

Procedure Number: 53

Approval Date: June 27, 2023

Date of Effectiveness: June 27, 2023

Addressed to: Workforce Development Local System – Conexión Laboral Sureste

Subject: Procedure for the Evaluation of Proposals for the Competitive Selection of the One-Stop Career Center Operator– American Job Center

I. INTRO DUCTION

The Public Act 171-2014, known as the Workforce Innovation and Opportunity Act (WIOA, for its English acronym) was approved on June 22, 2014 with the purpose of helping citizens search a job and provide them education, training and support services to the ends that they may be successful in the marketplace. Thus, this Act may contribute to ensure that employers may count on qualified and specialized workers so that they can compete in the global economy.

Title I of WIOA establishes a system comprised of Workforce Development Local Areas, which bring training and employment services through the One-Stop Career Centers - American Job Center (CGU-AJ C). In Puerto Rico there are fifteen (15) Workforce Development Local Areas, being Southeast Local Workforce Connection Area one of them. Our Local Area, through the CGU-AJ C, located between PR-30 and Road No. 3, Boulevard del Río, Humacao, PR 00791, serves residents from the municipalities of Humacao, Juncos, Las Piedras, Maunabo, Patillas, San Lorenzo, and Yabucoa.

The CGU-AJC are designed to facilitate access to training and employment services located in one place for individuals that may need assistance in those areas that contribute to their employability. In the CGU-AJC, the participants will find a system of integrated services that allow them to access the services or benefits provided by the workforce development system partners.

WIOA, in its Section 107(d)(10)(A), delegates in the Workforce Development Local Board the responsibility of selecting an Operator for the CGU-AJC, through a competitive process, as established in Section 121(d)(2)(A).

Workforce Connection Local Board: Southeast Local Area (Local Board) will contract the services of an entity that may offer a broad variety of services to clients, both eligible participants as well as employers, according to what is required in the Guide of Specifications for the Presentation of Proposals.

II. PURPOSE

The purpose of this procedure is to regulate the evaluation, selection and contracting process of the One-Stop Career Center Operator, according to the provisions of WIOA, its interpretative regulation, and the Public Policy for the One-Stop Career Center Operator Selection, Public Policy Number 52, as approved on April 12, 2023.

III. LEGAL BASE

- Workforce Innovation and Opportunity Act; Public Act 113-128 of June 22, 2014; Sections 107(d)(10), 121(d)(2)(A), 121(d)(2)(B), 121(e), 121(e)(1)(A), 121(e)(1)(B), 121(e)(1)(C), 121(e)(1)(D), 121(e)(1)(E), 121(e)(2)(A), 121(e)(2)(B), 121(e)(2)(B)(i), 121(e)(2)(B)(ii), 121(e)(2)(B)(ii)(I), 121(e)(2)(B)(ii)(II), 121(e)(2)(C) and 121(e)(2)(D), among others
- What is the one-stop operator's role? 20 CFR § 678.620
- How is the one-stop operator selected? 34 CFR §361.305
- Training and Employment Guidance Letter WIOA No. 15-16 (TEGL 15-16); Competitive Selection of One-Stop Operator; January 17, 2017
- Training and Employment Guidance Letter WIOA No. 7-20 (TEGL 7-20); Effective Implementation of Priority of Service Provisions for Most in Need Individuals in the Workforce Innovation and Opportunity Act; November 24, 2020
- Circular Letter for the Competitive Selection of One-Stop Career Center Operators–American Job Centers, WIO A-02-2017, May 5, 2017, Workforce Development Program
- Circular Letter to Prohibit the Total Closing of the One-Stop Career Center Operators (CGU) during the administrative closures decreed by Municipalities; WIO A-03-2021, March 23, 2021, Workforce Development Program
- Public Policy for the Selection of the One-Stop Career Center Operator; Public Policy Number 52, as approved on April 12, 2023 by the Workforce Connection Local Board: Southeast Local Area.

IV. GENERAL PROVISIONS

1. This competitive process must identify One-Stop Career Center Operator based on what is provided in the Guide of Specifications for the Presentation of Proposals and the Evaluation Criteria established therein. Also, it must consider the provider's capacity to comply with the execution measures based on the primary execution indicators established for Workforce Connection: Southeast Local Area, as negotiated by the Local Board and the Workforce Development Program.
2. In compliance with the Public Policy Number 52 of April 12, 2023, the Evaluation Committee will have published a Request for Information (RFI, for its English acronym) prior to the receipt and evaluation of proposals.
3. All the officials of Workforce Connection: Southeast Local Area that intervene in the revision process of the proposals submitted by the proponents must comply with the provisions of the Puerto Rico Office of Government Ethics and its amendments: Office of Government Ethics Act of 2011: Act No. 1 of January 13, 2012, if applicable. Otherwise, the members of the Local Board and the Evaluation Committee will comply with the provisions of the Local Board Operational Regulations (bylaws). Similarly, the members of the Committee will honor the Certification of Nondisclosure and Absent of Conflict of Interests that they will sign before the commencement of the competitive processes.
4. The Local Board will select an Operator with the capacity to provide the services required from both participants as well as employers and partners of the one-stop system.
5. The selected entity will be required to serve all eligible persons that require assistance, including low-income individuals, veterans, and individuals that require academic and occupational education and training to the ends of getting a paid job, not a subsidized one.
6. Pursuant to TEGL 15-16, the basic role of an operator is coordinating the services to participants and clients, on the part of the workforce development program partners and the service providers. Likewise, the Local Board has the capacity of delegating additional roles to the Operator, as deemed pertinent within the WIOA parameters and its interpretative regulation.
7. The contract made with the selected entity, meaning the Operator, will establish the cost and scope of the services they will offer, as requested, so that to achieve a stable system in the best interests of Workforce Connection: Southeast Local Area.
8. To these ends, Workforce Connection: Southeast Local Area will publish an announcement requesting proposals (RFPs), in a general circulation newspaper and in the Local Board web page. This announcement will be written in Spanish and English.

9. The Guide of Specifications for the Presentation of Proposals will be issued for the proposal's presentation, which will be available through electronic media to all interested proponents, as of the same date of publication of the competition announcement. The Guide will be available in printed format for those proponents that have requested so.
10. The Presentation of Proposals period regarding all the processes related to the Operator selection will be thirty (30) calendar days as of the announcement publication.
11. Two (2) pre-competition meetings will be held for all the interested proponents with the purpose of clarifying doubts on the works scope and the Local Board's expectations.
12. An electronic mail link will be available in which the proponents can submit their questions on the process. The Evaluation Committee may be able to delegate a response to these questions to any of the Local Board's officials. This official will be responsible for circulating all the questions received, as well as its answers, to all the possible proponents that have requested the Guide.
13. The One-Stop Center Operational Committee will be responsible of holding the competitive process by which the One-Stop Center Operator will be selected. To the effect of this procedure, the phrases *Evaluation Committee* and *Operational Committee* are used indistinctively, since they are the same unit of the local system ruling structure.
14. The Committee will be responsible for receiving, evaluating, approving or denying, as well as adjudicating the proposals submitted by the proponents based on the Guide of Specifications for the Presentation of Proposals. The full Local Board will ratify the Evaluation Committee's determinations.
15. In the case that the Local Board decides to participate in the competitive process to become the Operator, it must contract a professional or independent entity in order to develop and hold the competitive process, pursuant to Public Policy Number 52 of April 12, 2023 and this procedure. If that is the case, no member of the Local Board, or its officials, can participate - in any way- of the development and holding process of the competition.
16. In case that any of the municipalities that comprise Conexión Laboral: Southeast Local Area, or municipal entity under the supervision or control of the Board of Directors of Mayors decides to participate in the competence to become a One-Stop Center Operator, none of the officials representing them can participate – in any way- of the development and holding of the competition process.

V. EVALUATION COMMITTEE

The Local Board Operational Committee will be responsible for conducting the competitive process by which the One-Stop Center Operator will be selected. This Committee will be responsible for receiving, evaluating, approving or denying, as well as adjudicating the submitted proposals by the proponents based on the Guide of Specifications for the Presentation of Proposals. The Local Board in full will evaluate and ratify, if pertinent, the Operational Committee's or Evaluation Committee's determinations.

The Operational Committee is composed of five (5) members of the Local Board: three (3) representatives from the private sector, one (1) representative from Vocational Rehabilitation, and one (1) representative from Wagner-Peyser. The latter are partners of the workforce development system that administer the Employment Service and the Vocational Rehabilitation Program, correspondingly.

The Operational Committee or Evaluation Committee's members must:

- a. Sign a Nondisclosure and Absent of Conflict of Interests Certification and must adhere to it.
- b. Not disclose the voting, results, discussions, and other information of the proposals being considered by them.
- c. Not be able to participate in meetings with the proponents to discuss aspects related to the competition process.
- d. If a clarification were requested on the part of a proponent, it must be carried out via the Local Board's Executive Director. This procedure must be conducted within the twenty-four (24) hours following the information request. The Local Board's Executive Director will notify the proponent that they have said period of time to answer the Committee concerns in order to avoid unnecessary delays of the process.
 1. In case that the Local Board participates of the competitive process, the professional or entity contracted to conduct the process will be able to request the proponent or proponents the corresponding clarifications.
 2. In case that any of the Municipalities that comprise of Workforce Connection: Southeast Local Area, or municipal entity under the supervision or control of the members of the Mayors Board, or the Mayors Board decides to participate in the competition to become a One-Stop Center Operator, the Local Board -or the entity designated to conduct the process-

will channel their request for information or questions via the Local Board's administrative official or the person authorized to these ends.

- e. Keep the proposals and any material related to the evaluation process in a safe and confidential manner.
- f. Thoroughly review the proposals in all its parts.
- g. The evaluation criteria established in the Guide of Specifications for the Presentation of Proposals will be strictly used.
- h. The proponents will be evaluated exclusively according to the services for which they competed, according to the Public Notice and the Guide of Specifications for the Presentation of Proposals.

VI. PROCEDURE

1. RECEIPT OF PROPOSALS

A. REGISTRATION SHEET AND INITIAL RECORD

- 1. At the closing of the proposals submission or filing period, the Local Board Administrative Assistant will compile the received proposals and prepare a Registration Sheet in which the proponent's name will be exclusively stated and a control number will be assigned.
 - a. The control number will be used to identify the proposals always, since the proponent's name or any identifying logo must not appear in the same.
 - b. The control number will be used to identify the proposals always, since the proponent's name or any identifying logo must not appear in the same. The control number must be assigned using the following format:
O SO -AP-00_____
- OSO = One Stop Operator
 - PY = Program Year when the competition is held
 - Proposal Number in the order that it was received
 - For example: OSO -23-0004 (fourth proposal received).

2. On the other hand, the Administrative Assistant will draw up the minute record to state the control number, the date and time of filing, and whether the proposal was received within the regulatory period.
3. The minutes must detail the number of proposals that were received, irregularities in its receipt (for example, it was identified that a person filed their proposal in multiple electronic mails, but not all of them were received), as well as any other matter deemed pertinent. The minutes must include table showing the details of the proposals received, using the following format:

Control Number	Filing Date	Filing Time	Was it filed within the regulatory period?	
			YES	NO
1.				
2.				

4. The Registration Sheet and the minutes must be completed within forty-eight (48) hours after the filing closing period.
 - a. In case that the Local Board participates of the competitive process, this function will be in charge of the professional or entity contracted to hold the process in the name of the Local Board, safeguarding the transparency of the processes¹.
5. The Registration Sheet will be kept under the custody of the official that prepares it until the evaluation process is completed by the Evaluation Committee.
6. Once completed, the minutes must be submitted to the Local Board’s Executive Director, attached to the electronic mail where filing time and File 2 and 3 of each proposal is stated for further proceedings. File 1 or Cover Sheet must not be submitted to the next stage; these must be kept in a digital format and guarded by the Administrative Assistant of the Local Board or by the contracted entity to conduct the process on its behalf.
 - a. If any of the Municipalities that comprise of Workforce Connection: Southeast Local Area, or municipal entity under the supervision or control of the Mayors Board of Directors, participates in the competition process, the minutes must be submitted to the President of the Evaluation Committee via the Administrative Assistant of

¹ Section VII(2)(a); Public Policy 52 for the Competitive Selection of the One-Stop Center Operator - American Job Center, April 12, 2023

the Local Board, so that this person carries out the process that otherwise the Executive Director would conduct.

B. INITIAL SCREENING

1. The Local Board's Executive Director will identify and designate between two (2) to five (5) officials, according to the need and the volume of the proposals received, to do an initial screening with the purpose of:
 - Validate the timely presentation of the proposals, as documented in the initial minutes.
 - Identify proposals that do not include all the required documents, according to the Guide of Specifications for the Presentation of Proposals for the evaluation stage;
 - Identify proposals that do not comply with the filing guidelines established in the Guide of Specifications for the Presentation of Proposals.
2. This designation must be completed within forty-eight (48) hours after the closing of the proposal filing period for the immediate commencement of this stage.
 - a. In case that the Local Board has participated of the competition, the professional of entity contracted to conduct the competitive process will designate the human resources that will carry out the screening.
 - b. If any of the Municipalities that comprise of Workforce Connection: Southeast Local Area, or municipal entity under the supervision or control of the Mayors Board of Directors participates in the competition process, the Evaluation Committee will designate the officials or individuals that will carry out the screening. This arises from the premise that the Executive Director is designated by the Board of Mayors, according to what is stipulated in the Agreement between the Board of Mayors and the Local Board, which would represent a conflict of interest.
 - c. These officials cannot be under the supervision of the Local Board or the Executive Director, as the case may be.
3. Under any circumstances the elected officials can open the proposals to the effects of evaluating its content or sharing them with officials or unauthorized individuals. Similarly, they will not be able to communicate with the proponents to share information with them at this stage of the process, since this information is considered confidential and privileged. Acts like this contaminate the process and could result in its cancellation.
4. Only the officials in charge of the screening will consider what follows:
 - a. Timely presentation of the proposals, as documented in the Initial Minutes;

- b. That the proponent has followed the filing instructions; and
 - c. Has included all the documents required for the evaluation stage.
5. In the event that it is determined that the filing was late, no additional evaluation will be made, and this must be recorded in the Compliance Record.
6. The designated officials will draw up a Compliance Record addressed to the Evaluation Committee through the Local Board’s Executive Director in which they notify compliance or non-compliance on the part of the proponents with the filing instructions. This minute record must include a detailed table as the one shown below that will allow the Committee to have visibility of the screening result.

Number of Control	Filing Date	Filing Time		Are the evaluation stage documents complete or incomplete?	Were filing instruments followed according to the Guide? Does it include all the attachments of files? Yes or No	Notes (Include documents that the proponent did not file. If incomplete and did not follow instructions, how did the person fail?)
		Time	Late? Yes or No			
OSO-23-0001						
OSO-23-0002						

7. A description of the procedure carried out, who did what, a summary of the filing received, number of proposals received, number of late proposals, etc., must be included in the minutes. Similarly, the designated officials will include in the minutes any irregular situation that arises, if that is the case, during the screening process.
8. The minutes must include the date and time of the commencement and closure of the screening procedure, and all the persons involved will sign it.

9. The designated officials will complete this procedure in a term not greater than seventy-two (72) hours under strict confidentiality once they receive the designation and instructions from the Executive Director, the official or entity that designates them.
10. Once the screening is completed and the minute record is drawn up, it must be sent to the Evaluation Committee, with all the proposals, via the Executive Director within the next forty-eight (48) hours.
 - a. If the Local Board participates in the competitive process, the record must be sent to the professional or entity contracted to carry out the competitive process on its behalf.
 - b. If any of the municipalities that comprise of Workforce Connection: Southeast Local Area, or municipal entity under the supervision and/or control of the Mayors Board's members participates of the competitive process, the minutes must be submitted to the President of the Evaluation Committee via the Local Board' Administrative Assistant.

C. PROPOSALS EVALUATION

Note: This phase will be carried out by the Local Board's Evaluation Committee, or where that is not possible, the professional or entity contracted to carry out the competitive process on its behalf. When the term *Evaluation Committee* is used in this section of the procedure, it refers to whoever is carrying out the evaluation, regardless of who does it.

1. The Evaluation Committee will be called on to begin the evaluation process and will have to draw the minutes of all meetings held for these purposes.
2. Upon receiving the Compliance Record and the proposals, the Evaluation Committee will validate the screening, specifically what is related to the proposals submitted after the deadline for filing proposals; those with missing documents, and those in which instructions of presentation were not followed.
3. Once the screening process is validated, a notification of denial will be sent to those proponents whose proposals were received after the filing period and to those that despite of having filed their proposals on time, did not comply with the previously mentioned criteria.
 - a. The notification will be made according to what is established in the Guide of Specifications for the Presentation of Proposals.
4. The Evaluation Committee will proceed to evaluate the remaining proposals using the document: Proposal Evaluation Form for the Selection of the One-Stop Center Operator (Individual).

5. Each member of the Evaluation Committee will consider each proposal and will score it on an independent basis.
6. Once the evaluation procedure is completed by each of the Evaluation Committee members, the average of the obtained scores will be computed and included in the Final Score Sheet. This score is the one that will be considered for the final adjudication decision.
 - a. The Evaluation committee will consider that every proponent entity that obtains more than eighty (80) points, or the number of points specified in this Guide of Specifications, if different, complies with the proposal requirements. However, this competition is limited to the selection and contracting of one (1) Operator.
 - b. If more than one proponent obtains more than eighty (80) points, the Evaluation Committee will call on each entity in order for it to present its proposal to the Committee and, therefore, the Committee will be able to make questions regarding the proposed services, as detailed in the proposal that was evaluated by them previously.
 - c. At the conclusion of the presentations, the Committee in full will decide which is the most adequate proposal that responds to the best interests of the clientele that is served by them in the One-Stop Center.
7. Once the Evaluation Committee determines which proponent complies with the expectations and needs of the Local Board regarding the required services, the Committee will draw the meeting minutes so that its determination is evidenced. These minutes will be sent to the Local Board's President via the Committee's President, so that the President call on a plenary session to evaluate and ratify the Evaluation Committee determination.
 - a. In case that the Local Board has participated in the competition, the final adjudication determination will be made by the professional or entity contracted to hold the process following this procedure.

D. SELECTION AND NEGOTIATION

1. Once the best proposal is selected, the Local Board can:
 - a. Notify the Mayors Board the result of the Operational Committee evaluation so that the Committee may issue its comments, if any, regarding the preliminarily selected proposal.
 - i. If the Mayors Board does not issue any comments regarding the selected proposal within ten (10) calendar days following the notification, the Local Board can continue the competitive selection process of the Operator pursuant to Policy Number 52 of April 12, 2023.

- ii. If any of the municipalities that comprise of Workforce Connection: Southeast Local Area, or municipal entity under the supervision or control of the Mayors Board of Directors participates in the competitive process and is selected, the Mayors Board will not have to express itself regarding the selection of the proponent when it is notified.
- b. Notify the selected proponent with the caveat that the adjudication does not obligate the Local Board until the contract is adjudicated or awarded.
 - i. The Board can cancel the adjudication before the contract formalization due to the following reasons:
 1. The need that gave rise to the bid does not exist anymore.
 2. The obligated funds for the transaction were depleted or freed in order to use them with other purpose.
 3. It is deemed that acting this way is in the Local Area's best interests or the best public's ends.
- c. Negotiate performance levels according to those negotiated between the Local Board and the state, represented by the Workforce Development Program of the Department of Economic Development and Commerce of Puerto Rico.
- d. Negotiate just and reasonable earnings, if applicable (2 CFR 200.323(b)).
 - i. It applies to private for-profit organizations.
- e. Negotiate mechanisms and invoicing frequency;
- f. Negotiate the contract validity period;
- g. Obtain the Mayors Board and Governor's authorization, if applies;
 - i. In the event that the Local Board is the selected Operator, it is necessary to obtain the consent of the Board of Mayors and the Governor, prior to granting the contract.
- h. Make an offer and obtain the acceptance.
- i. Certify or designate the Operator, and
- j. Execute the contract.

VII. EVALUATION CRITERIA

The Evaluation Committee or the professional or entity contracted to the ends of holding the process - as the case may be- will evaluate the proposals received in light of the criteria detailed in the Guide of

Specifications for the Presentation of Proposals, which may vary from competition to competition subject to what is required by the Local Board.

Neither the Evaluation Committee nor the professional or entity contracted to the ends of holding the process -as the case may be- can consider elements or criteria different from those included in the Guide of Specifications.

VIII. CONTRACTING

1. To the effects of formalizing the contract between the Local Board and the selected proponent, the Local Board delegates to the Executive Director attendance to the meetings in which the contracts or agreements are made on their behalf.
2. The contracting of the Operator will be made based on the requirements of the Request for Proposals and the Guide of Specifications for the Presentation of Proposals. Any amendment to the contract must be made within the scope of the services required. Any work or service that is not part of the scope of works, according to the Request for Proposals, cannot be included in the contract by means of an amendment. This undermines the principle of competition under which the selection of providers takes place.
3. Once the Operator to be contracted is selected and the separation of funds is coordinated with the Fiscal Agent, appointments will be made to discuss the scope of the activities to be contracted. Costs and terms included in the proposals cannot be negotiated since this is contrary to the process of competition. This can occur only if the resources of the Local Board have changed and the negotiations are detrimental to the proponent because they involve a smaller number of services or funds.
4. Once the Operator that will be contracted is selected, the Contracting Official will be requested to draw the contract that will include the agreement between both parties and the regulatory provisions that are applicable to the contracts federally funded.
5. The contract will be registered in the Office of the Controller of Puerto Rico within fifteen (15) consecutive days following the contract awarding date or following the date of the amendment, agreement, determination, or proof of contract, or action that terminates it.
6. No service, object of the contract, can begin until it had been presented to be registered in the Office of the Controller, pursuant to Act 18, October 30, 1975, as amended.

IX. SAFEGUARDS

In the interest of avoiding a potential conflict of interests, the operational area of the Local Board cannot be involved in matters related to the request, handling, and evaluation of the selection of the One-Stop Center Operator.

All the members of the Local Board, as well as the Operational Committee, are obliged to disclose publicly any conflict of interests, -real or apparent- with regards to this competitive process.

If during the proposal evaluation process a member of the Operational Committee learns that a possible conflict of interests, or its mere appearance, can occur in relation to any of the proponents, that person must notify it immediately in writing to the Local Board’s President and inhibit themselves from the evaluation process. The Local Board’s President can designate a substitute or alternate member to the Committee to the ends of this process. Once the President is notified of a possible conflict of interests, real or apparent, will designate the necessary resources to substitute the member or members of the Operational Committee who are prevented from complying with their role within the next twenty-four (24) hours, in order to avoid a delay in the works or unnecessary delays.

X. SEPARABILITY

If any provision of this Proposal Evaluation Procedure were invalid, unconstitutional or null and void by a court with jurisdiction and competence, all the other provisions shall remain in full force and effect.

XI. EFFECTIVENESS

This procedure will be effective immediately. It will be the Local Board Operational Committee President responsibility to orient the corresponding personnel regarding their inherence, if any, regarding this procedure.

XII. APPROVAL

The Operational Committee of the One-Stop Center, in a meeting held on June 27, 2023, having constituted the corresponding quorum, evaluated and voted in favor of the approval of the present procedure. Therefore, we proceed to sign it.

(Signed)
Susan Bonilla Flores, Atty.
President Operation Committee of the
One-Stop Center

(Signed)
Juan M. Méndez Rosa, Atty.
President Local Board Workforce Connection
Southeast Local Area

