MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY
State Policy Number 19
WIOA One-Stop Operator Procurement Policy
Workforce Innovation and Opportunity Act (WIOA)

I. SCOPE AND PURPOSE

The One-Stop Operator facilitates partnerships, develops and implements operational policies, and organizes aligned and integrated services in Mississippi WIN Job Centers (WJC) in each local area. The Workforce Innovation and Opportunity Act (WIOA) requires that Local Workforce Development Boards (WDBs) use a competitive process for the selection of a One-Stop Operator.
Competitive selection of One-Stop Operators is intended to improve the ability of Local WDBs to regularly examine performance and costs against original expectations.

Each Local Workforce Development Area shall develop a policy for procurement of one-stop operators. This document provides guidelines for developing the policy and describes the minimum elements to be included in the policy.

II. REQUIREMENTS

Local Workforce Development Boards (WDBs) must select their One-Stop Operator through a competitive process at least once every four years (WIOA sec. 121(d)(2)(A)). The competitive process must comply with 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900. As part of that competitive process, Local WDBs are required to clearly articulate the expected role(s) and responsibilities of the One-Stop Operator (20 CFR § 678.620(a)) and include the role(s) and responsibilities in the resulting contract.

In Mississippi, Local WDBs may be selected as a one-stop operator through sole source procurement or successful competition in accordance with §679.410.

<u>Eligible Entities</u>
One-Stop Operators may be a single public, private, or non-profit entity or consortium of entities. However, if a consortium of entities consists of WJC partners, it must include a minimum of three of the required WJC partners listed in WIOA sec. 121(b)(1). The types of entities eligible to be a One-Stop Operator include the following (WIOA sec. 121(d)(2)(B)):

- 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;

- 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;
- Private for-profit entities;
- Other interested organizations that are capable of carrying out the duties of the One-Stop Operator as identified in Training and Employment Guidance Letter WIOA No. 15-16, Competitive Selection of One-Stop Operators; and
- Local WDBs, if approved by the CEO and the Governor as required in WIOA sec. 107(g)(2).

As stated above, Local WDBs can serve as One-Stop Operators, but they cannot participate in the initial competitive process. Local WDBs can only serve as a One-Stop Operator through a sole source process with approval of the CEO and the Governor after the failure of the initial competitive process to result in an entity capable of carrying out the duties of the One-Stop Operator. Local WDBs wanting to serve as One-Stop Operators must:

- Email Contact to begin the Governor's review and approval process;
- Submit all materials related to the initial procurement process including an analysis of the failed One-Stop Operator procurement;
- Submit sole source documentation regarding the Local WDB as One-Stop Operator;
- Submit a letter indicating approval of the Local WDB as One-Stop Operator from the Local Area CEO; and
- Submit description of how potential conflicts of interest will be addressed.

The Governor will make a determination within 30 days of the receipt of the materials described above. If approved, the Local WDB will become the One-Stop Operator immediately.

Local WDBs must ensure that, in carrying out WIOA programs and activities, One-Stop Operators adhere to the following (20 CFR § 678.600):

- Disclose any potential conflicts of interest arising from the relations of the One-Stop Operator with particular training service providers or other service providers in accordance with 2 CFR § 200.318;
- Avoid establishing practices that create disincentives to providing services to individuals with barriers to employment;
- Comply with federal regulations and procurement policies relating to the calculation and use of profits as outlined in 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900; and
- Adhere to any applicable firewalls or internal controls.

Selection Process

When selecting a One-Stop Operator, Local WDBs are required to fully adhere to the federal procurement standards outlined in 2 CFR § 200.318-200.326, as well as their local procurement policies.

The following are allowable procurement processes under Uniform Guidance:

- Sealed Bid – 2 CFR § 200.320(c)
- Competitive Proposals – 2 CFR § 200.320(d)
- Sole Source – 2 CFR § 200.320(f):
    - The One-Stop Operator services are only available from a single source
    - The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation
    - After solicitation from a number of sources, competition is determined to be inadequate

Whichever procurement method is used, Local WDBs must retain extensive written documentation of the procurement process (20 CFR § 678.605(d) and 678.610(b)). Local WDBs must also make available to the public, through electronic means and open meetings, information regarding their selection of One-Stop Operators. (WIOA sec. 107(e))

All One-Stop Operators must be in place and operating in the WJC no later than July 1, 2017 (20 CFR § 678.635).

III. ACTION

Each Local Workforce Development Area will create a Local One-Stop Operator Procurement Policy.

IV. EFFECTIVE DATE

This policy shall be effective as of July 1, 2017.

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