



WORKFORCE DEVELOPMENT COUNCIL

2024 PROCUREMENT

Procurement of the One-Stop Operator, Adult Services Provider, Dislocated
Worker Services Provider, and Youth Services Provider

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Wyoming Workforce Development Council

Under the federal Workforce Innovation and Opportunity Act (WIOA), each state is required to have Workforce Development Boards charged with directing federal workforce funding. Workforce Development Boards take a leadership role in ensuring an efficient and effective workforce system in the state, primarily through workforce centers. Workforce centers provide services to employers and job seekers pursuing assistance in their area. Wyoming has one state-level Workforce Development Board, the Wyoming Workforce Development Council (WWDC), that advises the Wyoming Department of Workforce Services and workforce centers operating in Wyoming.

Purpose

To provide the Wyoming Workforce Development Council with authority citations, performance, available funding, and options to procure services required by WIOA (P.L. 113-128).

Services To Be Procured

1. Role of the One-Stop Operator (P.L. 113-128, sec. 107; 20 C.F.R. § 678.620)
2. Adult (P.L. 113-128, sec. 131 – 134; 20 C.F.R. Part 680)
 - a. Career Services
 - b. Training Services
3. Dislocated Worker (P.L. 113-128, sec. 131 – 134; 20 C.F.R. Part 680)
 - a. Career Services
 - b. Training Services
4. Youth (P.L. 113-128, sec. 126 - 129; 20 C.F.R. Part 681)

WIOA One-Stop Operator Procurement Requirements

WIOA requires that all one-stop operators be selected or designated through a competitive process conducted at least once every four years. The WIOA Joint Final Rule also requires a competitive process. The requirement to use a competitive process for one-stop operator selection is set forth in WIOA sec. 121(d)(2)(A). Due to this statutory requirement, the competitive selection process for one-stop operators cannot be waived.

WIOA does not allow for the “designation” or “certification” of any entity as a one-stop operator without a competitive process. WIOA provides no explicit authority to “grandfather” in existing one-stop operators. Additional details regarding WIOA one-stop procurement requirements can be found in Training and Employment Guidance Letter [\(TEGL 15-16\)](#).

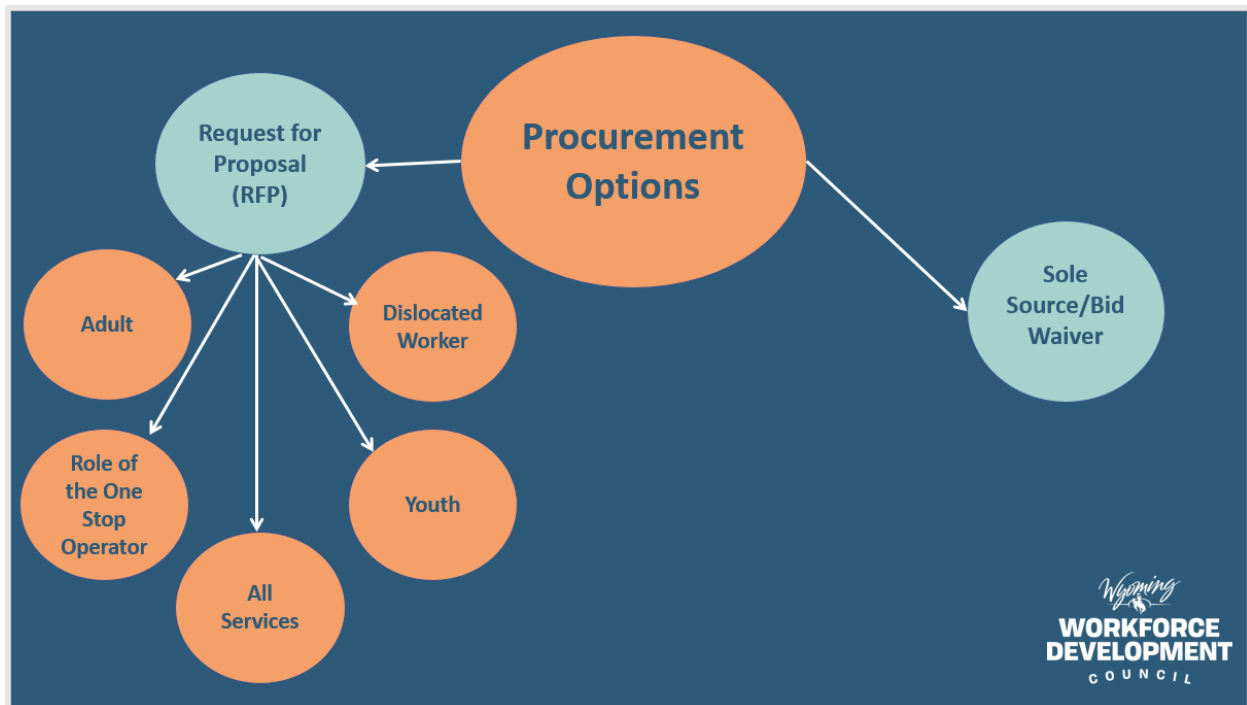
One-Stop Operator Eligible Entities

The one-stop operator must be an entity (public, private, or nonprofit) or a consortium of entities that, at a minimum, includes three or more of the required one-stop partners of demonstrated effectiveness, located in the Local Area. Entities selected and serving as one-stop operators are subrecipients of a Federal award and, thus are required to follow the Uniform Guidance.

Eligible entities include the following:

- Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
- Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as “Indian Tribes”);
- Educational institutions, such as institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools (however, elementary and other secondary schools are not eligible to become a one-stop operator);
- Community-based organizations, nonprofit entities, or workforce intermediaries;
- Other interested organizations that are capable of carrying out the duties of the one-stop operator, such as a local chamber of commerce, other business organization, or labor organization;
- Private for-profit entities;

Procurement Options



The Wyoming Workforce Development Council has the option to RFP one or all services, Sole Source/Bid Waiver one or all services, or any combination of the two options.

1. Develop RFP(s) to procure the following:
 - a. Adult Services
 - b. Dislocated Worker Services
 - c. Youth Services
 - d. Role of the One-Stop Operator

2. Sole source one or all services, as well as the role of the One-Stop Operator to the Department of Workforce Services.

Steps to Completion

Determine the procurement method for each of the services.

If RFP is selected:

1. Determine the source of funding to run two systems concurrently.
2. Review and revise, if necessary, the role of the One-Stop Operator.
3. Develop RFP(s).
4. Release RFP(s) for 30 days.
5. Score RFP(s).
6. Select contractor(s).
7. MOU.

Sole Source/Bid Waiver to the Department of Workforce Services:

1. Develop Bid Exception Request.
2. Review and revise, if necessary, the role of the One-Stop Operator.
3. MOU.

One-Stop Operator Role From the Existing MOU

DWS has been selected as the One-Stop Operator in Wyoming and shall be referred to as the One-Stop Operator as appropriate. DWS will employ individuals to act as one-stop leaders and oversee the operation of each one-stop center, as detailed above. Formal leadership, supervision, and performance responsibilities will remain with each staff member's employer of record. The One-Stop Operator, through the One-Stop leadership will, at a minimum:

- Assist the WWDC in establishing and maintaining the One-Stop Center network structure. This includes, but is not limited to:
 - Ensuring State requirements for center certification are met and maintained;
 - Ensuring career services outlined in WIOA Section 134(c)(2) are available and accessible;
 - Ensuring WWDC policies are implemented and adhered to;
 - Adhering to the provisions contained in the MOU/Addendum;
 - Reinforcing strategic objectives of the WWDC to Partner Agencies and Partners; and
 - Ensuring staff are properly cross trained by their formal leadership organizations and provided technical assistance, as needed.
- Integrate systems and coordinate services for the One-Stop Center and its Partner Agencies and Partners, placing priority on customer service.
- Integrated workforce service delivery, as defined by WIOA, means organizing and implementing services by function (rather than by

program), when permitted by a program's authorizing statute and as appropriate, and by coordinating policies, staff communication, capacity building, and training efforts.

- Functional alignment includes having One-Stop Center staff who perform similar tasks, serve on relevant functional teams, e.g. Skills Development Team or Business Services Team.
- Service integration focuses on serving all customers seamlessly (including targeted populations) by providing a full range of services staffed by cross-functional teams (consistent with the purpose, scope, and requirements of each program).
- The services are seamless to the customer, meaning the services are free of cumbersome transitions or duplicative registrations from one program service to another and there is a smooth customer flow to access the array of services available in the workforce center.
- Coordinate Partner Agencies' and Partners' programs and the One-Stop Center network performance. This includes, but is not limited to:
 - Providing and/or contributing to reports of center activities, as requested by the WWDC;
 - Providing input to the formal leader (Partner Agencies and Partners program official) on the work performance of staff under their purview;
 - Notifying the formal leader immediately of any lack of coverage of for a program;
 - Identifying and facilitating the timely resolution of complaints, problems, and other issues;
 - Collaborating with the WWDC on efforts designed to ensure the meeting of program performance measures, including data sharing procedures, to ensure effective data matching, timely data entry into the Management Information System(s), and coordinating data batch downloads (while ensuring the confidentiality requirements of FERPA, 34 C.F.R. § 361.38, and 20 C.F.R. § 603);
 - Ensuring open communication with the formal leaders in order to facilitate efficient and effective center operations;
 - Evaluating customer satisfaction data and propose service strategy changes to the WWDC based on findings; and
 - Managing fiscal responsibilities and records for the workforce center. This includes assisting the WWDC with cost allocations and the maintenance and reconciliation of the One-Stop Center operation budgets.

The One-Stop Operator will not assist with the development, preparation and submission of the State Plan. They cannot manage or assist in competitive processes for selecting operators or select or terminate One-Stop Operators, career services providers,

or Youth providers. The operator cannot negotiate performance accountability measures or develop and submit budgets for activities of the WWDC. The WWDC is responsible for the negotiated performance measures, strategic planning, budgets, and One-Stop Operator oversight (including monitoring).

Title I Service Provider Role From The Existing MOU

The WWDC has selected the DWS as the provider of Adult, Dislocated Worker, and Youth Services. As the primary provider of these services, DWS shall provide the services to Adults, Dislocated Workers and Youth in accordance with P.L. 113-128, all applicable Rules and Regulations, and other formal guidance from the Department of Labor, including but not limited to:

- Primary provider of services within the One-Stop Centers;
- Ensure basic services to job seekers and employers are being met such as access to job listings, labor market information, employment workshops, and mediated services;
- Provide the following career services:
 - Outreach, intake, and orientation;
 - Initial assessment;
 - Eligibility for services;
 - Referrals to programs;
 - Performance and cost information;
 - Information on Unemployment Insurance (UI);
 - Financial aid information;
 - Follow-up services;
 - Provide the Program Strategy Team all legally releasable data requested;
 - Provide eligibility determinations and access to training services; and
 - Report all other Partner Agencies and Partners and innovative projects to the WWDC.

Funding

Funding

	PY 2021	PY 2022	PY 2023	Average
Youth	\$2,256,314	\$2,209,670	\$2,317,747	\$2,285,214
Adult	\$2,146,308	\$2,163,640	\$2,201,794	\$2,170,580
Dislocated Worker	\$1,104,141	\$1,011,311	\$922,221	\$1,012,557
Total	\$5,506,790	\$5,456,506	\$5,441,762	\$5,468,352

	PY 2021	PY 2022	PY 2023	Average
Youth	\$2,256,314	\$2,281,555	\$2,317,747	\$2,285,214
<i>Governor's Set Aside</i>	\$165,705	\$164,271	\$166,877	\$214,983
	2,090,608	\$2,117,273	\$2,150,869	\$2,070,230
<i>Administration</i>	\$165,705	\$164,271	\$188,075	\$165,618
	\$1,924,902	\$1,953,001	\$1,962,793	\$1,985,250
<i>Operations</i>	\$1,257,706	\$1,265,715	\$1,285,793	\$1,269,738
<i>Total to Participants</i>	\$647,909	\$623,412	\$633,301	\$634,874
				\$1,904,612

To Provider of Youth Services
 To Provider of Youth Services
 Average Total to Provider

Administration - 10%: The Office of Administrative Services (OAS) provides a wide range of administrative services and policies in support of the Department of Labor programs. With that description from the Department of Labor, the state has to utilize the funds for administrative duties from the fiscal, the program staff, and includes the indirect cost payments.

Adult	\$2,146,807	\$2,163,640	\$2,201,794	\$2,170,581
<i>Governor's Set Aside</i>	\$195,846	\$196,582	\$198,527	\$196,985
	\$1,950,461	\$1,967,057	\$2,003,266	\$1,973,595
<i>Administration</i>	\$195,046	\$196,705	\$200,326	\$197,259
	\$1,755,415	\$1,770,351	\$1,802,939	\$1,776,236
<i>Operations</i>	\$1,193,682	\$1,203,839	\$1,225,999	\$1,207,840
<i>Total to Participants</i>	\$561,732	\$566,512	\$576,940	\$568,395
				\$2,170,581

To Provider of Adult Services
 To Provider of Adult Services
 Average Total to Provider

Overhead - 70%: Includes Workforce Center staff payroll and benefits, building lease or rent payments, building maintenance and utilities, office supplies, office equipment, shipping, postage, and in-state and out-of-state travel.

Dislocated Worker	\$1,104,141	\$1,011,311	\$912,221	\$1,012,558	
<i>Governor's Set Aside</i>	\$99,909	\$50,565	\$46,111	\$65,528	
	\$1,004,231	\$960,745	\$876,109	\$947,029	
<i>Administration</i>	\$85,634	\$81,663	\$74,469	\$80,497	
	\$918,871	\$879,082	\$801,640	\$866,531	
<i>Rapid Response (15%)</i>	\$150,634	\$144,111	\$131,416	\$142,054	
<i>Operations</i>	\$597,517	\$571,643	\$521,285	\$563,485	To Provider of Dislocated Worker Services
<i>Total to Participants</i>	\$170,719	\$163,326	\$148,938	\$160,994	To Provider of Dislocated Worker Services
				\$724,480	Average Total to Provider

One-Stop Operator (OSO)

\$95,556

This would be deducted from the 70% Overhead in Adult, Dislocated Worker, and Youth amounts above. This is based on equivalent state employee less benefits and does not allow for travel expenses.

Discussion

If procured separately, the provider of Youth services would have an average of \$1,904,612 (less OSO funding), the Adult provider would have an average of \$2,170,581 (less OSO funding), and the Dislocated Worker provider would have an average of \$724,480 (less OSO funding) per year to provide the required elements of the law. If services are procured together, the provider would have an average of \$3,382,949 to meet the requirements of the law on behalf of Wyoming. If each service is procured separately, the WWDC would also need to consider profit margin. Additional funding must be identified to maintain the current system while the new system is established.

The current workforce system is supplemented by Employment Support Funds of approximately \$404,031 annually. In addition to the Employment Support Funds, the agency will receive approximately \$2.6 million per year in State General Funds to support the operations of the workforce centers. These fund are not available to other entities and will remain with DWS.

If sole sourced, all funding would remain with the Department of Workforce Services.

Appendix A - Authority

P.L. 113-128, Sec 107(c)(4) Single State Local Area—

(A) State Board.—Notwithstanding subsection (b) and paragraphs (1) and (2), if a State described in section 106(d) indicates in the State plan that the State will be treated as a single State local area, for purposes of application of this Act or the provisions authorizing a core program, the State Board shall carry out any of the functions of a local board under this Act or the provisions authorizing a core program, including the functions described in subsection (d).

20 C.F.R. § 679.270 What are the special designation provisions for single-area States?

(c) The State WDB for a single-area State must act as the Local WDB and carry out the functions of the Local WDB in accordance with WIOA sec. 107 and § 679.370, except the state is not required to meet and report on a set of local performance accountability measures.

(d) Single-area States must conduct the functions of the Local WDB as outlined in paragraph (c) of this section to achieve the incorporation of local interests but may do so in a manner that reduces unnecessary burden and duplication of processes.

(e) States must carry out the duties of State and Local WDBs in accordance with guidance issued by the Secretary of Labor.

P.L. 113-128, Sec. 107(d) Functions of Local Board.—Consistent with section 108, the functions of the local board shall include the following:

(10) Selection of Operators and Providers.—

(A) Selection of One-Stop Operators.—Consistent with section 121(d), the local board, with the agreement of the chief elected official for the local area—

(i) shall designate or certify one-stop operators as described in section 121(d)(2)(A); and

(ii) may terminate for cause the eligibility of such operators.

(B) Selection of Youth providers.—Consistent with section 123, the local board—

(i) shall identify eligible providers of youth workforce investment activities in the local area by awarding grants or contracts on a competitive basis (except as provided in section 123(b)), based on the recommendations of the youth standing committee, if such a committee is established for the local area under subsection (b)(4); and

(ii) may terminate for cause the eligibility of such providers.

(C) Identification of Eligible Providers of Training Services.—Consistent with section 122, the local board shall identify eligible providers of training services in the local area.

(D) Identification of Eligible Providers of Career Services.—If the one-stop operator does not provide career services described in section 143(C)(2) in a local area, the local board shall identify eligible providers of those career services in the local area by awarding contacts.

20 C.F.R. § 679.370 What are the functions of the Local Workforce Development Board?

(l) Select the following providers in the local area, and where appropriate terminate such providers in accordance with 2 CFR part 200:

(1) Providers of youth workforce investment activities through competitive grants or contracts based on the recommendations of the youth standing committee (if such a committee is established); however, if the Local WDB determines there is an insufficient number of eligible training providers in a local area, the Local WDB may award contracts on a sole-source basis as per the provisions at WIOA sec. 122;

(2) Providers of training services consistent with the criteria and information requirements established by the Governor and WIOA sec. 122;

(3) Providers of career services through the award of contracts, if the one-stop operator does not provide such services; and

(4) One-stop operators in accordance with §§ 678.600 through 678.635 of this chapter;

(m) In accordance with WIOA sec. 107(d)(10)(E) work with the State to ensure there are sufficient numbers and types of providers of career services and training services serving the local area and providing the services in a manner that maximizes consumer choice, as well as providing opportunities that lead to competitive integrated employment for individuals with disabilities;

Timing Authority

The process to procure the One-Stop Operator was completed by execution of the Interagency Agreement dated January 2, 2018. Pursuant to 20 CFR § 678.605, the One-Stop Operator must be selected at least once every 4 years. As a result, the WWDC must procure the One-Stop Operator by January 2, 2022.

20 C.F.R. § 678.605 How is the one-stop operator selected?

(a) Consistent with paragraphs (b) and (c) of this section, the Local WDB must select the one-stop operator through a competitive process, as required by sec. 121(d)(2)(A) of WIOA, **at least once every 4 years**. A State may require, or a Local WDB may choose to implement, a competitive selection process more than once every 4 years.

(b) In instances in which a state is conducting the competitive process described in paragraph (a) of this section, the State must follow the same policies and procedures it uses for procurement with non-Federal funds.

(c) All other non-Federal entities, including subrecipients of a State (such as local areas), must use a competitive process based on local procurement policies and procedures and the principles of competitive procurement in the Uniform Guidance set out at 2 CFR §§ 200.318 through 200.326. All references to “noncompetitive proposals” in the Uniform Guidance set out at 2 CFR § 200.320(f) will be read as “sole source procurement” for the purposes of implementing this section.

(d) Entities must prepare written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting a one-stop operator.

[Emphasis added]

According to the information below the MOU is to be reviewed not less than once every 3 years. The most recent MOU was executed on January 30, 2020. This requirement will not need to be met until January 20, 2023.

20 C.F.R. § 678.500 What is the Memorandum of Understanding for the one-stop delivery system and what must be included in the Memorandum of Understanding?

(b) The MOU must include:

(6) Assurances that each MOU will be reviewed, and if substantial changes have occurred, renewed, **not less than once every 3-year period** to ensure appropriate funding and delivery of services.

[Emphasis added]

One Stop Operator - Legal Requirement

Pursuant to 20 C.F.R. § 678.620 What is the one-stop operator's role?

(a) At a minimum, the one-stop operator must coordinate the service delivery of required one-stop partners and service providers. Local WDBs may establish additional roles of one-stop operator, including, but not limited to: Coordinating service providers across the one-stop delivery system, being the primary provider of services within the center, providing some of the services within the enter, or coordinating service delivery in a multi-center area, which may include affiliated sites. The competition for one-stop operator must clearly articulate the role of the one-stop operator.

(b)(1) Subject to paragraph (b)(2) of this section, a one-stop operator may not perform the following functions: Convene system stakeholders to assist in the development of the local plan; prepare and submit local plans (as required under sec. 107 of WIOA); be responsible for oversight of itself; manage or significantly participate in the competitive selection provide for one-stop operators; select or terminate one-stop operators, career services, and youth providers; negotiate local performance accountability measures; or develop and submit a budget for activities of the Local WDB in the local area.

(2) An entity serving as a one-stop operator, that also serves in a different role within the one-stop delivery system, may perform some or all of these functions when it is acting in its other role, if it has established sufficient firewalls and conflict of interest policies and procedures. The policies and procedures must conform to the specifications in 679.430 of this chapter for demonstrating internal controls and preventing conflict of interest.