

State of Mississippi
Mississippi Department of Employment Security
Workforce Investment Act
Waiver Request:
Limited Expedited Procurement for Summer Youth Providers

The Mississippi Department of Employment Security (MDES) Office of Grant Management (OGM), as the administrative entity of the Workforce Investment Act (WIA) in the State of Mississippi, submits this request for a general waiver to conduct an expedited, limited competition to select summer youth program service providers. The most pressing issue related to implementation of the American Recovery and Reinvestment Act (ARRA) is preparing for a large 2009 summer youth program. The summer program may begin as early as May 1st and ends September 30, 2009. Outreach, eligibility determinations and worksite development should have begun as soon as possible. If current youth providers lack the capacity to deliver summer youth program services, or decline to provide these services, MDES has directed the local workforce areas that they may elect to contract with any of the WIN Job Center partner agencies listed in WIA at section 121(b)(1) and in the WIA rules at section 662.200 or conduct expedited, limited procurement. For this reason, MDES requests that three of the four workforce areas in Mississippi (MS Partnership, Twin Districts, and Delta) be allowed to enter into contracts with youth providers through expedited, limited procurement, to provide stimulus bill funding for the 2009 summer youth program. Once this year's summer program is complete (September 30, 2009), all WIA youth services, whether funded by the stimulus bill or by regular formula WIA youth funds, must be competitively procured. The only exception is in house delivery of youth services by the local grant recipient in accordance with applicable USDOL guidance. If the local workforce area has already competitively procured WIA youth services for Program Year 2009, a new procurement action need not be initiated.

MS Partnership Workforce Investment Area requests permission to contract with Northeast Mississippi Planning and Development District (NEMPDD). NEMPDD has been an important partner with Three Rivers Planning and Development District (the grant recipient for the MS Partnership workforce area) since the inception of the Workforce Investment Act and is knowledgeable of all WIA services. One of the many programs that NEMPDD operates is the Child Care Development fund program. NEMPDD currently serves as the designated agent for the child care certificate program through the MS Department of Human Services, Office for Children and Youth. This program is for low-income working families who meet the eligibility requirements and are assessed a copayment fee based on a sliding fee scale. NEMPDD also serves as the TANF and Transitional Child Care program provider through the Department of Human Services (DHS) and works closely with the county DHS offices within its district. Given NEMPDD's knowledge of WIA and partnerships with DHS and TANF through the

above mentioned programs, NEPDD is situated in an excellent position to implement the ARRA summer youth program on the short time frame that is required and has the systems and mechanisms in place to serve low-income disadvantaged youth in their district.

Twin Districts Workforce Area (TDWA) requests a waiver to use Community Action Agencies as summer youth providers in nine of their twenty-four counties. Current youth providers have agreed to expand their contracts to provide summer youth services in the remaining counties. To accommodate the nine counties, TDWA requests permission to contract with three Community Action Agencies (CAAs). From 1966 to 1999 these agencies successfully operated summer youth employment programs. Because of this past experience, TDWA is confident these agencies can immediately and effectively implement the summer youth program. These CAAs are: Pearl River Valley Opportunities (PRVO), Jackson County Civic Action Committee (JCCAC), and Multi-County Community Service Agency (MCCSA).

The Delta Workforce Investment Area requests a waiver for one provider for the summer youth employment program – the Office of Nursing Workforce (ONW) for a Nursing Externship Program. ONW operates a summer extern program through their association with the Mississippi Hospital Association and local community college and university nursing programs. The extern program places nursing students entering their final year of nursing school in hospital settings with a nurse mentor to gain valuable clinical experience. This partnership would help the Delta Workforce Area keep nursing students in the area to address some of the nursing shortages all of the hospitals in the area are experiencing.

Each local workforce area will follow their area's procurement policy to procure these summer youth providers and each entity has been determined to be able to bring unique resources to the partnership ensuring that summer youth services are provided in a highly cost effective manner. Each entity has specific qualifications for performing the required services which make them superior over any other to begin providing these services in the required time frame.

In keeping with the guidelines set forth at WIA Section 189(1)(4)(b) and 20 CFR Part 661.420, please accept the following as a request for a waiver.

1. Identification of Statutory or Regulatory Requirements to be Waived-

WIA Section 123 provides that all WIA youth service providers shall be selected on a competitive basis. 20 CFR 664.610 further provides that if summer employment activities are provided other than by the grant recipient the service provider must be selected on a competitive basis.

Section 19 of Training and Employment Guidance Letter (TEGL) 14-08 issued by the United States Department of Labor Employment and

Training Administration provides that states may request a waiver to conduct an expedited, limited competition to select service providers. The limited competition should be among service providers with proven records of success in providing youth services.

2. Actions Undertaken by the State to Remove State or Local Statutory or Regulatory Barriers-

There are no State or local statutory or regulatory barriers to implementing the proposed waiver.

3. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted-

- Given the short timeframe for 2009 summer youth implementation, the four local workforce areas were encouraged to begin planning for summer employment immediately and to begin the process to secure necessary service providers to carry out summer employment. The goal of this waiver is to expedite an existing process that is a barrier to rapid implementation of summer employment programs and to meet the directives of the American Recovery and Reinvestment Act that include preserving and creating jobs and promoting economic recovery, and to assist those impacted by the recession.
- The local workforce areas may determine that the best way to accomplish true transparency and accountability of the WIA youth summer employment expenditures is to contract with partner agencies or to follow expedited, limited procurement as defined in local policy.
- Increases of youth funding by local workforce area are as follows:

Youth	PY 2008	ARRA 2008
MS Partnership	\$3,612,497	\$4,234,453
Delta	\$3,077,185	\$3,606,715
Southcentral MS Works	\$2,876,665	\$3,362,992
Twin Districts	\$3,639,908	\$4,679,808

4. Individuals Impacted by the Waiver-

Eligible WIA youth will benefit in that more eligible youth will acquire work readiness skills and the ARRA 2009 funds available will be expended for their intended purpose as desired by USDOL and the Congress. WIA

Youth participants, local workforce areas, and partner agencies will benefit from the waiver.

5. Process Used to Monitor Progress Upon Implementation of the Waiver-

The MDES, as the State administrator and overseer of WIA, will monitor all youth programs implemented by the local workforce areas.

6. Local Board and Public Review and Comment-

This request was published for public comment on the MDES website under the link "Stimulus ARRA" and as an attachment to the Mississippi Two Year Strategic Plan for Program Years 2007 and 2008 on the MDES website, mdes.ms.gov. The waiver request was provided to the local areas for review and comment prior to its submission. Local areas were encouraged to enlist input from local boards when considering this waiver request. To date, the MDES has received no comments on the request but will forward to the Department of Labor any comments received after the submission of this waiver to DOL. No other formal public review process was undertaken.

The summer youth employment program and its youth providers will be announced on the Mississippi Department of Employment Security website, mdes.ms.gov, at the start of the summer youth program scheduled for June 1st, 2009. The summer youth employment program will also be announced on the Governor of Mississippi's stimulus website, stimulus.ms.gov. Each local workforce area will also be required to announce the summer youth employment program on their website. Expenditures for the WIA summer youth employment program will be tracked on State of Mississippi websites in order to assure transparency and accountability of funds appropriated under the ARRA.