



UNITED STATES  
DEPARTMENT OF LABOR

Dallas Regional Office  
Region IV

# **Competitive Selection of One-Stop Operators**

## **Why? When? How?**

# Why?

- Workforce Innovation and Opportunity Act (WIOA) requires Local Workforce Development Boards (LWDB) to use a competitive process for the selection of a One-Stop Operator for the workforce system.
- This supports continuous improvement by the evaluation of the One-Stop Operator's performance.
- Re-competition is required every four years.
- Competition aids in the efficiency and effectiveness of the One-Stop Operators.
- This gives LWDBs the opportunity to regularly examine performance and costs based on agreed expectations.

# Why the change?



- Under the Workforce Investment Act (WIA), Local Workforce Investment Boards (WIBs) acted as One-Stop Operators.
- Some One-Stop Operators functioned in this capacity from the very inception of WIA.
- One-Stop Operators were designated under:
  - A competitive process,
  - As a consortium of three or more partners, or
  - Grandfathered in from the Job Training Partnership Act.
- WIOA requires selection by competition no more designation, certification or grandfathering of One-Stop Operators.

# When?

- Effective July 1, 2017, LWDBs must use the competitive process to select One-Stop Operators.
- By November 17, 2016 every Local WDB must demonstrate it is taking steps to prepare for competition of its One-Stop Operator.

20 CFR 678.635 (b)

# Supporting Information

- Consistent with paragraphs (b) and (c) of Section 678.605, the Local WDB must select the One-Stop Operator through a competitive process, as required by Sec.121(d)(2)(A) of WIOA, at least once every 4 years. 20 CFR 678.605 (a)
  - A state may require, or a Local WDB may choose to implement, a competitive selection process more than once every 4 years.

# Why is Competition Needed?

- Competition offers LWDBs the ability to:
  - Ensure effectiveness periodically,
  - Make improvements in service delivery, performance and,
  - **If it is not working, a change can be made.**
- The LWDBs have a stronger voice to ensure services are provided and the One-Stop Operator is delivering efficient quality services.

# How? The Requirements...

- One-Stop Operator competition requires states follow the same policies and procedures used for procurement with non-federal funds.
- It requires LDWBs to use a competitive process based on local procurement policies and procedures.
- The principles of competitive procurement in the Uniform Administrative Requirements, Cost Principles and Audit Requirements must be followed.



# Why?

- Competitive procurement is the process of selecting providers for program activities and services.
- The competitive process must be used with procuring the One-Stop Operator.
- We strongly advise using the competitive procurement for selecting all or components of the following:
  - Training Services (Specialized Training: Web Design or LPN)
  - Youth Providers (Leadership & Teamwork Classes)
  - Career Services (Vocational Assessments)
  - Fiscal Agent (Auditing)



# Why?

- If your State or LWDB has an existing contract or agreement with a One-Stop Operator that **was not procured through a competitive process as required** by WIOA and the Uniform Guidance **it must be terminated!**
- The termination must go into effect no later than June 30, 2017.
- The competitive process **cannot be waived.**
- All contracts and agreements **must be awarded** through a competitive process. There are **no** exceptions.

# Who can be selected as a One-Stop Operator?

- A One-Stop Operator is one or more entities designated or certified under WIOA through a competitive process.
- It is an entity that can be public, private or nonprofit or a consortium of entities. At a minimum, it can include three or more of the required one-stop partners of demonstrated effectiveness located in a local area.
- Any entity selected and serving as One-Stop Operators are subrecipients of a federal award and must follow the Uniform Guidance.

# Who are the Eligible Entities?

- Government agencies,
- Employment Service State agencies under the Wagner-Peyser Act,
- Indian Tribes or Tribal organizations,
- Educational Institutions, (Elementary and Secondary schools are not eligible to apply),



# Who are the Eligible Entities?

- Community based organizations,
- Interested organizations able to carry out duties of the One-Stop Operator,
- Private for profit entities, and
- Local Workforce Development Boards.

# Eligible Entities

Special Conditions:

## States

- A State WDB will carry out the one-stop competition for a Local WDB.

### **Example**

- If a Local WDB is being reconstructed under a Governor's reorganization plan per WIOA, the State WDB will carry out the procurement for a One-Stop Operator.

# Eligible Entities

## Special Conditions

### Local Workforce Development Boards

- If a LWDB desires to serve as the One-Stop Operator, they must comply with the competition requirements in 20 CFR 678.605 (c) and 678.615 (a).

-Additionally-

- If the after completing the competition process the LWDB is selected as the One-Stop Operator, the Governor and the CEO **must** agree to the selection of the LWDB.

# Uniform Guidance

Is the Uniform Guidance Applicable to?

- DOL Award or DOL Sub-Award
  - For-Profit Entities: **Yes** (Please refer to 2 CFR 2900.2)
  - Other Non-Federal Entities: **Yes**
- Other Federal Awards or Sub-awards:
  - For-Profit Entities: **Maybe** (Need to consult the Federal Agency issuing the award)
  - Other Non-Federal Entities: **Yes**

**All non-Federal entities including grant recipients and subrecipients must adhere to the Uniform Guidance.**

# Uniform Guidance

- LWDBs are subrecipients of Federal funds and are required to follow procurement standards in the Uniform Guidance.
- After the LWDB has competitively selected a One-Stop Operator, the LWDB and the operator must execute a legally binding agreement i.e. written contract or Memorandum of Understanding (MOU).



# Why?

- Within this new process, lines must be clearly defined.
  - Be sure to include all the responsibilities in the MOU or contract the One-Stop Operator is to follow.
  - Include also items discussed and any deviations that have been agreed to by all parties.
  - Timelines should be specified.
  - Measures and goals should be included.
  - Evaluation of the One-Stop Operator.

Can you think of any other specifics needed?

# Role of the One-Stop Operator

- Coordinate Service Delivery of participating one-stop partners and service providers.
- States and LWDBs must ensure One-Stop Operators:
  - ✓ Disclose any potential conflicts of interest. Some conflicts arise from relationships of One-Stop Operators with training service providers or other service providers additionally career service providers.
  - ✓ In coordinating services and serving as a One-Stop Operator refrain from establishing practices creating obstacles to serving persons with barriers to employment who may need longer-term services.
  - ✓ Comply with Federal regulations and policies.

# Role of the One-Stop Operator

- LWDBs may establish additional roles:
  - Primary provider of services in the center
  - Providing some of the services within the center
  - Coordinating service providers
  - Coordinating service delivery in a multi-center (affiliated sites)
- **Remember:** All the roles should be clearly defined during the procurement process as this is a legal contract between the One-Stop Operator and the LWDB.

# Role of the One-Stop Operator

- One-Stop Operators may not:
  1. Convene system stakeholders in assisting in the development of the local plan.
  2. Prepare and submit local plans,
  3. Be responsible for oversight of itself,
  4. Manage or participate in the competitive process for One-Stop Operators,
  5. Select or terminate One-Stop Operators , career service providers or youth providers,
  6. Negotiate local performance accountability measures, and
  7. Develop and submit budgets for activities of the LWDB.

# Role of the One-Stop Operator

- The seven items prohibited can be performed only if...
- An entity serves as the One-Stop Operator and is also serving in a different role within the one-stop delivery system, the One-Stop Operator may perform some or all of the functions,

**ONLY**

- If there are established sufficient firewalls, and conflict of interest policies and procedures.

# How do we find the One-Stop Operator?

- Identify what is needed
- Do research of organizations
- Request information
- Determine or Develop the procurement method to be used
- What are the requirements for the One-Stop Operator?
- Determine how applications will be scored
- Identify panel and signatory authority
- What are one-stop functions?
- What entity or person can do monitoring?

# How do we find the One-Stop Operator?

- LWDB must advertise and distribute this solicitation announcement. (Utilize contacts, workforce and education associations/publications, websites)
- Hold an information session to discuss the solicitation.
- Ensure the solicitation is clear and concise.
- Use fair selection procedures to help promote the competition.

# We are ready to make the selection of our One-Stop Operator...

Now what?

Let's talk...

- Performance
- Payment
- Agreement type
- Approvals needed (if LWDB,- need CEO and Governor)
- Designate One-Stop Operator
- Make an offer
- Write the contract





# We have chosen a One-Stop Operator it's our LWDB...

## Now What?

There must be sufficient firewalls {A person, place or thing that acts as a barrier between something undesirable} in place to ensure that the individuals monitoring the One-Stop Operator are not associated or involved with one-stop functions.

- Conflict of interest polices must show clearly that the LWDB is not:
  - Involved in the development of the procurement documents
  - Conducting or overseeing any part of the procurement process.

This ensures there are no sham procurements.

**Warning!!!**

Firewalls Must Be In Place



How-to-draw-funny-cartoons.com

# Tips for Procurement

- Review Uniform Guidance
- Identify an impartial or experienced party that is not connected to the LWDB to implement the full procurement process.

## **Select an impartial evaluation panel**

- Do not use LWDB or committee members
- Seek individuals who are outside of the Local Area
- Consider using partner and community organizations with no real or perceived conflict of interest.
- Remind all involved of the objective

# Policies



- WIOA objectives
- Federal statutes and regulations
- State conflict of interest laws
- Consider IRS' conflicts of interests
- Work with the State on acceptable conflict policies

# The contract is signed. The work begins:

## Monitoring the One-Stop Operator

Ensure compliance and delivering of services as stated in the signed legal agreement/contract.

- The LWDB must monitor the One-Stop Operator
- The LWDB cannot monitor itself.
- It is necessary for an outside monitor, agency or entity to monitor the LWDB when the LWDB is the One-Stop Operator.
- The results of the monitoring must be reported to the CEO.
- All monitoring must be in accordance with the Uniform Guidance. 2 CFR part 200 and 2 CFR part 2900
- Monitoring includes: The Statement of Work, Performance and Terms and Conditions of the legal contract or agreement.

# More information...

- Workforce Innovation and Opportunity Act (Pub. L. 113-128). July 22, 2014. □
- Workforce Innovation and Opportunity Act (“DOL WIOA Final Rule”), at 81 FR 56072. August 19, 2016. □ WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (“WIOA Joint Final Rule”), at 81 FR 55791. August 19, 2016. □
- Office of Management and Budget (OMB) CFR Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule. December 26, 2013.
- U.S. Department of Labor Training and Employment Guidance Letter 15-16 Competitive Selection of One-Stop Operators

Thank you for your time.

Jeane Burruss | Workforce System Coordinator  
**Oklahoma Office of Workforce Development**

[Jeane.burruss@osuokc.edu](mailto:Jeane.burruss@osuokc.edu)

**Off. (405)945-3229 Cell (405)213-6947**

[www.oklahomaworks.gov](http://www.oklahomaworks.gov)

Cynthia Green-Wilson  
Federal Project Officer  
U. S. Department of Labor  
Employment & Training Administration  
525 So. Griffin Street RM 317  
Dallas, TX 75202  
T: 972-850-4619  
F: 972-850-4620  
Email: [green.cynthia@dol.gov](mailto:green.cynthia@dol.gov)

# The End



That's all.  
Thank you for listening!