

ÁREA LOCAL
DE DESARROLLO LABORAL
MAYAGÜEZ / LAS MARÍAS

AmericanJobCenter

LOCAL WORKFORCE DEVELOPMENT BOARD MAYAGÜEZ - LAS MARÍAS

COMPETITIVE SELECTION PROCEDURE SINGLE MANAGEMENT CENTER OPERATOR – AMERICA JOB CENTER (CGU-AJC)

I. INTRODUCTION

The Local Workforce Development Board (Local Board) is responsible for selecting the operator(s) of the One-Stop Management Centers (UGC-AJC in Spanish), consistent with the provisions of the Workforce Innovation and Opportunity Act (WIOA). The Local Board will conduct competitive procurement processes to identify the operator of the CGU-AJC. Competition promotes the efficiency and effectiveness of the CGU-AJC operators by providing a mechanism for Local Boards to review performance regularly and costs over original expectations. A waiver may not exempt the competition process.

II. LEGAL BASIS

- A. Public Act 113-128, Workforce Innovation and Opportunity Act of 2014, Sections 107(d) (10), 107(g)(1), 121(d) (1-2), 123, 134(c)(2)(C);
- B. Interpretative Regulations 20 CFR 678.600 - 678.635, 681.400; 34 CFR 361.600 - 361.635; 34 CFR 463.600 - 463.635;
- C. 2 CFR Part 200 and Part 2900, Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Grants;
- D. "Training and Employment Guidance Letter (TEGL) 15-16 issued by the Employment and Training Program attached to the United States Department of Labor (ETA - : DOL US) on January 17, 2017: Competitive Selection of One-Stop Operator;
- E. "Training and Employment Guidance Letter (TEGL) 16-16 issued by the Employment and Training Program attached to the United States Department of Labor (ETA - DOLUS) on January 18, 2017: OneStop Operations Guidance for the American Job Center Network; Administrative
- F. Circular Letter WIOA -02-2017 issued by Puerto Rico Workforce Development

Board, dated April 24, 2017;

- G. Communication issued by the Program Director of Workforce Development, dated April 2, 2018.

III. DEFINITIONS

For purposes of this document, the words contained herein shall have the following meanings:

1. One-Stop Management Center - AJC - A physical location where job seekers and employers can access all required or mandated partners' programs, activities, and services. The One-Stop Management System will include at least one CGU-AJC in each local area.
2. CGU-AJC Operator Selection Committee (Operator): The Local Board Chairperson will appoint this committee, which will be responsible for planning, evaluating, and recommending the CGU-AJC Operator to the Local Board.
3. Conflict of Interest is a conflict between official responsibilities and the private interests of a person or entity in a position of trust. It occurs when an individual or organization has a financial or other interest that can be established by either employment or wealth.
4. Contract—a legal instrument by which the fiscal agent, service provider, or subrecipient agrees to pay for goods, property, or services necessary to fulfill the agreement's purposes. For purposes of this public policy, this term does not include a legal instrument intended to delegate funds.
5. Delegation of funds - a delegation provided by the recipient entity to a sub-recipient to conduct part of the Federal program to which the delegation relates. This does not include payments to a contractor or to an individual as a recipient of a federal program. A delegation of funds may be provided through a legal agreement, including that legal form that is considered a contract.
6. Description of Services—This is a part of the proposal that consists of a detailed description of the services that the bidder will be required to perform in order to be considered in the competitive process. It is generally incorporated into the contract as an integral part of the contract.
7. Disbursement - refers to monetary payment made due to a purchase or payment obligation.
8. Non-Federal Entity/Entity - a state, local government, Indian tribe, institution of higher education, or nonprofit organization that performs a recipient or subrecipient function for a delegation of federal funds.

9. Evaluator- a person who applies independent judgment in awarding points to evaluation criteria in a competitive procurement process.
10. Single Management Center Operator—One or more entities designated through a competitive process. Its basic function is to coordinate the delivery of services between the system's partners and service providers.
11. Bidder- an individual or organization that submits a proposal to a solicitation for a competitive procurement process.
12. Proposal- a bid submitted in response to a solicitation for a competitive procurement process.
13. Request for Information - a public process aimed at conducting market research.
14. Request For Proposal (RFP) - a public competitive procurement process in which potential bidders are invited to submit their proposals in compliance with the Guidelines issued for the activity under competition.
15. Sub-recipient - an entity that receives federal funding assistance from a primary recipient or another sub-recipient to carry out activities or administer a WIOA-funded Program. For purposes of this Circular Letter, the CGU-AJC Operator shall be considered a subrecipient.

IV. GENERAL PROVISIONS

1. As of September 30, 2018, the CGU-AJC Operator must have been selected using a competitive procurement process.
2. The Local Board will enter into a contract with the selected Operator for an initial period of one (1) year, which will be extendable for periods of one (1) year up to a maximum of four (4) years, subject to compliance with the awarded contract.
3. The Local Board will designate a Committee responsible for carrying out the activities related to the selection of the CGU-AJC Operator described in this procedure. The Committee will report on the aspects related to the selection of the CGU-AJC Operator at the regular meetings of the Local Board.
4. All procurement shall be conducted in a manner that provides complete and open competition.
5. To ensure an objective evaluation of the bidder and eliminate unfair competitive advantage, entities or individuals drafting specifications, requirements, invitations, requests for proposals, and related documents shall not, under any circumstances, compete in the procurement process.
6. All competitive procurement processes shall be outlined in writing so that all parties know their roles and responsibilities.
7. Costs proposed by prospective operators for the CGU-AJC shall be allowable, reasonable, necessary, and payable as provided in the Uniform Guidance in 2 CFR part 200.
8. The following situations shall be considered restrictive for competition purposes:

- a. Requiring unnecessary experience and excessive bonding;
 - b. Non-competitive pricing practices between entities or between affiliated companies;
 - c. Organizational conflicts of interest;
 - d. Any arbitrary action in the competitive procurement process;
 - e. Establishing unreasonable requirements in the qualification of proposers.
9. All submitted Proposals (considered, rejected, and selected), the notice, guide, selection notifications (positive and negative), and other documents used for evaluation, selection, and procurement must be kept in a file as part of the process documentation. They shall be available and provided for monitoring or audit upon request by the state or federal government. They shall be retained for six (6) years.

V. PERMISSIBLE FORMS OF PROCUREMENT

The permissible forms of competitive procurement are:

- a. Competitive Proposals: Request for Proposals
- b. Non-Competitive - Sole Source. This process may only be used when selection of the CGU-AJC Operator is not possible through the competitive process, and one of the following circumstances applies:
 1. A determination is made that only one entity can provide the service being requested or
 2. There are circumstances of public exigency that justify it because of the delay in the time it takes for a competitive process or
 3. The outcome of the competitive process is determined to be inadequate.

After complying with the above, the selection of the CGU-AJC Operator must have the written consent of the Board of Mayors and the Governor. In the particular case of Puerto Rico, it was determined that the latter would not be considered. The entire process will be open to competition.

VI. COMPETITIVE PROCESS - STEPS TO ENSURE TRANSPARENCY AND OPENNESS

The process shall include stages or phases designed to ensure that the competitive procurement process is conducted transparently and openly. Such stages or phases shall include, at a minimum, the following:

a. Planning Stage

1. The Local Board shall select the CGU-AJC Operator Selection Committee. It shall consist of members of the Local Board, including a representative of Wagner Peyser. Before the issuance of the Request for Proposal, the Committee members will perform the following activities:
 - i. Identify the need. Establish the parameters to be negotiated with the CGU-AJC Operator and conditions to be included in the contract to be awarded, among these: obligations, budget, execution levels, terms, etc.;
 - ii. Conduct market research;
 - iii. Require additional information (if applicable);
 - iv. Conduct a cost and price analysis;
 - v. Develop the requirements to be requested to the CGU-AJC Operator;
 - vi. Develop the Request for Proposals;
 - vii. Develop the criteria to be evaluated and the score to be awarded.
2. A Public Notice will be published in at least one newspaper of general circulation to increase competition, broadcasting and communicating the procurement opportunity to attract the greatest number of bidders and bids, and on the Local Board's web page, among others. The Public Notice shall be published at least 30 days before its closing date.
3. The Notice will be published on the electronic page.
4. Bidders will receive a copy of the Guide (Specifications) included in the Request for Proposals. The guidelines for submitting Proposals shall be specific concerning the services to be acquired and the criteria by which all proposals will be uniformly evaluated. They shall also contain information on how the criteria will be objectively evaluated. The criteria shall be following the applicable performance measures.

b. Evaluation Stage

At this stage, the Committee will carry out the following:

- i. Receive the Proposals;
- ii. Evaluate and appraise the proposals;
- iii. Conduct conferences with bidders, if necessary.

Proposals must comply with the instructions and requirements set forth in the Guide to be evaluated and considered. Proposals received after the due date will not be accepted. The criteria for evaluating proposals will be applied and tabulated objectively. The Guide will include the criteria for the proposer to consider when preparing the Proposal.

c. Selection Stage

1. After selecting the CGU-AJC Operator, the Local Board or Committee will perform the following activities:
 - i. Negotiate performance levels;
 - ii. Negotiate a fair and reasonable profit, if applicable;
 - iii. Negotiate payment details and frequency;
 - iv. Negotiate the terms of the contract;
 - v. Obtain the approval of the Local Board, the designated member of the Board of Mayors, and the Governor, if applicable;
 - vi. Appoint and certify the CGU-AJC Operator;
 - vii. Execute the contract.
2. The Uniform Administrative Requirements require that a contract be awarded to responsible entities that can successfully execute the terms and conditions of the contract. Criteria such as integrity, compliance with public policy, a record of related past experience in both private enterprise and public agencies, and technical and financial resources should be considered.
3. The Local Board will formalize a contract with the entity serving as the CGU AJC Operator. It shall include:
 - a. The specific roles, functions, and levels of execution for the Operator.
 - b. Validity, specification of services to be performed, performance measures to be evaluated, and clauses on ethics are among other mandates.
 - c. The clauses by state and federal laws are mandatory in any governmental contractual relationship.
4. The CGU-AJC Operator, including for-profit and non-profit organizations, academia, and state and local governments, are considered sub-recipients and must adhere to applicable state and federal laws and regulations.

d. Implementation Stage

The Local Board shall do the following:

- a. Evaluate and approve contract modifications.
- b. Disbursements and modifications to the CGU-AJC Operator's budget will be made promptly and efficiently in accordance with the Uniform Administrative Requirements.
- c. The CGU-AJC Operator shall submit invoices on time and with all documents required by the contract.
- d. The Local Board will measure, track and monitor performance, services provided, and

- programmatic and performance achievements,
- e. The Local Board will oversee and monitor the CGU-AJC Operator. The State shall evaluate the Local Board's performance in overseeing and monitoring the Local Board's performance concerning the CGU-AJC Operator.
- f. The State will conduct oversight and monitoring if the Local Board serves as the CGU-AJC Operator.

e. Closing Stage

The Local Board shall do the following:

- a. It will reconcile costs and payments, reconcile projected and actual performance measures, ensure client and financial records are secured and reserved, and prepare closure documents and reports.
- b. During the closeout period, the Local Board will retain or transfer client and financial records to the appropriate agency for future review and monitoring.
- c. The Local Board will evaluate and/or reconcile the operator's performance and payments to ensure that payments were made following the contract.
- d. To avoid future claims for payments, the Local Board should issue and maintain a file including communications and notice of termination.

VII. CGU-AJC OPERATORS

- A. Roles and Responsibilities of the CGU-AJC Operator
 - a. The basic role of a CGU-AJC operator is to coordinate the provision of services of the partners present in the CGU-AJC and of the service providers, in those cases in which the totality of the services offered by the Program is contracted.
 - b. The State and the Local Boards shall ensure that in the performance of their duties, the CGU-AJC operators:
 - i. Disclose any potential conflicts of interest arising from a relationship between the operator and suppliers of training, services, goods, etc.
 - ii. Do not disincentivize the provision of services to individuals with barriers to employment who require training and career services that take a greater length of time and
 - iii. Comply with Federal regulations and procurement policies outlined in

section 683.295 of the Regulations and the Uniform Administrative Requirements (2 CFR part 200) and other applicable regulations and policies.

- iv. The role of the CGU-AJC Operator must be delineated at all stages of the procurement process and in the legal contract between the Local Board and the CGU-AJC Operator.

B. Requirements to Become a CGU-AJC Operator:

- a. The CGU-AJC operator may be a public, private, or non-profit entity or a Consortium of entities with proven and corroborated service effectiveness.
- b. If the Consortium of entities comprises CGU-AJC partners, it must include at least three (3) of the required partners as described in 20 CFR section 678.400.
- c. Operators may administer one or more CGUs-AJCs. There may be more than one CGU-AJC operator in a Local Area.
- d. The types of entities that may be CGU-AJC operators include:
 - i. Educational institutions such as higher education institutions and non-traditional public high schools such as night, adult, or technical schools are also important. Elementary or secondary schools are not eligible to be CGU-AJC operators;
 - ii. State employment service agency under the Wagner-Peyser Act;
 - iii. Community-based organizations, a nonprofit organization, or a Workforce system intermediary;
 - iv. Private for-profit entity;
 - v. Governmental agencies such as state and local governments;
 - vi. Other interested organizations that are capable of performing the duties of a CGU-AJC operator, such as business organizations or labor organizations, may also be considered.
- e. The Local Board may operate the CGU-AJC. However, Local Boards must compete and comply with the mandated competitive requirements outlined in 20 CFR 678.605(c) and 678.615(a). When selecting a Local Board, the Governor and the Board of Mayor's designee must concur with the selection.

VIII. CGU-AJC OPERATOR SELECTION COMMITTEE

The members of the Committee, in their capacities, shall:

Sign a Certification of Confidentiality and Certification of NO Conflict of Interest and shall adhere to the same.

- a. Maintain the confidentiality of the votes, results, discussions, and other information on the proposals under consideration.
- b. They may not meet with the Bidders or offer information on competitors' proposals.
- c. Keep Proposals, notes, and Evaluation and Appraisal Sheets secure and confidential.
- d. All notes made by the Committee shall be included in the file.
- e. They will strictly use the evaluation criteria for which all bidders competed.
- f. They will read and evaluate each proposal in detail.
- g. They shall be objective, impartial, honest, and fair in their evaluation and recommendation.
- h. They will not investigate or search for information on any of the Bidders.
- i. They will not be limited to considering only the Executive Summary to evaluate the proposal.
- j. They should be prepared to defend their evaluation and assessment before any forum or person with standing in the process.
- k. They shall keep minutes of all meetings and record each meeting.

IX. EVALUATION AND ASSESSMENT

- a. The Proposals and Evaluation and Appraisal Sheets will be given to each member of the Committee. They will proceed to evaluate and assess the proposals individually.
- b. They shall meet with the other members of the Committee, discuss the evaluation results, and prepare the Evaluation Sheet.
- c. An Evaluation Sheet will show the score obtained by each competing bidder. This will be attached to the Evaluation Sheet.
- d. The evaluation indicators are as follows:

INDICATORS	VALUE
Experience and qualifications including the organizational capacity of the entity.	20
Customer and participant service strategies	15
System partner services strategies	15
System partner services strategies	15

Proposed costs are reasonable and within the available budget.	15
Financial capacity	10
Submits required tax documents	10

- e. The Evaluation Sheet shall include the following:

Evaluation Criteria	Bidder A	Bidder B	Bidder C
INDICATORS			
Experience and qualifications including the organizational capacity of the entity.			
Customer and participant service strategies			
System partner services strategies			
System partner services strategies			
Proposed costs are reasonable and within the available budget.			
Financial capacity			
Submits required tax documents			

- f. The President of the Local Board shall notify the successful bidder of the process to be followed in connection with the contract. After the contract is executed, there shall be a transition period that does not exceed twenty (20) working days.

X. TAX REQUIREMENTS IN THE ACQUISITION

When a competitive procurement process is used for the selection of a sub-recipient for a delegation of funds, it should be guided by:

- a. Documented internal controls, including written procedures for employee conduct and conflict of interest provisions.
- b. Record of supplier services, including records of previous performance, cost principles, evidence of compliance, and results of audits and monitoring.

Competitive procurement criteria should ensure fiscal accountability and prevent misuse, fraud, and abuse of funds and Programs under WIOA. Where applicable, such criteria should promote fair and competitive procurement of goods and services.

All agreements must be performance-based, as defined in the Federal Acquisition Regulations (FAR37.6), and include, at a minimum, the following requirements:

- a. Performance requirements must be defined in measurable terms and related to the activity's objective.
- b. Performance criteria (quality metrics, quantity, and response time) must be correlated to performance requirements.
- c. A quality control plan that describes how the contractor's performance will be measured against the performance criteria.
- d. Assign allowable incentives, positive and/or negative, for critical performance criteria in achieving agreed-upon objectives.

Other non-federal entities, including Local Boards, must:

- a. Follow the general performance criteria outlined in State law, regulation, and other regulations, as well as the 2 CFR 200.318-326 provisions.
- b. Develop and document its policies, procedures, and criteria that reflect compliance with state laws and regulations and conform to federal law and the standards in the Uniform Guidance issued by the federal Office of Management and Budget (OMB).
- c. Ensure full and open competition.
- d. Use the most economical criteria in the acquisition of goods and services.
- e. Select only the most responsible contractors.
- f. Maintain vigilance in monitoring performance and contractor performance.
- g. Maintain documented historical procurement details, including rationalization and consideration of the procurement method used, selection of contract type, rationale for selection or rejection of proposing contractors, and rationale for pricing of contracted activity.

XI. ETHICAL STANDARDS

The Ethical Standards address the requirements of fairness and objectivity throughout the competitive procurement process. The Ethical Standards must be in writing and shall include the following:

- a. Individuals and/or entities using federal funds to select the CGU-AJC Operator must be free of apparent or actual conflict of interest.
- b. Disclosure of any actual or apparent conflict of interest is mandatory for all parties involved in the competitive procurement process.
- c. The process for recusal of individuals or organizations that are members of the Local Board that fail to disclose any actual or apparent conflict of interest must be identified in writing.
- d. Description of how conflicts of interest, real or apparent, will be avoided and/or mitigated in all competitive procurement processes.
- e. The information submitted by the bidders and that of the process, in general, will be confidential to avoid using such information to the advantage of any party involved.
- f. No organization that drafts and/or develops the specifications and requirements or evaluates the proposals may compete in a competitive procurement process under such a process.

XII. TRANSPARENCY AND ORGANIZATIONAL ACCOUNTABILITY

A. Transparency

- i. The entire competitive procurement process of the CGU-AJC Operator shall be conducted under the premise of transparency and accountability.
- ii. All information on the selection and certification of the CGU-AJC Operator shall be publicly available. This includes ethics rules for the competitive procurement process, the competitive procurement procedure, list of competitors, minutes, evaluations, certifications, proposals, costs, contract awarded, among others. The public availability of such information includes publication on the website of the Local Board and/or Local Area and prompt response to any request for information, either electronically or in writing.

B. Organizational Accountability

- i. The selected entity must be able to execute the terms and conditions in the proposal successfully.

- ii. The entity's integrity, compliance with established public policy, a certified record of previous equivalent executions, activities, or experiences, and financial and technical resources must be considered.
- iii. Entities competing in the AJC-CGU Operator selection process may not be debarred, suspended, or otherwise excluded or ineligible to participate in a federally funded program or activity. Therefore, any entity wishing to compete for the selection of the CGU-AJC Operator must register in the System for Award Management (SAM-E) and obtain a Data Universal Numbering System (DUN) so that the corresponding information can be provided.

XIII. REQUEST FOR REVIEW

Unsuccessful bidders will be notified by mail. The notification will include a summary of the process and the criteria for not being selected. You will be notified of your right to file a reconsideration with the Local Board within twenty (20) calendar days of the notification. The request for reconsideration shall be addressed to the Local Board Chairperson and may be delivered in person at the Local Board office, by mail, or by electronic mail. The reconsideration shall include, at a minimum, the following:

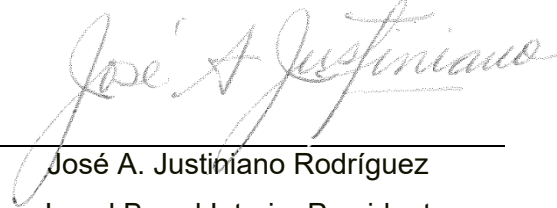
- A. Name and address of the person requesting the reconsideration
- B. Detailed description of the allegation
- C. The signature of the person requesting the reconsideration or his/her authorized representative.
- D. If a reconsideration arises, and if it has not been resolved by the stipulated date, the following process will be followed:
 - ✓ The Local Board shall make appropriate provisions without adversely affecting services to clients, patrons, and participants.
 - ✓ The prerogative of the Local Board is to determine who shall continue to provide services.

XIV. EFFECTIVENESS

This Procedure is effective immediately upon approval by the Local Workforce

Development Board. It amends the Procedure approved on May 23, 2017.

Approved today, June 11, 2018, in Mayagüez, Puerto Rico.



José A. Justiniano Rodríguez
Local Board Interim President

CERTIFICATE OF TRANSLATOR

Smile Again Learning Center, Corp., certifies that a fluent translator in English and Spanish translated this document, that the above is a true and correct translation of the original document provided, in our best judgment, the translated text truly reflects the content, meaning, and style of the original text and constitutes in every aspect a complete and accurate translation of the original document. This is to certify the correctness of the translation only. We do not make any claims or guarantees about the authenticity or content of the original document. Further, Smile Again Learning Center assumes no liability for the way in which the translation is used by the customer or any third party, including end-users of the translation. Any translation into another language shall be deemed as reference and the original version shall prevail in any case. A copy of the translation is attached to this certification.

In Isabela, Puerto Rico, June 30, 2024

Aledawi Figueroa Martínez

President

Smile Again Learning Center, Corp.

(787)872-5151 / (787)225-6332

widy.figueroa@smileagainpr.com

www.smileagainpr.com