

PUBLIC POLICY: WIOA NUMBER 01-2024

DATE: January 24, 2024

SUBJECT: Public Policy Establishing the Guide for the Competitive Selection Process of Service Providers under the Youth Program and the Responsibility of the Local Board to Provide a List of Providers to the Workforce Development Program of the Department of Economic Development and Commerce, in accordance with section 129(b)(1)(B) of the Workforce Innovation and Opportunity Act (WIOA).

This Public Policy supersedes Public Policy Number: WIOA-02-2019, dated April 10, 2019.

REFERENCES: WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA).

I. INTRODUCTION

The Manatí-Dorado Local Workforce Development Board will select service providers capable of providing services following a systematic approach that offers young people a wide range of coordinated services. The process includes selecting Service Providers that offer one, several, or all elements, to be part of the Service Provider registry. The WIOA Youth Program aims to facilitate the provision of a variety of services that can be presented in combination or separately at different times during the development of young people.

II. LEGAL BASIS

- Workforce Innovation and Opportunity Act (Public Law 113-128 WIOA), sections 116 – Performance Accountability System, 123 - Eligible Providers of Youth Activities, 126 - 129, Youth Workforce Investment Activities;
- Public Policy No. WIOA-PP-03-2020-Amendment 1, Providing Instructional Guidance on the Competitive Selection Process of Service Providers, under the Youth Program and the Responsibility of the Local Boards;
- DDEC-WIOA-02-2020, Technical Assistance Guide for the Elements of the Youth Program, July 7, 2020;
- 20 CFR Part 681 – Youth Activities Under Title I of the Workforce Innovation and Opportunity Act;

- 20 CFR Part 682 – Statewide Activities Under Title I of the Workforce Innovation and Opportunity Act;
- 2 CFR Parts 200 and 2900, Uniform Guidance;
- TEGL 21-16 – Third Workforce Innovation and Opportunity Act (WIOA) Title I Youth Formula Program Guidance, (March 2, 2017);
- TEN 22-19 – Technical Assistance Resources for the Workforce Innovation and Opportunity Act (WIOA) Youth Program, (April 3, 2020);
- TEGL 08-15: Second Title I WIOA Youth Program Transition Guidance, (November 17, 2015);
- TEGL 23-14: WIOA Youth Program Transition, (March 26, 2015);
- TEGL 10-16, Change 2: Performance Accountability Guidance for WIOA Title I, Title II, Title III, and Title IV Core Programs, (September 15, 2022);
- TEGL 03-18: Eligible Training Provider (ETP) Reporting Guidance under the Workforce Innovation and Opportunity Act (WIOA), (August 31, 2018).

III. DEFINITIONS

1. **Youth Committee** – A working committee that provides direction to the activities of the Youth Program.
2. **Local Workforce Development Board** – Members selected by the Board of Directors of Mayors in accordance with the criteria under WIOA section 107(b)(1) and 20 CFR 679.320 and the requirements of Section 107(b)(2).
3. **Youth Program** – Out-of-School Youth and In-School Youth who meet the eligibility requirements of the WIOA, Section 129(a)(1)(B) and (C).
4. **Service Providers** – Providers that submit proposals to offer the elements provided by virtue of the WIOA to the Youth Program.

IV. RESPONSIBILITY OF THE LOCAL BOARD

1. Design of the Service Delivery System;
 - i. Select Service Providers for youth aligned with each local strategy and supporting the development of young people's career pathways.
 - ii. Supervise and evaluate the activities of the Youth Service Providers funded with Title I-B funds.
2. Collaborate with the Local Area Fiscal Agent, monitoring the use of funds.
 - i. Execute contracts with Youth Service Providers and ensure compliance with program regulations;
 - ii. Supervise and evaluate the programmatic, fiscal, and administrative performance of all Youth Service Providers funded with Title I-B.

3. Delegate to the Youth Committee the Selection of Providers, considering:
 - a. Service experience and quality.
 - b. The provider's ability to achieve statistical goals based on WIOA's primary performance indicators and/or State Performance Level negotiations.
 - c. Consider Service Providers capable of providing diverse experiences that contribute to the young person's career pathway.
4. Ensure that entities comprising the Manatí-Dorado Local Workforce Development Area, such as the Fiscal Agent, Current Youth Program Providers, the CGU Operator, or any entity that is a direct service provider in the Local Area, compete for the opportunity to serve as providers of the Youth Program. These entities must not participate in the development of the application or in the adjudication process.
5. Publish the RFP announcement in a widely circulated newspaper and include it on the website of the Manatí-Dorado Local Workforce Development Board (JLMDLMD).
6. Ensure compliance with the Sunshine Provision, to guarantee that the processes are transparent, open, and documented for the general public, providers, or any interested party in the process.
7. Delegate to the Youth Committee the recommendation for the selection of Service Providers.

V. THE PUBLIC ANNOUNCEMENT WILL CONTAIN THE FOLLOWING INFORMATION:

1. The announcement will be available in both Spanish and English.
2. The period for which proposals are being requested.
3. The Budget for the Out-of-School Youth Program and In-School Youth Program.
4. The Elements for which Service Proposals are being requested.
5. Where to request the Guide and Forms to develop the Proposal.
6. It will establish the opening and closing period of the competitive proposal process and the submission deadline.

VI. INSTRUCTION GUIDE FOR THE CONTENT OF THE RFP

1. The Guide will be prepared by individuals who have no conflict of interest in the selection of providers.
2. Any interested individual may request the Guide for Filing a Proposal Application, as established in the public announcement. This will be available electronically and in print.
3. The Guide for Filing the Proposal Application will contain all documentation used in the process, including:
 - i. Service Provider Registration Form.

- ii. Reference to the online link to access sections of the Workforce Innovation and Opportunity Act (WIOA) and applicable regulations. This includes the Training and Employment Letters (TEGL) issued by the Training and Employment Administration of the Federal Department of Labor (DOLETA), related to the Youth Program and Youth Service Providers.
- iii. Reference to the online link for digital access to Public Policies and Guides issued by the State Board and Local Board related to the competitive selection process and services for young people.
- iv. Selection criteria, including the scores that the Youth Committee will use for provider selection.
- v. List of contracting documents required by the Government of Puerto Rico, the Law of Autonomous Municipalities, and the Local Board to be considered eligible for the competitive process.
- vi. Execution measures for youth and how they will be achieved upon completion.
- vii. Reference to the online link of the Local and Regional Plan approved by the Workforce Development Program (PDL).
- viii. Once the Public Notice is published, a question-and-answer meeting will be coordinated for clarification of the Guide.
- ix. Expected outcomes from the presentation of services to be contracted.
- x. During the general election period in the country, ensure compliance with the regulations of the State Electoral Commission (Electoral Ban).
- xi. Clearly establish the date and time for the closure of the proposal submission process.
- xii. Includes a copy of Part XVII. Proposal Adjudication, Section 3 - Procedure for Addressing Complaints Related to the Adjudication Process of the Procedure for the Filing, Review, and Evaluation of Training Proposals and Contracting Division.
- xiii. Establishes the challenge process and the proper administrative procedure for any claim regarding the process.
- xiv. The steps and requirements relevant for the submission of the proposal.
- xv. A record of interested persons, persons who collected or requested the RFP, and another record of the providers who submitted proposals will be established.

VII. CRITERIA FOR EVALUATING SERVICE PROVIDERS

The following criteria will be considered by the Youth Committee of the JLDLMD when evaluating the proposals of service providers:

1. Provider's certification in compliance with serving individuals with Functional Diversity and full compliance with the Americans with Disabilities Act (ADA); serving youth with barriers in rural areas and/or serving youth with barriers in high-poverty communities.
2. The Service Provider's ability to deliver all ten (10) elements, as our Local Area operator offers four (4) of these.

3. Capability to demonstrate the ability to provide activities for the development of the young person's career pathways.
4. The cost of the proposed services (cost analysis).
5. The Service Provider must have a record of effective performance in providing similar services to youth, either under WIOA or other federal, state, and/or entity programs.
6. Demonstrate that it has a network of links with academic and occupational organizations, as well as commercial and community entities.
7. Demonstrate the ability to document the participant's process, conduct periodic evaluations, and guide the youth in achieving their goals.
8. Demonstrate the ability to achieve WIOA's primary performance indicators.
9. Demonstrate administrative and financial stability to offer the services.
10. Demonstrate previous experience in successfully providing services to out-of-school youth and youth with employment barriers, including youth with functional diversity.
11. Among the criteria used to identify providers of occupational training activities in the Local Plan, it should be determined if:
 - i. The study program is related to occupations or careers in demand identified in the State and Local Plans; and
 - ii. The program leads to the award of a credential recognized in the labor market upon completion of the academic program.
12. The Youth Service Provider Evaluation Table is included. Refer to **Annex 1**.

VIII. POST-EVALUATION PROCESS

1. Once the proposals have been evaluated by the Youth Committee, it will issue a communication establishing recommendations to the President of the Local Board. The President will then inform the organizations that participated in the competitive process about the evaluation determination.
 - i. Once approved, an approval letter or approval with modifications letter will be granted.
 - ii. The approval letter with modifications must contain the specifics for which they have been approved with modifications. These will have a maximum of five (5) business days to notify in writing their acceptance and commitment to compliance, which will be sent by certified mail or via email. The business days will start counting from the postmark or the confirmation of receipt of the email. If the proposer does not respond or accept the recommendation within the stipulated term, they will be eliminated from the process, understanding that their proposal was denied.
 - iii. Letters of the denied proposals will be sent including the criteria for which they were rejected and their right to request a reconsideration before the Youth

Committee, within a term of ten (10) business days after having received the notification by certified mail with acknowledgment of receipt or by email with proper certification of receipt by the petitioning party.

2. The Manatí-Dorado Local Workforce Development Board will send to the PDL a List of Service Providers for inclusion in the List of Eligible Youth Service Providers, as established in section 129 of WIOA, and will include information about the providers and the services they provided.
3. The List of Service Providers will include information about the providers and the services they provided and will be certified by the President of the Local Board. Refer to **Annex 2**.

IX. PROCEDURE FOR ADDRESSING COMPLAINTS RELATED TO THE ADJUDICATION PROCESS

1. Refer to **Annex 3**, which is part of the Guide for the Competitive Selection Process of Service Providers under the Youth Program.

X. MINIMUM CRITERIA FOR REMOVAL AND REVOCATION OF CONTRACTED PROVIDERS

1. The Manatí-Dorado Local Workforce Development Board will establish the minimum requirements for the removal and revocation of providers once contracted:
 - i. Intentionally provided false or incorrect information, including information about costs or services.
 - ii. Violated any provision of the WIOA law or contracting terms, including those related to discrimination.
 - iii. Failed to meet the established performance levels for the Local Area in past experiences.
 - iv. Been debarred by the Federal Government.
2. The revocation period will be determined by the Local Board and shall not be less than two (2) years.
3. A Service Provider removed from the List will be responsible for reimbursing all funds received during the period of non-compliance. In cases where a Service Provider or program is removed from the State List and there are named and active participants in the elements of the WIOA Youth Program, participants may complete the program. However, they cannot complete it if the relevant state agency has revoked or withdrawn the license, certification, or authorization to operate, from the provider or the program. In such cases,

the individual participant's plan should be reviewed to redirect services to meet the established goals.

4. The Local Board will notify the PDL of the intention to remove and revoke the Youth Service Provider.
5. The contracting of the Youth Service Provider will be agreed upon a competitive basis. Any changes to the contract must be considered within this premise; terms of costs, participants to be served, or limitations of offering cannot be amended, as these were the basis for the service acquisition.
6. The record of the provider selection process will be maintained for monitoring and audit purposes, including but not limited to the following documents:
 - i. The RFP;
 - ii. A copy of the notification published in regular or digital press;
 - iii. The list of bidders to whom the RFP was sent by regular or electronic mail;
 - iv. A list of all entities that received the RFP;
 - v. Matters of question and answer issuance;
 - vi. Record sheet of proposals received;
 - vii. Minutes of meetings related to the evaluation;
 - viii. Grading sheets, synopses, memorandums, spreadsheets, and any additional document detailing the analysis for the evaluation method, selection, or rejection of the entities that submitted proposals.
 - ix. Any other document that is important for the determination.

XI. RECORD OF CONTRACTED PROPOSALS

1. The Contract Division of the Manatí-Dorado Local Workforce Development Area will maintain a file containing the following documents, but not limited to:
 - i. The original signed contract;
 - ii. Original signed amendments;
 - iii. Copy of the proposal;
 - iv. Official communications;
 - v. Working documents detailing the contract negotiation process. These working documents will contain information showing the basis of the contract terms and include notes from all personnel involved in the contract negotiations; and
 - vi. Copy of any complaint submitted and its resolution.


XII. EVALUATION OF THE CONTRACTED SERVICE PROVIDER

1. The Manatí-Dorado Local Workforce Development Board will evaluate the contracted Youth Service Providers during their participation in the Youth Service Providers Registry.
2. The contracts of the selected providers can be established on a multi-year basis for up to four years, thus allowing for the continuity of services. If the operator offers some of the elements, the validity must coincide with the contracts of the providers and that of the operator.
3. The Local Board may enter or request new providers annually, as long as it follows the competitive basis for the registry.


XIII. APPROVAL AND VALIDITY

This Public Policy was approved by a majority vote of the Members of the Local Board and by a majority vote of the Members of the Board of Directors of Mayors of the Manatí-Dorado Local Workforce Development Area in a regular meeting held on Wednesday, January 24, 2024. It will be effective from Thursday, January 25, 2024.

In Vega Alta, Puerto Rico. Today, January 24, 2024.



José Cruz Rivera
President
Local Workforce Development Board



Hon. María M. Vega Pagán
President
Board of Directors of Mayors

Note: In this document, the masculine gender will be used to refer to both genders in order to facilitate its reading. This writing style does not intend to imply the supremacy of one gender over another.

YOUTH SERVICE PROVIDER EVALUATION TABLE

EVALUATION CRITERIA	Exceeds (4)	Satisfactory (3)	Barely Meets (2)	Does Not Meet (1)	Not Applicable (0)
The provider has the administrative and financial capacity to provide services to youth.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The provider's physical facilities have accessibility, security, and transportation for the provision of youth services.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provider's ability to serve individuals with functional diversity and in full compliance with the Americans with Disabilities Act (ADA); serve youth with barriers in rural areas and/or youth with barriers in high-poverty communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Provider's ability to offer all ten (10) elements.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cost of the proposed services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The provider demonstrates the ability to identify participant progress, establish evaluations, and achieve goals.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The provider demonstrates the ability to achieve WIOA's primary performance indicators.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The provider demonstrates the ability to provide a career pathway to the youth.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Experience in successfully providing services to out-of-school youth and in-school youth with employment barriers, including youth with functional diversity.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCORE					

COMMENTS:

PROCEDURE FOR ADDRESSING COMPLAINTS RELATED TO THE ADJUDICATION PROCESS

[Pages 39-44, Section 3 in the Procedure for Filing, Review, and Evaluation of Training Proposals and Contracting Division,
dated February 6, 2023]