritism towards a given respondent.

EXAMPLES OF POSSIBLE CONFLICTS OF INTEREST

- Situations to be disclosed in the Conflict of Interest Disclosure Statement form include, but are not limited to, the following:
 - When a *personal/professional relationship* (i.e. spouse, in-law, child, etc.) conflicts with or gives the appearance of a conflict.
 - When an evaluator has any type of interest that conflicts with the State's best interest.
 - When an evaluator was *previously employed* by a respondent involved in the procurement.
 - When the evaluator is knowledgeable/aware, or should be, of any information or circumstances that negatively affect their ability to perform their fiduciary duty and act in a fair and impartial manner where the State is concerned.

CONFIDENTIALITY

- Evaluators must complete and sign the Attestation Regarding Confidentiality Form.
- By signing the confidentiality form you attest, certify, warrant, and assure that you will not disclose any evaluation information, including but not limited to the identity of the evaluators until the notice of intent to award is publicly released.

GUIDELINES FOR CONFIDENTIALITY

- Before and during the evaluation, no respondent shall himself or through any person acting for him converse or otherwise communicate with any member of the evaluation team.
- Evaluation members *must report* any attempted contacts from proposers.
- Evaluation team members may *not accept* any bribes in the form of *gifts*.
- Evaluators are not to disclose proposal contents until after CPO issues the “intent to award” notice.
- Evaluators are not to jeopardize the reputation of the State of Tennessee or the benefits it receives from procurements.

RFP PURPOSE

Brief, high-level explanation of goods/services in the RFP. This can mimic section 1.1 in the RFP.



RFP STRUCTURE AND CONTENTS

RFP CONTENTS

1. INTRODUCTION

2. RFQ SCHEDULE OF EVENTS

3. RESPONSE REQUIREMENTS (technical response & cost proposal)

4. GENERAL CONTRACTING INFORMATION & REQUIREMENTS

5. EVALUATION & CONTRACT AWARD

Attachment 6.1. RESPONSE STATEMENT OF CERTIFICATIONS & ASSURANCES

Attachment 6.2. TECHNICAL RESPONSE AND EVALUATION GUIDE

Attachment 6.3. COST PROPOSAL AND SCORING GUIDE

Attachment 6.4. REFERENCE QUESTIONNAIRE

Attachment 6.5. SCORE SUMMARY MATRIX

Attachment 6.6. PRO FORMA CONTRACT



TECHNICAL RESPONSE AND COST PROPOSAL SCORES

- The Solicitation Coordinator will combine the scores from the *technical response* and the *cost proposal* for each respondent to determine the response that has the highest evaluated score.
 - The *technical response* outlines how the respondent plans to meet the state's end result.
 - The *cost proposal* outlines what it will cost the state to reach that result if it elects to contract with the respondent.
- In no event, should the persons serving on the evaluation team for the technical responses, be influenced by the cost proposals. All safe guards must be in place to maintain a proper segregation of duties and responsibilities.

TECHNICAL RESPONSE

- The technical response evaluation should include, but is not limited to, consideration of the following factors:
 - Quality of the goods or reliability of the services;
 - Experience and qualifications (e.g., pending litigation, years in business, etc.);
 - Technical approach;
 - Delivery terms;
 - Past vendor performance, financial ability to perform & resources, and ability to perform to specification requirements;
 - The effect of the purchase on agency productivity;
 - Environmental options and resources (e.g., green, energy efficiency, conscious considerations, recycle options, etc.); and
 - Used products or equipment.

COST PROPOSAL

- The cost proposal should include, but not be limited to, the following considerations:
 - Market rates, if known;
 - Acquisition costs;
 - Costs of implementation;
 - Delivery costs;
 - Discounts or rebates;
 - Cost of any state employee training associated with the purchase; and
 - Implementation and start-up costs, including installation costs, life cycle costs, trade-in value and warranty options.

EVALUATION PROCESS

- RFP Coordinator will review and score all Section A—Mandatory Requirement Items. These items are pass/fail.
 - RFP Coordinator will seek clarifications if necessary.
 - For each item that is not addressed as required, the Proposal Evaluation Team must review the proposal and attach a written determination.
- Evaluation Team will review all technical responses that pass Section A—Mandatory Requirements.
- Evaluation Team reviews RFP Sections B & C. **NOTE—if the RFP includes oral presentations or interviews, add those references here.**
 - Use the Evaluation Guide provided in the Response. **NOTE – revise this language if you are providing your evaluators with an excel spreadsheet.**
- RFP Coordinator opens & scores all cost proposals.
 - Cost and contract language negotiations may be conducted by the CPO, if applicable.

SCORING BEST PRACTICES

- Proposal scoring is one of the most important components to a procurement process.
- Some guidelines that may be used during the process are:
 - Each member must score *independently* without the undue influence of others.
 - Proposal Evaluation Team members should evaluate responsive proposals against the proposal evaluation criteria detailed in the RFP and complete a scoring sheet for each.
 - Proposals must be scored against an *objective standard*, with point assignments being determined before responses are received.
 - Scoring must not be done by comparing one proposal to another.
 - All assigned scoring sections must be completed with no section left blank.
 - All scoring should avoid bias and should be consistent throughout the evaluation process.

COMPLETING A SCORING WORKSHEET

- Evaluators score an RFP using the Technical Proposal & Evaluation Guide.
 - Evaluators typically score the RFP on Section B—General Qualifications and Experience Items & Section C—Technical Qualifications, Experience, and Approach Items.
 - An evaluator may be assigned only a certain part of Section C to complete.
- Evaluators should use the proposal evaluation criteria detailed in the RFP to complete these sections. **NOTE – revise this language if you are providing your evaluators with an excel spreadsheet.**

EVALUATION CRITERIA

- Briefly describe the proposal evaluation criteria detailed in the RFP.

EVALUATION TEAM RESPONSIBILITIES FOR SCORING AN RFP

- Section B is scored in its entirety and is worth a maximum of # points.
- Section C item references are given individual item scores.
 - 0 = Little Value; 1= Poor; 2= Fair; 3= Satisfactory; 4= Good; 5= Excellent
- **ADD oral presentation and/or interview information, if applicable.**
- Fill in the Item Score only. Do not enter the raw weighted score, total raw weighted score, or final score.
- Use the evaluation guides submitted in the response. – **NOTE – Change this language if you are providing your evaluators with an excel spreadsheet.**
 - Any notes you make on the guides will become public record.
 - Use the Evaluator # assigned by the RFP Coordinator to identify yourself on the guides. –**Change this language if your evaluators use their names on the guides.**
- Maintain strict confidentiality.
 - Do not discuss with the Evaluation Team, family, friends, co-workers, vendors, or the press.
- Responses are to be scored objectively and should not be compared to any other submission.

DEADLINES

EVENT	DEADLINE	RESPONSIBLE PARTY
Technical Responses Due		Vendors
Evaluators Receive Technical Responses		RFP Coordinator
Evaluation Guides Due		Evaluation Team
Cost Proposals Opened		RFP Coordinator
Negotiations (optional)		RFP Coordinator
State Evaluation Notice Released		RFP Coordinator
Anticipated Contract(s) Start Date		N/A



Thank You!

Agency RFP Review Checklist

Purpose

The purpose of this job aid is to assist agency procurement professionals in the review of Request for Proposals (RFP).

- Confirm this is not a State Building Commission procurement**
 - <https://www.tn.gov/finance/article/fa-osa-sbc>

- Applicable supporting documentation is attached**
 - Legal Certification
 - Approved endorsements: Strategic Technology Solutions, Human Resources, eHealth
 - Approved rule exception request(s)
 - Comptroller initial questions and answers
 - Vendor list
 - Cost proposal in Excel spreadsheet

- RFP number is correct throughout**
- References are correct throughout**
- All attachments are reflected in the “RFP Contents” box**
- RFP Introduction**
 - Statement of procurement purpose is clear and adequately describes the goods/services to be procured.
 - Estimated budget is listed.
 - If a Pre-Response Conference will be held:
 - The location, the room and conference lines are listed.
 - RFP Section Reference is correct and corresponds to the Notice of Intent to Respond section. Confirm that the room and conference phones lines have been reserved.
 - If a pre-response conference will not be held:
 - The section has been deleted and subsequent sections are renumbered accordingly

- Schedule of Events**
 - Dates meet the minimum requirement between each event
 - Note: CPO recommends giving more time during the questions and answers, and evaluation process to ensure a quality evaluation

Agency RFP Review Checklist

Response Requirements

- The number of technical response copies requested is enough for each evaluator and the solicitation coordinator to have her/his own copy
- There is only one option listed for the cost proposal digital document.
 - XLS is preferred

Section 5: Evaluation & Contract Award

- Evaluation maximum points possible equals 100
- Cost proposal maximum points possible is at least 30 unless there is an approved rule exception
- Technical Response Evaluation section accurately details the evaluation process
 - If language has been revised, a Rule Exception Request is included
- Contract Award Process section accurately details the award process
 - If language has been revised, a Rule Exception Request is included

RFP Section A, Mandatory Requirements

- All requirements are pass/fail
 - Confirm that each can be answered with yes or no
- If a subject matter expert (SME) is needed to ensure this section is evaluated accurately, that language has been added to the evaluation process in Section 5

RFP Section B, General Qualifications and Experience Items

- All are relevant to the pro forma section A and to the ability of the respondent to fulfill the contract
- The maximum possible score is accurate

RFP Section C, Technical Qualifications, Experience, and Approach

- All items relate to the scope of services
 - There is no limit to the amount of information contained in the scope of services
 - Add all items needed to ensure thorough evaluations can be completed and a qualified vendor can be identified.
 - Add evaluation factors. Each factor should be based on the importance of the item being evaluated.
- The maximum possible score is accurate.

RFP Cost Proposal

Agency RFP Review Checklist

- Each cost item description (deliverable) is included in the pro forma contract scope of services in Section A.
 - Deliverables must be listed in the same order as the scope and contain a scope of services section reference.
- Each cost item description (deliverable) is included in the pro forma contract payment methodology in Section C.
- The unit in the proposed cost column corresponds to the deliverable.
 - For example, if the deliverable is a quarterly report the unit would be “per report”.
- The evaluation factors reflect the volume/importance of the various goods/services as described in the pro forma contract sections A and C.
- The maximum possible score is accurate.

RFP Pro Forma Contract

- The most recent CPO template is being used and the instructions for that template are followed unless there is an approved Rule Exception Request for revisions.
 - FA is the standard template. If another template is used, there is an explanation why and the appropriate approval to deviate from the FA template has been obtained.
 - The scope of services and technical requirements are aligned.
 - The scope of services adequately describes the goods/services being procured.
 - Payment methodology matches the RFP cost proposal and does not contain any lines that do not directly relate to the scope of services.

General Notes and Additional Items to Consider:

- Are your technical requirements clear? Has your internal information systems team reviewed?
- Distinct from technical requirements, are your performance outcomes clearly defined?
- Write in plain language.
 - Each reader must interpret the same meaning
 - Avoid slang terms, undefined acronyms, and ambivalent language (could, may, etc.)
- If it's not written in the contract, it doesn't matter

Agency RFP Review Checklist

- If your need involves a system that captures, stores, or moves/transfers data to another system, the department's IT team should be involved BEFORE the RFP is drafted.
- The RFP is a statement of business requirements and includes the pro forma contract.
- The RFP and pro forma contract should be a crisp, **detailed** representation of the department's need.
- There are several options listed in the RFP instructions that are not addressed in this checklist. Make sure to review the RFP in its entirety against the most current RFP instructions.
- RFP language is NOT set in stone. Be creative, and ask for rule exceptions where it is justifiable.