

Workforce Development Board, Inc. of Oswego County

REQUEST FOR PROPOSAL (RFP)

FOR A ONE-STOP OPERATOR IN THE OSWEGO WORKFORCE INVESTMENT AREA

February 7, 2017

***** Please Note*****

The requirements under this solicitation are based on the federal Workforce Innovation and Opportunity Act signed into law on July 22, 2014, with an effective date of July 1, 2015. This legislation represents a significant change in priorities and requirements from previous federal workforce legislation. Please refer to: <http://www.doleta.gov/WIOA> for more information on the Workforce Innovation and Opportunity Act.

This RFP does not commit the Workforce Development Board, Inc. of Oswego County to award a contract, to pay any costs incurred in the preparation of a proposal to this request, or to procure or contract for services or supplies.

The Workforce Development Board, Inc. of Oswego County reserves the right to accept or reject any or all proposals received as a result of this request, to negotiate with all qualified sources, or to cancel in part or in its entirety this RFP if it is in the best interest of the Workforce Development Board, Inc. of Oswego County to do so or to request further information from any applicant.

All potential applicants should read this RFP carefully.

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Part One: Background Information

A. Purpose

Under this RFP, the Workforce Development Board, Inc. of Oswego County (WDB) is soliciting proposals from qualified entities to serve as the One-Stop Operator for the Oswego Workforce Investment Area, in accordance with the federal Workforce Innovation and Opportunity Act (WIOA) which was enacted on July 22, 2014, and became effective on July 1, 2015.

The WDB is responsible for development, oversight, implementation, and leadership of the publicly-funded workforce system, which provides workforce services for Oswego County. Services are provided through the Oswego County Workforce NY (OCWNY), a member of the American Job Center network (formerly the One-Stop Center), with its office at 200 North Second St., Fulton, NY 13069. OCWNY is currently a collaboration of workforce partner organizations with resources and expertise in serving companies and job seekers across the county.

The Workforce Innovation and Opportunity Act (WIOA) of 2014 was enacted “to amend the Workforce Investment Act of 1998 to strengthen the United States workforce development system through innovation in, and alignment and improvement of, employment, training, and education programs in the United States, and to promote individual and national economic growth, and for other purposes.”

Pursuant to WIOA, Subtitle B, Chapter 1, section 121, the local WDB representing Oswego County plans to implement a one-stop delivery system. Section 121 (d)(1) of WIOA authorizes the WDB, “with the agreement of the chief elected official... to designate or certify one-stop operators and to terminate for cause the eligibility of such operators.”

To be eligible to perform the functions of the one-stop operator, organizations must be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes three or more of the one-stop partners described in WIOA Section 121 subsection (b)(1)), of demonstrated effectiveness, with a minimum of three (3) years related experience, which may include:

1. An institution of higher education;
2. An employment service State agency established under the Wagner-Peyser Act (29 U.S.C. 49 et seq.);
3. A community-based organization, nonprofit organization, or intermediary;
4. A private for-profit entity;
5. A government agency;
6. A Local WDB, with the approval of the chief elected official and the Governor;
7. Another interested organization or entity, which is capable of carrying out the duties of the one-stop operator. Examples may include a local chamber of commerce or other business organization, or a labor organization; or
8. A nontraditional public secondary school such as a night school, adult school, or an area career and technical education school.

The one-stop delivery system required partners under WIOA Section 121(b)(1)(B) are the entities responsible for administering the following programs and activities in the local area:

1. Programs authorized under title I of WIOA, including: Adults, Dislocated workers, Youth, Job Corps, YouthBuild, Native American programs, and Migrant and seasonal farmworker programs;
2. The Wagner-Peyser Act Employment Service program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III;
3. The Adult Education and Family Literacy Act (AEFLA) program authorized under title II of WIOA;
4. The Vocational Rehabilitation (VR) program authorized under title I of the Rehabilitation Act of 1973 (29 U.S.C. 720 et seq.), as amended by WIOA title IV;
5. The Senior Community Service Employment Program authorized under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.);
6. Career and technical education programs at the postsecondary level authorized under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.);
7. Trade Adjustment Assistance activities authorized under chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.);
8. Jobs for Veterans State Grants programs authorized under chapter 41 of title 38, U.S.C.;
9. Employment and training activities carried out under the Community Services Block Grant (42 U.S.C. 9901 et seq.);
10. Employment and training activities carried out by the Department of Housing and Urban Development;
11. Programs authorized under State unemployment compensation laws (in accordance with applicable Federal law);
12. Programs authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532); and;
13. Temporary Assistance for Needy Families (TANF) authorized under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), unless exempted by the Governor under § 678.405(b).

B. Budget

The role of the One-Stop Operator is not funded and will be provided at no cost to the WDB. No salaries, administrative costs, travel or other expenses will be reimbursable. All time and expense will be the responsibility of the One-Stop Operator and not the WDB. The period of performance is July 1, 2017 through June 30, 2018, with the option to renew annually for an additional three years.

C. Services to be Provided

The role of the one-stop operator is defined under 20 CFR, Section 678.620 as follows: “At a minimum, the one-stop operator must coordinate the service delivery of required one-stop partners and service providers.” Under WIOA, the organizations which make up the one-stop delivery system are encouraged to ‘coordinate’ their services with one another under the assumption that collaborative activity can facilitate access to services, reduce unnecessary duplication of effort, and produce a more effective and efficient service delivery system, which will lead to improvements in overall client satisfaction and positive outcomes.

Therefore, preference will be given to those entities with access to resources which help facilitate coordination among the WDB and its partners in service delivery. The chosen One-Stop Operator

for the Oswego workforce investment area will be uniquely positioned to coordinate the actions of the provider of career and training services and partner agencies by encouraging enhancements to the current one-stop service delivery system.

The services to be performed pursuant to this solicitation include the following:

- Coordinating service delivery of one-stop partners and service providers across the one-stop system;

Additional Responsibilities:

- Meeting at least quarterly with the WDB Executive Director, Full Board and/or Operations and Oversight committees to discuss system coordination, customer engagement, and system performance.
- Coordinating partner responsibilities as defined in their respective memorandum of understanding (MOU). Convening partners regularly to build affiliation and commitment, as necessary.
- Attending mandated partner meetings at least four times per year, or at intervals determined by the Board,
- Reporting to Board, stakeholders, and partners on system activities. Make recommendations to the executive director to improve the program effectiveness through the sharing of services, resources, and technologies among partners, and implement the corrective action required for those improvements.
- Assisting in the expansion of partnerships and increased integrated service delivery
- Coordinating regional system activities as required and perform related activities as assigned.

Part Two: Selection Process

A. Selection Process and Criteria

A sub-committee of the WDB will review and accept proposals and make a recommendation to the WDB for approval. The WDB will make the final decision on which proposals will be awarded contracts. Providers selected through this process will be notified in writing.

Applicants will be rated on a 100-point rating system, as indicated below:

Applicant Background, Qualifications and Experience	40 Points
Access to Resources to support One-Stop Delivery System	25 Points
Financial Resources/Budget	20 Points
Timely Implementation	10 Points
Proposed Staff	<u>5 Points</u>
Total	100 Points

To be eligible to receive an award a proposal must be fully completed, contain all required documentation, and achieve a minimum score of 70 points. Failure to meet minimum requirements or provide all required information will result in automatic rejection of the application. The highest scoring proposal will be awarded the contract.

B. Timeframes for Contracts

A contract will be developed with the providers selected from this RFP outlining the terms of the contract and the services each provider is authorized to provide.

- Proposals accepted through this RFP will be valid for the period July 1, 2017 through June 30, 2018, with the option to renew annually for an additional three years.
- Contracts are renewed annually based on achievement outcomes as outlined in this RFP, and at the discretion of the WDB.
- Contracts awarded will be written agreements between the WDB and the selected provider.

C. Limitations on the RFP

This RFP does not commit the WDB to award a contract or to pay any costs incurred in the preparation of a proposal.

Only proposals accepted by WDB Inc. of Oswego County will be used.

This RFP, and submissions by proposers to this request, and any final contracts negotiated with the successful proposer(s) is subject to WIOA final regulations issued on June 30, 2016 and any subsequent guidance provided by the United States Department of Labor (USDOL) and New York State Department of Labor (NYSDOL).

The Service Provider is aware that the Workforce Development Board, Inc. of Oswego County has declared a priority of service policy to be in effect for Veterans and Eligible Spouses of Veterans at every phase of services offered. The Service Provider agrees to abide by this policy.

D. Timeline

RFP Issue Date	Tuesday, February 7, 2017
Technical Assistance	Ongoing
Mandatory Bidders Conference	Wednesday, February 22, 2017, 8 a.m. @ OBCR/Rich Hall Conference Room 104 SUNY Oswego
Completed RFP Proposal Due Date Hard copies delivered to 103 Rich Hall	Tuesday, March 7, 2017, 4 p.m.
Proposal Review by sub-committee	Wednesday, March 8, 2017

Executive Committee Proposal Review and Recommendation	Wednesday, March 15, 2017
Full Board votes on Recommendation	Wednesday, March 22, 2017
Contract Award Notification	Starting March 23, 2017
Sign Contracts	By June 30, 2017
Contract Dates	July 1, 2017- June 30, 2018

Part Three: Proposal Submission

A. General Instructions

All proposals must be in accordance with the format specified below.

Paper: 8 ½ x 11 inch
Font: 12 point – Times New Roman
Charts/Tables: 12 point – Times New Roman
Margins: 1 inch
Spacing: 1.5 spaced
Pages: Numbered and may not exceed a maximum of 15 pages.

Agency information must be formatted in the manner of Attachment A, and all required information must be provided, including Assurances. Responses to Applicant Background, Qualifications and Experience; Access to Resources to support One-Stop Delivery System; Financial Resources; Timely Implementation; and Staffing questions should be in the format specified above. Required assurances will not count against the 15-page maximum. Applicants should follow all instructions in this document and must include all completed forms.

Submit one original proposal and four copies. No faxed copies will be accepted.

Submissions must be accurate, adequate and clear. Proposals that are vague or reflect omissions will not be interpreted favorably.

Proposals must be received at the WDB Inc. of Oswego County located at 103 Rich Hall/SUNY Oswego by 4:00 p.m. on Tuesday, March 7, 2017.

Proposals submitted will be for the period July 1, 2017 through June 30, 2018.

Proposals should be submitted to:

Edward Mervine
Chairman, Workforce Development Board, Inc. of Oswego County
Pathfinder Bank
214 W. First Street
Oswego, New York 13126

Questions can be directed via email to eamiervine@pathfinderbank.com through March 7, 2017.

B. Proposal Outline

Applicants will be rated on a 100-point rating system, as indicated below:

Applicant Background, Qualifications and Experience	40 Points
Access to Resources to support One-Stop Delivery System	25 Points
Financial Resources	20 Points
Timely Implementation	10 Points
Proposed Staff	<u>5 Points</u>
Total	100 Points

A proposal containing the following information must be submitted in the format of Attachment A: Proposal. Assurances forms must be completed, signed and returned as part of the proposal.

Proposal evaluation will be conducted using Attachment B: One-Stop Operator RFP Evaluation Form.

OSWEGO WORKFORCE ARE ONE-STOP OPERATOR PROPOSAL

Agency Information

Organization Name:

Signatory Name, Title, Address (for contract):

Organization Address:

Voice and Fax Telephone Numbers:

Contact Person (name, title, phone number, e-mail):

Fiscal Contact (name, title, phone number, e-mail):

Tax ID#:

Organization Type: () For-Profit () Non-Profit () Government Entity
 () Educational Institution () Other: _____

Has the organization ever had to repay funds to a government unit due to a questioned or disallowed cost: If yes, please explain:

Does your organization understand and agree to comply with the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards and to submit audit information as requested?

Certificate of Insurance

The Contractor shall furnish to the Workforce Development Board, Inc. of Oswego County a certificate of insurance which shall evidence professional liability insurance. Said certificate must contain specific language so as to adequately advise the Workforce Development Board, Inc. of Oswego County of the Contractor's compliance with the aforesaid requirements of insurance, including, but not limited to, specifically detailing the types, amount and duration of the insurance coverage and verifying that the issuing company or companies endorsed such policies as hereinabove required so as to include the Workforce Development Board, Inc. of Oswego County as an additional insured and to notify the County of Oswego of any change diminishing coverage, limits, cancellation or non-renewal of the insurance policies. Upon any and all renewals of the subject insurance during the duration of this contract, a new certificate of insurance shall immediately be sent to the certificate of insurance holder, the Workforce Development Board, Inc. of Oswego County.

Also, the policy should include the provision that the issuing company or companies will notify the certificate of insurance holder, who shall be the Workforce Development Board, Inc. of Oswego County, 103 Rich Hall, SUNY Oswego, Oswego, NY 13126, by certified mail thirty (30) days prior to any change diminishing coverage, limits, cancellation or non-renewal of the insurance policies. For the duration of this contract, the issuing company or companies shall notify the certificate of insurance holder upon renewal of the policy.

Applicant Background, Qualifications and Experience- 40 Points

1. Indicate the nature and mission of your organizational entity or consortium of entities. (15 Points)
2. Provide evidence that your organizational entity or consortium of entities possesses the necessary organization, experience, accounting and operational controls, as well as technical skills to perform the work. (15 Points)
3. Describe the experience of your organization in operating publically funded workforce development systems and programs or other career services programming. (10 Points)

Access to Resources to support One-Stop Delivery System- 25 Points

1. Provide a detailed description of the resources your organization has access to that would support the Oswego County one-stop delivery system. (10 Points)
2. Detail what special attributes these resources possess and how they will be used to support the one-stop delivery system in Oswego County. (10 Points)
3. Disclose any potential conflicts of interest arising from the relationships of the entity or consortium of entities with particular training service providers or other service providers, or if applicable, confirm that no such conflicts exist. (5 Points)

Financial Resources – 20 Points

1. Describe why your organizational entity or consortium of entities wishes to serve as one-stop operator for the Oswego County one-stop delivery system. (10 Points)
2. Provide information on the ability of your organizational entity or consortium of entities to perform the proposed services at your cost. (5 Points)
2. Summarize your organizational entity or consortium of entities record of fiscal integrity, business ethics, and fiscal accountability. (5 Points)
3. Will other funding be leveraged to serve participants? If yes, please describe:

Timely Implementation – 10 Points

1. Provide a detailed narrative to support the ability of your organizational entity or consortium of entities to begin providing services by the July 1, 2017 contract implementation date.

Staffing - 5 Points

1. Provide staff resumes or job descriptions with minimum qualifications of those who will be working with this project.

Assurances (Mandated)

Include the following forms, signed by the appropriate official of your organization (as required) and send as attachments with your proposal:

- Federal and State Certifications
- Grievance Procedure
- Responsibility Questionnaire
- Certificate of Insurance

FEDERAL CERTIFICATIONS

The funding for the awards granted under this contract is provided by the United States Department of Labor which requires the following certifications:

A. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-LOWER TIER COVERED TRANSACTIONS

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
3. The prospective lower tier participant shall pass the requirements of A.1. and A.2., above, to each person or entity with whom the participant enters into a covered transaction at the next lower tier.

B. CERTIFICATION REGARDING LOBBYING - Certification for Contracts, Grants, Loans, and Cooperative Agreements

By accepting this grant, the signee hereby certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The signer shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of facts upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S.C. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

C. DRUG FREE WORKPLACE

By signing this application, the grantee certifies that it will provide a Drug Free Workplace by implementing the provisions at 29 CFR 94, pertaining to the Drug Free Workplace. In accordance with these provisions, a list of places where performance of work is done in connection with this specific grant will take place must be maintained at your office and available for Federal inspection.

D. NONDISCRIMINATION & EQUAL OPPORTUNITY ASSURANCE

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA*, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- (1) Section 188 of the Workforce Investment Act of 1998 (WIA)* which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation, or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA* Title I - financially assisted program or activity;
- (2) Title VI of the Civil Rights Act of 1964, as amended which prohibits discrimination on the basis of race, color, or national origin;
- (3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA* Title I - financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA* Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

E. BUY AMERICAN NOTICE REQUIREMENT

The grant applicant assures that, to the greatest extent practicable, all equipment and products purchased with funds made available under the Workforce Investment Act will be American made. See WIA* Section 505 – Buy American Requirements.

F. SALARY AND BONUS LIMITATIONS

In compliance with Public Laws 110-161, none of the federal funds appropriated in the Act under the heading 'Employment and Training' shall be used by a sub-recipient of such funds to pay the salary and bonuses of an individual, either as direct costs or indirect costs, at a rate in excess of Executive Level II. This limitation shall not apply to vendors providing goods and services as defined in OMB Circular A-133. See Training and Employment Guidance Letter number 5-06 for further clarification. Where applicable, the grant applicant agrees to comply with the Salary and Bonus Limitations.

G. VETERANS' PRIORITY PROVISIONS

Federal grants for qualified job training programs funded, in whole or in part, by the U.S. Department of Labor are subject to the provisions of the "Jobs for Veterans Act" (JVA), Public Law 107-288 (38 USC 4215). The JVA provides priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services. Please note that to obtain priority service, a person must meet the program's eligibility requirements. Training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) and Section 20 of the Code of Federal Regulations (CFR) Part 1010 (effective January 19, 2009) provide general guidance on the scope of the veterans priority statute and its effect on current employment and training programs. Where applicable, the grant applicant agrees to comply with the Veteran's Priority Provisions.

*Workforce Innovation and Opportunity Act (WIOA) supersedes the Workforce Investment Act of 1998 (WIA) as of July 22, 2014.

STATE CERTIFICATIONS

H. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY, AND OUTSTANDING DEBTS

The undersigned, as a duly sworn representative of the contractor/vendor, hereby attests and certifies that:

- 1) No principal or executive officer of the contractor's/vendor's company, its subcontractor(s) and/or successor(s) is presently suspended or debarred; and
- 2) The contractor/vendor, its subcontractor(s) and/or its successor(s) is not ineligible to submit a bid on, or be awarded, any public work contract or sub-contract with the State, any municipal corporation or public body for reason of debarment for failure to pay the prevailing rate of wages, or to provide supplements, in accordance with Article 8 of the New York State Labor Law.
- 3) The contractor/vendor, its subcontractor(s) and/or its successor do not have any outstanding debts owed to the Department, including but not limited to, contractual obligations, fines related to Safety and Health violations, payments owed to workers for public works projects or the general provisions of the Labor Law, unemployment insurance contributions or other related assessments, penalties or charges.

I. CERTIFICATION REGARDING "NONDISCRIMINATION IN EMPLOYMENT IN NORTHERN IRELAND: MacBRIDE FAIR EMPLOYMENT PRINCIPLES"

In accordance with Chapter 807 of the Laws of 1992 the bidder, by submission of this bid, certifies that it or any individual or legal entity in which the bidder holds a 10% or greater ownership interest, or any individual or legal entity that holds a 10% or greater ownership interest in the bidder, either:

(answer Yes or No to one or both of the following, as applicable.)

1. Has business operations in Northern Ireland:

_____ Yes _____ No

If Yes:

2. Shall take lawful steps in good faith to conduct any business operations they have in Northern Ireland in accordance with the MacBride Fair Employment Principles relating to nondiscrimination in employment and freedom of workplace opportunity regarding such operations in Northern Ireland, and shall permit independent monitoring of its compliance with such Principles.

_____ Yes _____ No

J. NON-COLLUSIVE BIDDING CERTIFICATION

By submission of this bid, each bidder and each person signing on behalf of any bidder certifies, and in the case of a joint bid each party thereto certifies as to its own organization, under penalty of perjury, that to the best of his or her knowledge and belief:

1. The prices in this bid have been arrived at independently without collusion, consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;

2. Unless otherwise required by law, the prices which have been quoted in this bid have not been knowingly disclosed by the bidder and will not knowingly be disclosed by the bidder prior to opening, directly or indirectly, to any other bidder or to any competitor; and

No attempt has been made or will be made by the bidder to induce any other person, partnership or corporation to submit or not to submit to bid for the purpose of restricting competition.

K. IRAN DIVESTMENT ACT

By submitting a bid in response to this solicitation or by assuming the responsibility of a Contract awarded hereunder, Bidder/Contractor (or any assignee) certifies that it is not on the “Entities Determined To Be Non-Responsive Bidders/Offerers Pursuant to The New York State Iran Divestment Act of 2012” list (“Prohibited Entities List”) posted on the OGS website at: <http://www.ogs.ny.gov/about/regs/docs/ListofEntities.pdf> and further certifies that it will not utilize on such a Contract any subcontractor that is identified on the Prohibited Entities List. Additionally, Bidder/Contractor is advised that should it seek to renew or extend a Contract awarded in response to the solicitation, it must provide the same certification at the time the Contract is renewed or extended.

During the term of the Contract, should Labor receive information that a person (as defined in State Finance Law §165-a) is in violation of the above-referenced certifications, Labor will review such information and offer the person an opportunity to respond. If the person fails to demonstrate that it has ceased its engagement in the investment activity which is in violation of the Act within 90 days after the determination of such violation, then Labor shall take such action as may be appropriate and provided for by law, rule, or contract, including, but not limited to, seeking compliance, recovering damages, or declaring the Contractor in default.

Department reserves the right to reject any request for renewal, extension, or assignment for an entity that appears on the Prohibited Entities List prior to the renewal, extension, or assignment of the Agreement, and to pursue a responsibility review with Contractor should it appear on the Prohibited Entities List hereafter.

I, the undersigned, attest under penalty of perjury that I am an authorized representative of the Bidder/Contractor and that the foregoing statements are true and accurate.

Signature of Authorized Representative _____

Title _____

Date _____

WIOA COMPLAINT RESOLUTION PROCEDURE
(Non-Criminal Complaints/Grievances)

I. Introduction

The Workforce Innovation and Opportunity Act (WIOA) and the Rules and Regulations require the establishment of a complaint/grievance procedure by each Local Area, State, and direct recipient of funds under Title I. The information must be provided to the participants, other interested parties affected by the local Workforce Investment System, including One-Stop partners and Service Providers. The procedure must also have a process, which allows an individual alleging a labor standard violation to submit the grievance to a binding arbitration process if a collective bargaining agreement covering the parties to the grievance provides for it. The purpose of the procedure is to ensure that a complaint is resolved promptly and that the complainant is advised of all steps taken to resolve the complaint.

II. Guidelines and Definitions

A complaint may be either WIOA related or non-WIOA related. A WIOA related complaint is a written and signed statement by a WIOA participant, a staff member, or “other interested person”, who alleges that the Governor, Local Area or other subcontractor has violated the Act and/or WIOA Rules and Regulations and/or a WIOA grant and/or WIOA agreement.

If some of the allegations of a complainant are WIOA related and the remainder of the allegations are not related to WIOA, then the complainant has at least two (2) complaints that must be treated separately and differently. (See III. General Process below: sections F., WIOA related complaints; and G., Non-WIOA related complaints.) If there is uncertainty as to whether a complaint is WIOA related, then it should be treated as WIOA related and technical assistance sought from the Local Area Complaint Resolution Officer.

Complaints are to be resolved at the lowest level possible: i.e., the level closest to the reason for the complaint. Each Local Area, State and direct recipient of funds under Title I of WIOA, must establish and maintain a procedure for grievances and complaints.

Definitions

As used herein, these terms shall be defined as follows:

- A. Applicant shall mean the person or persons seeking WIOA services who have filed a completed application and for whom a formal eligibility determination has been made.
- B. Recipient shall mean the local government or entity, which receives financial assistance directly from the Department of Labor through a grant to perform substantive work (e.g. employment, training, etc).
- C. Subrecipient shall mean any person or service provider which receives financial assistance under WIOA through a recipient to carry out substantive work (e.g. employment, training, etc).
- D. Participant shall mean any enrollee in any WIOA-funded program.
- E. Local Area Complaint Resolution Officer shall mean a staff member designated by the Local Area to ensure that all elements of the complaint resolution process are carried out as required for the entire One-Stop system.
- F. Program Resolution Officer shall mean a staff member designated by each One-Stop partner/service provider to serve as the initial reference point for complainants.
- G. Hearing Officer shall mean a staff member designated by the Local Area who will regulate the hearing, ensure that all procedures are followed, and prepare a written decision.
- H. Department shall mean the Department of Labor.
- I. Respondent shall mean the party or agency that the complaint is filed against.

- J. Day shall mean a calendar day, not a workday.
- K. WIOA shall mean the Workforce Investment Act.
- L. Complainant shall mean the person who alleges a violation of the nondiscrimination and equal opportunity provisions of WIOA.
- M. DSS; E&T - The Department of Social Services; Department of Employment and Training.

III. **General Process**

- A. Non-criminal complaints must be made within **1 year** of the alleged occurrence.
- B. The three levels of complaint resolution are:
 - 1. **Local** - Local Area level (includes all subrecipients within the Local Area)
 - 2. **State** - Governor's level
 - 3. **Federal** - Secretary of the United States Department of Labor level
- C. The identity of the complainant(s) and any people who furnish information to, or are assisting in an investigation of a complaint, should be kept confidential to the maximum extent possible, consistent with applicable law and fairness in handling the complaint.
- D. Local Area

1. **Local Area Complaint Resolution Officer**

The Local Area will designate a **Complaint Resolution Officer** to:

- a. ensure the availability, coordination, and timeliness of all elements of the complaint resolution procedure.
- b. advise and assist the Program Resolution Officer of each of the interested parties, i.e., One-Stop partners/Service Providers.
- c. monitor each One-Stop partners/Service Provider's implementation of the complaint procedure.
- d. ensure that WIOA related complaints are written, signed, logged and filed; and information and documentation pertaining to it are safeguarded and filed as appropriate.
- e. ensure that non-WIOA related complaints are logged, and the complainant is referred to the appropriate agency or agencies and the referral is documented in the log.
- f. identify need, and provide technical assistance in complaint resolution.
- g. make arrangements with Local Area Hearing Officer(s) for all WIOA complaint hearings in the Local Area.

2. **Program Resolution Officer**

Each One-Stop partner/Service Providers of a Local Area will designate a staff member to be the **Program Resolution Officer** to:

- a. serve as a first reference point for any aggrieved party.
- b. conduct an impartial investigation. The investigation should provide sufficient evidence to support or disprove the complaint or to resolve the issues presented.

- c. prepare and maintain a separate file of the information gathered on each complaint. The Program Resolution Officer will inform the complainant of the status and notify the complainant of the next step in the elevation of the complaint.

(Employers may operate their own grievance system or may utilize the WIOA complaint resolution procedure. Employers will inform participants which grievance procedure is to be followed. Employer grievance systems shall provide for upon complainant request, a review of an employer's decision by the Local Area and Governor. Employers using their own grievance system must provide copies of the procedures to the Local Area for review and comment, to ensure that WIOA guidelines and requirements are not compromised.)

Complainants will receive complaint information and assistance from an appropriately trained subrecipient staff member when the Program Resolution Officer is not available.

3. **Hearing Officer**

The Local Area will designate a **Hearing Officer** to:

- a. regulate the course of the hearing
- b. assure that all relevant issues are considered
- c. rule on the introduction of evidence and testimony
- d. take any other action; consistent with due process, that are necessary to ensure an orderly, impartial and fair hearing
- e. attempt to resolve the dispute by conciliation at any time prior to the conclusion of the hearing
- f. cause the hearing to be recorded

The Hearing Officer will prepare a written decision, based upon the entire record, including all evidence or oral testimony, presented at the hearing (see Attachment E, Decision).

The written decision will be mailed to the complainant, respondent, the Local Area Complaint Resolution Officer, in accordance with the specified time periods (see Attachment A, Complaint Resolution Time Frame).

4. No person may act as Resolution Officer and Hearing Officer on the same complaint.

E. **Participants Rights**

Intake staff of a Local Area or specified staff of a subrecipient program will inform participants of the complaint resolution process and will provide a copy of it or a written summary of the steps and time requirements to the participants upon enrollment in the program.

- F. **WIOA related complaints** shall be written and signed and logged by the Program Resolution Officer (see Attachment B, WIOA Complaint Log Guide).

- G. **Non-WIOA related complaints** shall be logged by the Program Resolution Officer and referred to the appropriate agency or agencies. Follow up is not required on non-WIOA related complaints.

IV. **Complaint Process**

- A. Non-criminal complaints must be made within 1 year of the alleged occurrence. WIOA related complaints will be logged and recorded. If needed, the complainant should be given assistance in the filing of the complaint (see

Attachment C for suggested complaint contents). The WIOA office staff or program taking the complaint shall provide this assistance. If a complainant is joined by several other complainants in filing a formal complaint, their names should appear as well.

- B. When a WIOA related complaint is filed and this complaint is also a violation of another law or collective bargaining agreement, the grievance procedures of that law or agreement may be used instead of, or in addition to the WIOA Complaint Resolution Procedure. The Local Area Complaint Resolution Officer* shall see that the complainant is informed of the status of the complaint. The complainant maintains the right to a hearing.

*If the WIOA related complaint alleges a violation by the Local Area, then the Local Area Complaint Resolution Officer performs the actions outlined for the Program Resolution Officer.

C. **Resolution - Local Level: Local Area**

1. **Initial Investigation**

- a. When a complaint has been identified as WIOA related, the complainant must be informed of the WIOA complaint system and his/her rights within it.
- b. If the complaint received in writing is signed by the complainant and includes enough information for the Program Resolution Officer to initiate an investigation, the document shall be treated as if it were a properly completed resolution form filed in person by the complainant and shall begin to investigate the complaint. The Program Resolution Officer will send an acknowledgement to the complainant and will begin to investigate the complaint. The Program Resolution Officer will request additional information from the complainant if sufficient information was not provided.
- c. During the initial discussion with the complainant:
 1. every effort will be made to obtain all the information perceived to be necessary to investigate the complaint
 2. the importance of maintaining contact during the complaint investigation will be explained
 3. offer to assist the complainant through the provision appropriate WIOA services; and
 4. find out what the complainant needs in order to consider the complaint resolved.
- d. Informal Resolution

Document all steps taken to resolve the complaint. The methods used in the complaint investigation may include but are not limited to: analyzing the complaint and available background material, interviewing, examining records, obtaining documents, obtaining written statements, observing and meeting with the complainant and respondent, separately and/or both at the same time. The objective of these efforts is a settlement between the complainant and the respondent.

2. **Complaint Resolution**

- a. This occurs when at least one of the following is true:
 - * Complainant indicates satisfaction with the outcome.
 - * Complainant chooses not to elevate complaint to next level.

- * Complainant (or complainant's authorized representative) fails to respond to a written request by the Program Resolution Officer or Local Area Complaint Resolution Officer within 10 calendar days.
- * A final determination has been made by the responsible agency on a referred WIOA related complaint.
- b. A written hearing decision to the complainant and copied to all parties involved. The written decision must include a notification of the right to request a state level review of the findings. The request for the State level appeal should contain the same elements needed at the local level. The information should be sent to:
New York State Workforce Innovation and Opportunity Act
Hearing Officer
New York State Department of Labor
State Office Building Campus
Building 12, Room 446
Albany, NY 12240

3. **Hearing**

If the complaint is not resolved within 29 calendar days, then on the 30th calendar day, the complainant shall have a previously scheduled hearing. If circumstances warrant it, a hearing may be scheduled at any time within 30 days of a filed complaint. The complainant shall receive written notice of the date, time, and place of the hearing, seven days prior to the hearing date. The hearing may only be cancelled or postponed beyond the 30 days at the request of the complainant. A request for cancellation shall be submitted to the Hearing Officer through the Program Resolution Officer with the complainant's written and signed attestation that the complaint has been solved or withdrawn (see Attachment D for required Hearing Notice Contents and Hearing Guidelines).

9/04

Complaint Resolution Time Frame

	<u>Calendar Days</u>	<u>Benchmark</u>	<u>Status of Complaint</u>	<u>Steps</u>
LOCAL	1		Complaint Filed	I
	1 - 29		Resolution (Informal)	II
	30		Hearing (If II Fails)	III
	31 - 60		Written Hearing Decision	IV
	61 - 70		If IV not reviewed by Complainant, Complainant Request for Governor's review OR	V
	61 - 70	File a request within 10 days of receipt of unsatisfactory decision		
STATE	71 - 100	The Governor must issue a decision within 60 days of receipt of Complainant's request for Governor's review	Governor's decision	VI
	1 - 60	If complaint was initially filed at the State level and a decision was not issued within 60 days or the Complainant has received an adverse decision, the Governor shall provide for an independent review.	Complaint Filed Resolution (Informal) Hearing (If II Fails) Written Hearing Decision	I II III IV V
FEDERAL	61 - 70	File a request within 10 days of the day that the complainant should have received the Governor's decision. USDOL Secretary shall act within 120 days of receipt of the request	If Complainant does not receive V - Complainant Request for USDOL Secretary's Review	VI

COMPLAINT LOG

1. Identification: On the first page, identify the agency whose log this is. The agency personnel responsible for complaints resolution and, if appropriate, hearings, may also be identified.
2. Complaint Number: If the quantity of complaints warrants it, consecutive numbers may be assigned to the complaints as they are logged.
3. Date Received: Complaints should be logged on the day of receipt and the date recorded. This starts the time frame clock.
4. Complainant Name
5. Complainant Against: Indicate the agency which the object of the complaint, or a short description of its nature.
6. To whom referred and date.
7. Disposition and Date: Record the disposition of the complaint at this level and at other levels as appropriate, along with the dates.

ATTACHMENT C

COMPLAINT FORMAT

A complaint should contain the following basic elements:

1. Complainant name, address and telephone number.
2. The respondent's name and address (may be an agency or office).
3. The nature of the complaint. It should contain the who, what, where, when, and how information, as applicable.
4. Signature of complainant, and
5. Date signed.

NOTE: Any written, signed complaint must be acted upon, regardless of whether it is on an agency form.

ATTACHMENT D

HEARING NOTICE CONTENTS AND HEARING GUIDELINES

A. The Hearing Notice should include:

1. The date, time, place, and purpose of the hearing.
2. A statement of the law and regulations under which the hearing is to be held.
3. A reference to the particular sections of the statutes or rules involved, where possible, and
4. A short and plain statement of the situation. It will be sent to the party requesting the hearing and to all other involved parties.

Whenever feasible, the notice shall be sent at least seven days before the date of the hearing.

B. Hearing Guidelines:

1. The hearing shall be recorded.
2. The complainant may be represented by an attorney or other designated representatives.
3. To the extent possible, consistent with a fair determination of the issues, the identity of any person who has furnished information related to an investigation to a WIOA related problem shall be kept confidential.
4. Within the limitations of the Freedom of Information Act, the complainant has a right of access to relevant records and documents that the program and/or Local Area maintains.
5. The complainant and respondent have the right to an opportunity to present evidence relevant to the complaint, to call witnesses and examine and cross-examine other parties and their witnesses.

ATTACHMENT E

DECISION

A formal decision should contain the following elements:

1. Name of Complainant
2. Name of Respondent
3. Date of Hearing
4. List of Attendees
5. Statement of Issue(s)
6. Finding of Facts
7. Opinion and Reason for Decision
8. Signature of Hearing Officer
9. Date

Responsibility Questionnaire

Instructions – Please answer all questions. A "Yes" answer to any part of questions 1-5 requires a written explanation to be prepared on company letterhead, signed by an officer of the company, and attached to the completed questionnaire.

1. Within the past five years, has your firm, any affiliate¹, any principal, owner or officer or major stockholder (10% or more shares) or any person involved in the bidding or contracting process been the subject of any of the following:
 - a. A judgment or conviction for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?
 Yes No
 - b. A criminal investigation or indictment for any business-related conduct constituting a crime under local, state or federal law including, but not limited to, fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?
 Yes No
 - c. An unsatisfied judgment, injunction or lien obtained by a government agency including, but not limited to, judgments based on taxes owed and fines and penalties assessed by any local, state or federal government agency?
 Yes No
 - d. An investigation for a civil violation for any business-related conduct by any local, state or federal agency?
 Yes No
 - e. A grant of immunity for any business-related conduct constituting a crime under local, state or federal law including, but not limited to fraud, extortion, bribery, racketeering, price-fixing, or bid collusion or any crime related to truthfulness and/or business conduct?
 Yes No
 - f. A local, state or federal suspension, debarment or termination from the contracting process?
 Yes No
 - g. A local, state or federal contract suspension or termination for cause prior to the completion of the term of a contract?
 Yes No
 - h. A local, state or federal denial of a lease or contract award for non-responsibility?
 Yes No

¹ "Affiliate" meaning: (a) any entity in which the vendor owns more than 50% of the voting stock; (b) any individual, entity or group of principal owners or officers who own more than 50% of the voting stock of the vendor; or (c) any entity whose voting stock is more than 50% owned by the same individual, entity or group described in clause (b). In addition, if a vendor owns less than 50% of the voting stock of another entity, but directs or has the right to direct such entity's daily operations, that entity will be an "affiliate" for purposes of this questionnaire.

- i. An agreement to voluntary exclusion from bidding/contracting?
 Yes No
- j. An administrative proceeding or civil action seeking specific performance or restitution in connection with any local, state or federal contract or lease?
 Yes No
- k. A local, state or federal determination of a willful violation of any prevailing wage law or a violation of any other labor law or regulation?
 Yes No
- l. A sanction imposed as a result of judicial or administrative proceedings relative to any business or professional license?
 Yes No
- m. A denial, decertification, revocation or forfeiture of Women's Business Enterprise, Minority Business Enterprise or Disadvantaged Business Enterprise status?
 Yes No
- n. A rejection of a low bid on a local, state or federal contract for failure to meet statutory affirmative action or MWBE requirements on a previously held contract?
 Yes No
- o. A consent order with the New York State Department of Environmental Conservation, or a federal, state or local government enforcement determination involving a violation of federal, state or local government laws?
 Yes No
- p. An Occupational Safety and Health Act citation and Notification of Penalty containing a violation classified as serious or willful?
 Yes No
- q. A rejection of a bid on a New York contract or lease for failure to comply with the MacBride Fair Employment Principles?
 Yes No
- r. A citation, notice, violation order, pending administrative hearing or proceeding or determination for violations of:
- federal, state or local health laws, rules or regulations
 - unemployment insurance or workers' compensation coverage or claim requirements ERISA (Employee Requirement Income Security Act)
 - federal, state or local human rights laws
 - federal or state security laws
 - federal INS and Alienage laws
 - Sherman Act or other federal anti-trust laws?
- Yes No

s. A finding of non-responsibility by an agency or authority due to the failure to comply with the requirements of Tax Law Section 5-a?

Yes No

2. Has the vendor been the subject of agency complaints or reports of contract deviation received within the past two years for contract performance issues arising out of a contract with any federal, state or local agency? If yes, provide details regarding the agency complaints or reports of contract deviation received for contract performance issues.

Yes No

3. Does the vendor use, or has it used in the past five (5) years, an Employee Identification No., Social Security No., Name, DBA, trade name or abbreviation different from that listed on your mailing list application form? If yes, provide the name(s), FEIN(s) and d/b/a(s) and the address for each such company and d/b/a on a separate piece of paper and attach to this response.

Yes No

4. During the past three years, has the vendor failed to file returns or pay any applicable local, state or federal government taxes?

Yes No

If yes, identify the taxing jurisdiction, type of tax, liability year(s) and tax liability amount the company failed to file/pay and the current status of the liability:

5. During the past three years, has the vendor failed to file returns or pay New York State Unemployment Insurance?

Yes No

If yes, indicate the years the company failed to file/pay the insurance and the current status of the liability:

6. Have any bankruptcy proceedings been initiated by or against the vendor or its affiliates within the past seven years (whether or not closed) or is any bankruptcy proceeding pending by or against the vendor or its affiliates, regardless of the date of filing?

Yes No

If yes, indicate if this is applicable to the submitting vendor or one of its affiliates:

If it is an affiliate, include the affiliate's name and FEIN:

Provide the court name, address and docket number:

Indicate if the proceedings have been initiated, remain pending or have been closed:

If closed, provide the date closed: _____

CERTIFICATION:

The undersigned: recognizes that this questionnaire is submitted for the express purpose of assisting the State of New York or its agencies or political subdivisions to make a determination regarding the award of a contract or approval of a subcontract; acknowledges that the State or its agencies and political subdivisions may in its discretion, by means which it may choose, verify the truth and accuracy of all statements made herein; acknowledges that intentional submission of false or misleading information may constitute a felony under Penal Law Section 210.40 or a misdemeanor under Penal Law Section 210.35 or Section 210.45, and may also be punishable by a fine of up to \$10,000 or imprisonment of up to five years under 18 USC Section 1001 and may result in contract termination; and states that the information submitted in this questionnaire and any attached pages is true, accurate and complete.

The undersigned certifies that he/she:

- Has not altered the content of the questions in the questionnaire in any manner;
- Has read and understands all of the items contained in the questionnaire and any pages attached by the submitting vendor;
- Has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief;
- Is knowledgeable about the submitting vendor's business and operations;
- Understands that New York State will rely on the information supplied in this questionnaire when entering into a contract with the vendor; and
- Is under a duty to notify the procuring State Agency of any material changes to the vendor's responses herein prior to the State Comptroller's approval of the contract.

_____ Name of Business	_____ Signature of Officer
_____ Address	_____ Typed Copy of Signature
_____ City, State, Zip	_____ Title
_____ Date	

Principal place of business if different from address listed above (include complete address):

One-Stop Operator RFP Evaluation Form

Reviewed by: _____

Date: _____

1. Project Name:			
2. Project Bidder:			
Does the proposal contain all information as required by the RFP? If not, record below:		Yes	No
<u>Applicant Background, Qualifications and Experience</u> (40 Points)	Max Points	Actual Points	
Indicate the nature and mission of your organizational entity or consortium of entities.	15		
Provide evidence that your organizational entity or consortium of entities possesses the necessary organization, experience, accounting and operational controls, as well as technical skills to perform the work.	15		
Describe the experience of your organization in operating publically funded workforce development systems and programs or other career services programming.	10		
<u>Access to Resources to support One-Stop Delivery System</u> (25 Points)	Max Points	Actual Points	
Provide a detailed description of the resources your organizational entity or consortium of entities possesses or has access to that would support the Oswego County one-stop delivery system.	10		
Define what special attributes these resources possess and how they will be used to support the one-stop delivery system in Oswego County.	10		
Disclose any potential conflicts of interest arising from the relationships of the entity or consortium of entities with particular training service providers or other service providers, or if applicable, confirm that no such conflicts exist.	5		

<u>Financial Resources</u>	Max Points	Actual Points
Describe why your organizational entity or consortium of entities wishes to serve as one-stop operator for the Oswego County one-stop delivery system.	10	
Provide information on the ability of your organizational entity or consortium of entities to perform the proposed services at your cost.	5	
Summarize your organizational entity or consortium of entities record of fiscal integrity, business ethics, and fiscal accountability.	5	
Will other funding be leveraged to serve participants?	0	
<u>Timely Implementation</u>	Max Points	Actual Points
Can the Proposal be implemented by July 1, 2017?	10	
<u>Staffing</u>	Max Points	Actual Points
Provide staff resumes or job descriptions with minimum qualifications of those who will be working with this project.	5	
Total Points	100	
Additional Notes:		