

**Policy Area:** One-Stop Service Delivery

<b>Title of Policy:</b> Competitive Selection of One-Stop Operators	<b>Number:</b> 300-04 (2016)
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**I. Purpose**

The purpose of this issuance is to outline the policy and procedures for competitive selection of one-stop operators under the Workforce Innovation and Opportunity Act (WIOA).

**II. Summary**

The WIOA requires that one-stop operators be chosen through a competitive process in Section 121(d)(2)(A). A one-stop operator is different than a service provider, and is an entity responsible for management functions of a one-stop career center. A Local Board is responsible for conducting the competitive procurement for selection of a one-stop operator. The competitive procurement must occur at least every four years; therefore, the one-stop certification process that occurs one year before the competitive procurement process is intended to inform the Local Board regarding successful operation of one-stop centers in the local workforce development area.

Any number of entities may serve as a one-stop operator. These include: an institution of higher education, a state agency that administers the Wagner Peyster employment services program or any state agency, a community-based organization, a private for-profit organization, any other organization with demonstrated ability to operate a one-stop center, and a consortium of entities that includes at least three WIOA partner programs. There may be multiple one-stop operators in a local workforce development area.

**III. References**

- Workforce Innovation and Opportunity Act Section 121(d)(2)(A)
- Training and Employment Notice No. 05-14, *Workforce Innovation and Opportunity Act Announcement and Initial Informational Resources*
- Training and Guidance Letter No. 19-14, *Vision for the Workforce System and Initial Implementation of the Workforce Innovation and Opportunity Act of 2014*
- United States Department of Labor, *Workforce Innovation and Opportunity Act; Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule*, 20CFR, Part 678, Subpart D, One-Stop Operators
- Office of Management and Budget, “Uniform Administrative Guidance”
- Virginia Board of Workforce Development Policy No.100-03 *Process of Submission of a Waiver Request to the U.S. Department of Labor*

IV. Policy

Each Local Board must administer a one-stop operator competition consistent with the principles of competitive procurement in the Uniform Administrative Guidance. A Local Board may also serve as one-stop operator if sole source requirements are met, and only if the chief local elected officials in the local workforce development area and the Governor agree. A Local Board serving as the one-stop operator must have the appropriate conflict of interest policies and firewalls in place.

The first competition must occur in time for new one-stop operators to be in place prior to July 1, 2017, and at least every four years after that point. Each Local Board is required to develop a Request for Information (RFI) and /or a Request for Proposals (RFP) for one-stop operators using the approach and required elements described in this policy and other guidance uniformly across the entire state.

A Local Board may not be the one stop operator unless the Governor grants a waiver. The intent of any waiver is to provide the option for Local Boards to provide one stop operator services in extenuating circumstances only, such as areas with a lack of response to the RFP. Local Boards desiring to be a provider of one stop operator services must submit a waiver request to the WIOA Title I Administrator for review for approval by the Governor.

A waiver request shall be in the form of a memorandum that includes, at a minimum, the rationale for the waiver, details concerning the provision of career and training services to be provided, details on the entity serving as the fiscal agent, and appropriate firewalls and conflict of interest protections and disclosures in place. The Local Board must also detail the justification of the sole source operation of one-stop career center(s) and why a competition is not feasible, or if a competition has occurred, why the Local Board is the most feasible entity to operate the one-stop career center(s) and how those Local Board-provided services complement other services available in the local area or region.

Each Local Board may further clarify the roles and responsibilities of a one-stop operator, but to ensure consistency across the Commonwealth, all one-stop operators are responsible for the following duties:

1. Manage the overall operations of the one-stop career center(s), including, but not limited to performance accountability, coordination of one-stop system financial management (including coordination of negotiated infrastructure funding models), and programmatic activities as described in the partner MOU.
2. Coordinate the service delivery of required one-stop partners and service providers, such as ensuring coverage during working hours, developing a one-stop career center(s) customer intake flow, and implementing other important customer service processes, consistent with the WIOA Local Workforce Development Area Plan and existing Memorandum of Understanding (MOU) guiding and governing service delivery to meet the employment and training needs of the community.

3. Coordinate the provision of career services in the one-stop career center(s), including the coordination with WIOA Title 3-funded employment services, including basic career services, as appropriate.
4. Conduct a financial and performance evaluation of operators on an annual basis.

**V. Procedures**

The procedures outlined below provide a general framework for the process employed in Virginia to ensure the competitive procurement of one-stop operators. Further instructions and guidance may be issued providing additional details, particularly for one-stop operator competitions that occur after the initial implementation of one-stop operators in 2017. The process outlined below incorporates requirements for the initial implementation of one-stop operators that must be in place by July 1, 2017.

Existing, unexpired contracts for one-stop operators which were established prior to the effective date of this policy will be allowed to continue until the end of those agreements.

**Step 1.** Local Boards, in coordination with Chief Local Elected Officials (CLEO), drafts a proposed RFP for local one-stop operators. RFPs must include:

1. An opportunity for a variety of organizations to be considered as one-stop operators, including a consortium of entities that includes at least three WIOA partner programs.
2. A requirement that a current one-stop operator has met the one-stop certification criteria for the period of time preceding the forthcoming one-stop operator competition, if applicable. Or if the proposed one-stop operator is new, a requirement for the applicant to provide a plan, including timelines, for meeting the requirements may be accepted.
3. Details on how the entity or consortium will meet all requirements for financial accountability and management practices in accordance with WIOA.

If a Local Board believes that potential one-stop operators are limited in their local workforce development area, a Request for Information (RFI) process may be incorporated after consultation with the CLEO and as local procurement law allows.

If a Local Board undertakes an RFI process, and the Local Board determines that conditions exist that warrant a sole-source exception to the procurement of all or some one-stop operators in the local workforce development area at the conclusion of the RFI process, then the Local Board shall: (1) gain the agreement of CLEOs in the local area, and (2) submit a waiver request to the WIOA Title I Administrator for review for approval by the Governor with a sole-source justification and the results of the RFI.

If Local Boards choose to combine the one-stop operator procurement with Career Services procurement, then an RFI and/or an RFP is required to ensure a competitive procurement process. If these services are jointly procured, local boards must ensure the appropriate firewalls, conflict of interest policies, and other controls are in place.