



LOCAL BOARD OF SOUTHEAST LABOR DEVELOPMENT

EVALUATION, SELECTION, AND HIRING PROCEDURE OF THE INDIVIDUALIZED CAREER SERVICE PROVIDERS FOR THE ADULT AND DISLOCATED WORKERS PROGRAM AMENDED ON MAY 2020

I. INTRODUCTION

As part of its functions, the Local Board of Southeast Labor Development (Local Board) is responsible of selecting the Individualized Career Service Providers corresponding to the Adult and Dislocated Workers Programs. The service providers are evaluated by the Service Providers Evaluation Committee ascribed to the Local Board and approved by the latter.

The individualized career services will be provided to the participants for whom have been determined that need them to obtain or keep an employment consistent with the applicable statutory priorities. The services can be offered by the funds administrative entity, or they can be contracted.

Faced with the emergency state related to the COVID-19 impact, various Administrative Bulletins have been issued to make the closure of the government and private operations feasible in order to fight the COVID-19 effects. The most recent Bulletin is No.: OE-2020-038, and is valid until May 25, 2020, inclusive, which is the lockdown period. In said bulletin it is established that the government entities will continue conducting its functions and providing the services that can be offered without compromising the safety and health of their employees by means of the remote or virtual working mode. To these ends, we have determined to amend this procedure to adequate it to the abovementioned situation without undermining the competency principle.

II. PURPOSE

The purpose of this procedure is to establish the selection and hiring process of the providers that will offer the individualized career services as part of the activities and services of the Adult and Dislocated Workers Programs, according to the WIOA and its Regulation's provisions.

III. LEGAL BASE

The Workforce Innovation and Opportunity Act (WIOA, for its English acronym), Public Law No. 113-128 of July 22, 2014 – Section 107 (d) (10) (D)

Federal Regulation 20 CFR Vol. 81 Part 679.370 (I) (3) of August 19, 2016

2 CFR Part 200, “Uniform Administrative Requirement, Cost Principles and Audit Requirements for Federal Awards,”
December 26, 2013

“Training and Employment Guidance Letter” (TEGL) No. 16-16 – “One Stop Operation Guidance for the American
Job Center Network” of January 18, 2017

“Training and Employment Guidance Letter” (TEGL) No. 19-16 – “Guidance on Services Provided through the Adult
and Dislocated Worker Programs under the Workforce Innovation and Opportunity Act (WIOA) and the Wagner
Peysner Act Employment Service (ES), as amended by Title III of WIOA for implementation of the WIOA Final Rules”
of March 1, 2017

Administrative Bulletin No. OE-2020-038 issued by the Puerto Rico Governor, Hon. Wanda Vázquez Garced, on
March 1, 2020

Resolution of the League of Mayors and the Local Board to authorize remote work, issued on April 1, 2020

IV. GENERAL DISPOSITIONS

1. The Local Board will approve the Eligible Providers List for the Individualized Career Services, after receiving the recommendation of the Service Providers Evaluation Committee, ascribed to the Local Board. In relation to the funds of the Program Year 2020, the list can be used from July 1, 2020 to June 30, 2022.
2. In the Presentation letter that is included together with the proposals and addressed to the Local Board’s President, the providers will indicate the title of the activity or service for which the proposal is being submitted. In the letter they must describe how the activities they propose to develop will allow the participants to gain the skills to be gained or developed in the activities, as described in the Guidelines to Submit an Application for Inclusion in the Individualized Career Services Providers Register for the Adult and Dislocated Worker Program of the corresponding Program Year. If they submit more than one (1) proposal, they will describe it individually in the letter or in an identified attachment. They will be asked to indicate if the services can be given remotely.

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If so, as part of the services description, they will indicate how they will offer the same. They will establish which programs or platforms will use, among others.

3. The Service Providers Evaluation Committee, ascribed to the Local Board, will be responsible for evaluating the proposals received as part of the competitive evaluation process.
4. All the officials that intervene in the evaluation and selection of the providers of Individualized Career Services process must comply with the Puerto Rico Government Ethics Act provisions and its amendments: Act No. 12 of July 24, 1985. Failing that, the members of the Local Board and the Service Providers Evaluation Committee ascribed to the Local Board, who are not government employees, will comply with the Local Board with Regulation dispositions.
5. As part of the policy to select the Individualized Career Service Providers, in the Local Board the following factors will be considered:
 - a. Experience gained in similar activities –In the applicable cases, experience will be determined based on the achievements and results obtained in previously contracted activities. The provider will demonstrate having the capability to achieve the primary performance indicators required by WIOA. As a general norm, those providers who have not complied with previous contracts will not be contracted. If any activities provider fails to comply due to situations out of his control, the reasons for such noncompliance will be evaluated. If the reasons are valid, another opportunity will be given to the provider, and will be included in the Register. The provider’s capability to serve the people with functional disability and being in total compliance with the American with Disability Act (ADA) will also be considered. The lack of experience will not be considered as an evaluation criterion in the particular case of the providers who do not have it.
 - b. Qualifications of the personnel that will conduct the activities – The organizational structure and qualifications of the personnel that will conduct the activities will be evaluated.
 - c. Activities description - The description, justification, goals, and general and specific objectives, as well as the achievements (goals) will be evaluated to determine if they are aligned with the performance metrics of the local area.

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- d. Activities cost – It will be evaluated if the provider presents a detailed description of the proposed activities cost.
 - e. Cost reasonableness – The activity will be evaluated to determine if the costs are reasonable and allowable based on the parameters established by law in the corresponding records, as described in Section III of this Procedure.
 - f. Solvency and fiscal and administrative liability – The financial statement or other related documents, as well as all the documents requested by the Treasury Department and other federal and state administrative entities, which are requested to the providers before the contract formalization will be revised. The provider’s solvency and fiscal and administrative liability will be determined based on the documentation analysis.
 - g. Physical facilities availability in the area – The providers will be evaluated to determine if they possess the physical facilities to conduct the proposed activities or present a certification to evidence that they have an available local to rent or assign in the case it is determined that the service will be contracted.
6. Upon evaluation of the proposals, a written document will be submitted to each service provider to approve or deny, accordingly, each application recommended by the Evaluation Committee of the Service Providers ascribed to the Local Board and approved by the latter. The proposals that are rejected will receive a letter including a summary of the process and the evaluated criteria explaining why they were not selected, as well as advising them on their right to request a reconsideration to the Local Board within thirty (30) calendar days, after they receive a certified and registered mail notification. It will be the Local Board Executive Director’s responsibility to draw up the written document to be signed by the Local Board’s President and to make sure that it is sent to all the Service Providers prospects.
 7. The Local Board’s Executive Director will keep the proposals (records) and all the material related to the evaluation process in a secured and confidential manner. The records of the contracted proposals will be in custody of the Fiscal Agent.

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V. COMPETITION PROCEDURE TO SELECT THE LIST OF INDIVIDUALIZED CAREER SERVICE PROVIDERS

1. The Local Board will invite, through an ad published in a general circulation newspaper as well as on the Local Board's website and any other electronic media, the potential providers who are interested in submitting proposals, at least thirty (30) days prior to the date of the closure.
2. A virtual orientation meeting will be held for those interested in becoming Individualized Career Service providers.
3. A copy of the guidelines that describe the activities to be contracted will be sent via email to the proponents that are interested in becoming service providers.
4. Upon receipt of the proposals, they will be registered in the Register of Proposals Received from Individualized Career Service Providers (the Register). The Register will be prepared in Excel format, and it will be filled out in the computer; then, it will be printed. It will be detailed by proposal, and in the space provided for it, the type of activity will be jotted down as described by the proponent. In the space provided to the initials, a notation will be made to indicate that it was sent via email.
5. The official designated to receive the proposal(s) will print the email sent by the provider and will attach it to the proposal copy.
6. The official designated by the Local Board's Executive Director will revise all the received proposals to make sure that they are in compliance with the *Guidelines to Submit an Application for Inclusion in the Individualized Career Services Providers Register* (the Guidelines). The proposals that do not comply with the Guidelines will be returned to the provider without being evaluated. It will be the Local Board's Executive Director to draw up the document for the Local Board President's signature and make sure that is sent to all the proponents whose proposals will not be considered due to noncompliance with the Guidelines. The reasons and their right to request a reconsideration to the Local Board within a thirty (30) day term upon receipt of the notification via certified and registered mail will be explained.

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7. Regarding the documents that are requested to the employers during the lockdown, they will hand in all the documents that are accessible through the electronic websites of the agencies that are responsible for providing them. If the documents are not available, they can be handed in not later than thirty (30) calendar days after the government agencies closure ends. To making sure that the physical facilities in which the participants are located comply with the health and safety standards, a Single Permit will be requested. If the Puerto Rico Office of Management (OGPe, for its Spanish acronym) or the Autonomous Municipalities, as applicable, have not granted the permit, the employers can present, as established in the Administrative Order OGPe 2019-11, issued by the Permit Management Office, ascribed to the Department of Economic Development and Commerce, on November 25, 2019, one of the following documents:

- A. For the new applications or to add uses:
 - a. Conditional Use Permit
 - b. Occupancy Permit
- B. For Applications to Single Permit Renovation pending to inspection:
 - a. Renovation Application – Every renovation application has the effect of extending the validity of the Single Permit

If the documents are not received on the stipulated date or if when they are received the provider's evaluation is adversely affected, the petition for inclusion in the Register will be reevaluated, and the Provider will be informed that the submitted proposal was evaluated and will not be considered to the effect of the Register. A letter will be sent to the providers whose proposals were rejected in which a process summary and the criteria for which the provider was not selected will be written. Also, the provider will be advised of their right to request a reconsideration to the Local Board in a thirty (30) day term upon receipt of the notification via certified and registered mail will be explained.

8. The Service Providers Evaluation Committee ascribed to the Local Board will evaluate the local providers that complied with the requirements established in the Guidelines. The received proposals will be sent via

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email to the Service Providers Evaluation Committee’s members, who will revise them. Later, the proposals will be evaluated in a Committee’s virtual meeting . Likewise, a work group can be organized in Microsoft Teams (Evaluation Committee) to include the proposals. All the proposals can be accessed without the need to send them via email. The evaluation sheets can also be included in that same way to be completed.

9. The Committee will be composed by 3 to 5 members (in odd numbers). The following criteria will be evaluated:

INDICATORS	MAXIMUM SCORE
<u>Experience gained in similar activities</u>	<u>10</u>
<u>Qualifications of the personnel to conduct the activities</u>	<u>15</u>
<u>Activities description and projected goals</u>	<u>25</u>
<u>Description of the cost of the activities to be offered</u>	<u>10</u>
<u>Cost reasonableness</u>	<u>10</u>
<u>Provider’s solvency and fiscal and administrative liability</u>	<u>20</u>
<u>Available physical activities and equipment to offer the activities</u>	<u>10</u>

10. The Service Providers Evaluation Committee will use the following scale to determine which proposals will they recommend favorably:

SCORE	RESULT IN THE SCORE SCALE
<u>100-90</u>	<u>HIGHLY RECOMMENDED</u>
<u>89-80</u>	<u>RECOMMENDED</u>
<u>79-70</u>	<u>ADEQUATE</u>
<u>69- 0</u>	<u>DENIED</u>

The Evaluation Committee of Service Providers will refer its recommendations to the President of the Local Board for the corresponding procedure before the Local Board. In a Local Board meeting the Committee’s President will present the recommendations for the evaluation and final determination.

11. Upon evaluation of the proposals, a written document will be submitted to each service provider to approve or deny, accordingly, each application recommended by the Evaluation Committee of the Service Providers ascribed to the Local Board and approved by the latter. The proposals that are rejected will receive a letter including a summary of the process and the criteria for which explaining why they were not selected, as well as advising them on their right to request a reconsideration to the Local Board within thirty (30) calendar days, after they receive a certified and registered mail notification. It will be the Local Board Executive Director's responsibility to draw up the written document to be signed by the Local Board's President and to make sure that it is sent to all the Service Providers prospects.
12. Upon approval of the Eligible Providers List for the Individualized Career Services, it will be submitted to the Programmatic Services Director (Title I-B). This will occur not later than July 1 of each Program Year.

VI. SELECTION AND HIRING OF SERVICE PROVIDERS

1. The Career Planners will identify the participants' needs and inform the Service Coordinator so that this person in turn request from the Programmatic Services Director (Title I-B) the hiring of a service provider in order to offer them.
2. When based on the participants' needs the Programmatic Services Director (Title I-B) determines the need(s) that require to contract the provider(s), and on the Eligible Providers List for Individualized Career Services there is only one service provider, will select the person and continue the process established in this Section.
3. When there is more than one provider for the same service, the Programmatic Services Director (Title I-B) will select the service in writing to the Local Board's Executive Director, who will select the activity(s) to be contracted among those providers included in the Eligible Providers List for Individualized Career Services. The Director will indicate in the petition the municipality in which the activity will be

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4. The Local Board's Executive Director will request from the Programmatic Services Director (Title I-B) to hire the selected provider.
5. The Programmatic Services Director (Title I-B) or the designated official will make sure that:
 - a. If based on the participants' needs, it is determined to contract with a provider that does not have physical facilities, the following documents will be requested from said provider prior to the contracting:
 - Copy of the rental contract or assignment agreement for his use
 - Use permit of the current physical facilities and any other required certification, according to the applicable norms.
 - b. The designated official will proceed to visit the physical facilities, and the *Physical Facilities Inspection* form will be completed. The provider that does not comply with the abovementioned requirements will not be contracted.
 - c. The designated official will request the budget allocation. When it is approved, will proceed to request the Hiring Official to draw up a contract that will include the agreements between both parties and the regulatory and legal provisions under the terms and conditions of said contract.
6. The parties will subscribe the contract before the activity commencement. If when the contract signing is to be done, the government agencies lockdown is still in effect, the contract will be signed electronically by the Local Board's Executive Director and the selected provider. When the activities and services begin to be provided from the offices, the original of the signed contract will be sent.
7. The Contract registration will be done within fifteen (15) consecutive days following the date of its award or following the amendment date, agreement, determination, written acknowledgement, or nullification. If when the contract is to be registered, the government agencies closure is still in effect, it will be registered up to fifteen (15) days after the lockdown is ended up. The latter is established in the Circular Letter OC-20-20 issued by the Puerto Rico Comptroller Office of April 15, 2020.

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8. No prestation that is object of the contract could begin until the contract has been submitted for registration in the Puerto Rico Office of the Comptroller, according to Act No. 18 of October 30, 1975, as amended. This clause will not be valid during the lockdown. All the work and considerations established in all the contracts duly formalized by all the parties can proceed. The latter as established in the Circular Letter OC-20-20 issued by the Puerto Rico Office of the Comptroller, on April 15, 2020.

VII. REFERRAL AND HIRING OF PARTICIPANTS

1. Upon formalization and registration of the contract, a copy of it and the proposal will be referred to the Programmatic Services Director (Title I-B) or designated official to coordinate the participants recruiting.
2. Upon recruiting the participants, the Career Planners will be responsible to offer them all the corresponding services and activities based on their Employability Plan until the short and long-term goals outlined with the participant are met. If the lockdown should continue, the participants recruiting will be based on the Public Policy as amended and approved by the Local Board to authorize remote work in order to offer the activities to clients, participants, employers, and service providers.

VIII. SERVICE PROVIDERS EVALUATION COMMITTEE

The members of the Service Providers Evaluation Committee ascribed to the Local Board, who evaluate the proposals that are submitted as part of the competitive acquisition process must:

- a. Sign a nondisclosure agreement and no conflict-of-interest certification and must adhere to the same.
- b. Keep confidential the voting, results, discussions, and other information on the proposals under consideration.
- c. Not participate in meetings with the proponents to discuss aspects relating to the competition process. They will be able to request information on the proposal content to clarify doubts.
- d. Revise meticulously the proposals in all its parts.
- e. Use strictly the evaluation criteria for which the proponents competed.

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IX. ETHICAL NORMS

The following norms will be observed:

- a. The persons involved in the providers evaluation process will be free of apparent or real conflict of interest.
- b. It is compulsory to divulge any apparent or real conflict of interest to all the parts involved in the competitive acquisition process.
- c. The information submitted by the proponents and that of the general process will be confidential to the ends of avoiding the use of said information to benefit any of the parties involved in the process.
- d. Any organization that has the commitment to draw up and/or develop the specifications and requirements of the process cannot compete in a competitive acquisition process.
- e. If any of the Youth Committee's members has a degree of consanguinity, affinity or professional or labor relationship with the proponent will notify it and leave his duties until the situation that creates the inhibition is under the Committee's discussion. In a period not greater than twenty-four (24) hours, the reason and/or relation that caused the inhibition will be established in writing. This will be indicated in the Committee's minutes.

X. VALIDITY

This procedure was approved by the Local Board of Southeast Labor Development on its regular meeting held on May 22, 2020. It will take effect immediately as of the date of its approval, and it nullifies the Procedure approved on September 10, 2019. It will be the Local Board Executive Director's responsibility to inform the personnel about this Procedure within five (5) days after its approval.

[Signed]

Jesús E. Delgado Montes
President
Local Labor Development Board

Note: On this document the male gender will be used to refer to both genders so that to facilitate reading. This composition style does not attempt to imply the supremacy of one gender over the other.

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