

- Welcome to the pre-recorded webinar "Competitive Procurement: The Competitive Procurement Process!"
- This is Module 3B of the Local Governance Policy Training Series, offered through New Jersey Department of Labor's partnership with the Garden State Employment and Training Association.

	Training Se	ries
	Number	Title
	Module 1	Introduction to Local Governance Policy
	Module 2	The Local Workforce Development Board
	Module 3	Competitive Procurement 3A: Workforce Procurement Introduction, Standards & the LWDB's Role in Procurement
		Competitive Procurement 3B: Competitive Procurement Process
		Competitive Procurement 3C: Procurement Monitoring & RFP Best Practices
	Module 4	Competitive Procurement: Evaluating Proposals
	Module 5	Setting Up Clear Agreements
GSE Garden State	ETA Employment Association	

- As you can see, there are five pre-recorded modules in this training series.
- We are in Module 3B, Competitive Procurement, The Competitive Procurement Process.
- If you have not had the opportunity to participate in the first three modules of the training series, specifically, Module 3A, it is highly recommended that you do so, preferably before continuing with this module.



- As we've discussed before, this training series includes an application guide, or resource that is all about putting policy into practice at the local level.
- As you go through this training, you will see these icons which indicate a prompt for reflection. You can:
 - 1. Pause the training and do the prompt, OR
 - 2. Complete the training and then go through the guide.
- All right, let's look at our agenda for today's module.



- Here is the agenda, or main topics, for this module.
 - 1. Right now, we are in the welcome and introduction section.
 - 2. The main topic will be discussing today is the competitive procurement process phases, focusing on key characteristics of each phase.
 - 3. Finally, we will wrap up, and preview the next module in the training series.
- Let's move on to reviewing our objectives for this module.



- Objectives refer to what you should able to do by the end of this module. Our objectives today are for you to be able to:
 - Identify the competitive procurement process phases.
 - Describe key aspects of each procurement process phase.



- As discussed in module 3A, competitive procurement provides opportunity for LWDBs to select and award contracts to providers that best align with the vision and strategies the LWDB have set for their local workforce systems. Also, competitive procurement is a mechanism through which LWDBs can support and ensure the quality of Title 1 service delivery.
- Additionally, procurement is not stagnant task, but rather it is a process, with multi-layered phases. It can be thought of as a life cycle. The phases and steps outlined in the procurement process are designed to ensure that competitive procurement is conducted in an open and transparent manner. It should be viewed not as a compliance exercise but rather, as a process that helps LWDBs and CEOs to translate their strategies and priorities into services on the ground.



- In the previous modules, we listed a few key governance responsibilities of the LWDBs. They were:
 - Enacting policy
 - \circ Budgeting
 - o Competitively procuring
 - o Setting up agreements
 - Monitoring contracts
- Today we are focusing on the key governance responsibility of competitive procurement.

Review – Services to Procure



- Before we dive into the procurement phases, let's quickly recall what services a LWDB is required to procure for the One Stop System.
- There are four types of services part of One Stop System, they include career services, youth services, business services, and training services. The One Stop Operator supports the integration of these services. Take a moment to recall which services need to be competitively procured.
- As you hopefully remembered, a LWDB is required to competitively procure the One Stop Operator, One Stop Title 1 Career Services, and One Stop Title 1 Youth Services.



- Now, let's revisit this slide from Module 3A, where we briefly introduced the procurement process. To refresh our memory, the phases involved in the procurement process include:
 - The Planning Phase
 - Release & Evaluation Phase
 - Selection & Negotiation Phase
 - Execution or Implementation Phase
 - And the Closeout Phase
- Today we are going to do a "deep dive" into each of these phases, starting with the planning phase.



- When performing a competitive procurement, the LWDB will start with the planning phase.
- The planning phase contains six sub-steps which include:
 - Identifying Need
 - Conducting Market Research
 - Establishing Timeframe & Budget
 - Developing Roles & Responsibilities
 - Developing Solicitation (Request for Proposal, or RFP)
 - And identifying Review Panel & Signatory Authority
- Let's look at what it means to identify need.



- The planning phase starts with the local board assessing and identifying the need.
 In order to identify the need, the LWDB can consider the following questions:
 - What are the activities or services to be provided?
 - Who is the target audience?
 - And what program outcomes are to be achieved?
- Additional considerations when identifying need will be to
 - Review applicable Federal & State legislation
 - Review the State and Local WIOA plan
 - Examine trends of past performance
 - Refer back to negotiated common measures,
 - And determine the location or delivery method of services. Location may include service delivery not only in the One Stop center but also at satellite sites. And delivery of services can include services delivered virtually or on-site.





- Next, the LWDB will conduct market research. Market research is a systematic gathering, recording, and analysis of data about prospective proposers, to gain insight to support decision-making. The goal of market research, relating to procurement, is to find suitable contractor options.
- LWDBs are encouraged to use market research to review the local workforce landscape and identify potential service providers. Market research may also include reviewing the LWDB's list of potential service providers.
- Another best practice to consider when conducting market research is to speak with other local boards to discover additional procurement practices or discover neighboring service providers. These conversations could be with other local regional boards within New Jersey or out of state.
- Market research can be thought of as the foundation for building an effective solicitation.



- Additionally, local boards will need to establish timeframes and budget. LWDBs will need to create a time frame for the procurement process to ensure sufficient time for all phases of procurement process are carried out, as well as ensure efficient operations and fair treatment of proposers. This includes ensuring sufficient time to respond to the proposal for all prospective proposers.
- Boards will also want to identify the amount of funds to be attached to the solicitation or at the very least a range of dollars. It is important for LWDBs to understand the service delivery costs should be identified as part of the larger LWDB budget prior to the release of an RFP.



- As the planning phase continues, LWDBs will need to develop a description of the roles and responsibilities required of the prospective vendor. This description must deconstruct, to the greatest extent possible, what the roles and responsibilities will entail; and break-down which responsibilities are administrative and which are programmatic. (It is important to note that the administrative costs of a service provider are considered programmatic costs for a LWDB.)
- Additionally, this description will be based upon the identified needs and will be used to develop the Scope of Services/Work which we will review later in this module and in module 3C.



- Next, the LWDB will begin to draft and develop the solicitation or RFP. The RFP will be based upon the information collected and will clearly outline the service delivery goals.
- The RFP will detail the submission, review, and selection processes, as well as the evaluation and scoring criteria and factors.
- Additionally, it is important the LWDB consults local requirements or mandates for solicitations and contracts.
- More information regrading constructing an RFP will be discussed in Module 3C.



- The final piece in the planning is for the LWDB to identify the members of the review panel and the signatory authority.
- The review panel is to consist of board members. No operational staff or hired board staff may be involved in the evaluation of RFPs.
- Included in this step, is also the preparing and signing any conflict of interest statements to ensure appropriate safeguards for the competition to remain full, open, and transparent, and free from any restrictions.
- An additional mechanism to avoid any conflict of interest is to leverage hired board staff in other aspects of the procurement process. As we go throughout this training, there will be times when we highlight the involvement of hired board staff.



- In addition to the previously mentioned steps, One Stop Youth Service procurement has additional considerations.
- For youth service procurement, participation of the youth committee in developing and drafting the solicitation is highly encouraged.
- Similar to the previous steps, planning for procurement of youth services begins with identifying the need. To do this, the LWDB should conduct an environmental scan to identify agencies that are providing program elements in the area/region.
- As a reminder, a LWDB is responsible for ensuring that a youth has access to all 14 required, youth-specific elements but not all 14 elements need to be procured.
- Memorandums of Understanding can be entered into for any program elements that are already being provided using non-WIOA funds. This leveraging of funds will expand local program capacity and demonstrate greater fiscal responsibility.
- Additionally, for effective procurement planning for youth services, LWDBs must consider WIOA priorities: 75% funds spent on OSY and 20% of all youth funds must be spent on work experience. These are minimums.
- Next, LWDBs must determine if there are special populations (such as individuals with barriers to employment or rural youth who may have transportation issues,

for example) that they want to focus on.

 And lastly, a LWDB should determine any attributes they want to see in a youth service provider. This could include provider staff having previous experiences providing services to youth.



 Now, we are going to intentionally pause the training to direct you to your application guide. As you are aware, your Application Guide has prompts for reflection. The current section is specific to the planning phase of procurement. At this point, you can either pause the recording and go through these prompts, or you can wait until after the recording concludes.

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- The next phase in procurement is the release and evaluation phase.
 - This phase has 3 sub-steps which include:
 - Promotion of competition
 - Collection of proposals

Evaluation & Scoring of proposals



Release & Evaluation Phase: **Promote Competition**

- Publicize procurement solicitation
 - Distribution of written
 materials
 - Announcement on online platforms
- Request Letters of Intent
- Pre-proposal conference



- The release and evaluation phase starts with the promotion of the competition, specifically publicizing the procurement solicitation, or RFP.
- This is a step in which hired board staff can be leveraged. They can support the spreading of information about contracting opportunities, using written materials sent to individual businesses, schools, community organizations, and to business, trade, and professional groups. Also, publicizing on various online platforms including the LWDB's website as well as on GSETA's website can help promote competition. Lastly, informing potential proposers on your list developed during market research is a helpful practice.
- Also, after releasing an RFP, the LWDBs can request a letter of intent from prospective proposers. This will provide the local board with insight into the number of potential contractors.
- Additionally, while potential service providers are drafting their proposals, the board should conduct a pre proposal conference to answer questions about specifications in the publicized solicitation. This is again where hired board staff may be a resource and assist in facilitating the conference. Additionally, hired staff may be used to ensure that the competitive process is fair by ensuring questions and answers from the pre proposal conference are publicly available, for example on the board's website, so they can be accessible by all potential

vendors. Addendums may be made to the RFP following the pre-proposal conference, based on the questions raised.

Release & Evaluation Phase: **Collection of Proposals**





Develop a system for collection with internal controls:

- Identification of one individual to receive proposals
- Tracking system with date & time stamp
- Documentation of acknowledgement of receipt

- Locked in secured location

If an RFP has been issued and there has been an insufficient number of responses or no responses, the LWDB will need to review RFP for defects and promotion venues that may challenged interest.

- Next is the collection of proposals or bids.
- LWDBs need to have a system in place to receive proposals and bids with Internal controls.
- Additionally, the system of collection also needs to include appropriate recordkeeping and documentation of receipt in order to remain compliant with the procurement standards discussed in Module 3A.
- Internal controls include but are not limited to:
 - Identification of one individual to receive proposals (mail, email, or system proposals were uploaded to)
 - Tracking system to log the receipt of proposals with date and time stamp (email and system have electronic time stamp; for those received by mail, they must be physically time stamped). Ensure the hard closing time for receipt.
 - Documentation of acknowledge of receipt
 - Locked in a secured location
- At this time, if a sufficient number of proposals have not been submitted or if the submitted proposals did not result in a qualified provider based on criteria outlined in the solicitation, the board may have to resolicit with appropriate adjustments to the solicitation. LWDBs can also refer to TEGL 15-16, which

discusses reviewing the solicitation for any defect. Or LWDBs can look at the venues that were used to publicize the RFP to see if that imposed a challenge in drawing interest.

 However, if a reasonable amount of proposals were received, the board may proceed to scoring and evaluating the proposals.



Release & Evaluation Phase: Evaluate & Score Proposals

- Review scoring procedures
- Competitive range is established
- Evaluation & scoring is conducted
- Review panel convenes & decides
 recommendation
- Results are documented



- The final piece in the release and evaluation phase, is the evaluation and scoring of proposals.
- During this sub-step, the scoring procedures are reviewed including the development of a competitive range before the evaluation and scoring is conducted. A competitive range is established to differentiate between excellent proposals, to just good ones, at a fair and reasonable price.
- Next, the evaluation and scoring takes place and results are documented. Hired board staff cannot score proposals but they can assist in the documentation of scores.
- The topic of evaluation will be explored in more detail in Module 4.



 Now, we are going to intentionally pause the training to direct you to your application guide. As you are aware, your Application Guide has prompts for reflection. The current section is specific to the release and evaluation phase of procurement. At this point, you can either pause the recording and go through these prompts, or you can wait until after the recording concludes.



- After the evaluation of proposals received, the board will enter the selection and negotiation phase. This is the phase where a provider is selected and an offer and acceptance of conditions will be signed. The acceptance of conditions will refer to all details of the contract, agreement, or MOU that were negotiated.
- Awarding of contracts, agreements, or MOUs should only be made to responsible organizations that possess the ability to perform successfully under the terms in conditions of the procurement.
- When awarding a contract to an organization, consideration should be given to such matters as integrity, compliance with public policy, record of past performance, and financial and technical resources. These are also some of the same elements that the board should take into consideration during the scoring and evaluation step.



- Once all the proposals have been evaluated and scored, now it is time for the LWBD to move into the selection phase. This phase includes
 - Obtain WDB & Appropriate Local Approval: This takes place when the review committee or panel makes the recommendation to the board and appropriate local authority to select the provider with the highest score.
 - The Board will then vote to select the provider or reject the panel's recommendation.
 - Next, the LWDB will Make an Offer and Obtain Acceptance: It is important that both parties – the LWDB & service provider – know their obligations, rights, and remedies.
 - Lastly, Execute Contract, Agreement, or MOU*: Individuals with signatory authority sign the agreements once there is an understanding of all terms and conditions included or referenced in the contract.



- If In terms of negotiation, a LWDB must negotiate the following items:
 - Contractor Scope of Work/Service: A Scope of Work/Service is a fundamental piece of an RFP and describes what the LWDB is looking to achieve as a result of the RFP. We will review the Scope of service in more detail in Module 3C.
 - A LWDB must also negotiate Performance levels: WIOA establishes
 performance accountability indicators and performance reporting
 requirements to assess the effectiveness of local areas in achieving positive
 outcomes for individuals served by the workforce development system.
 LWDBs are required to negotiate performance levels with the prospective
 service providers. These negotiated performance levels are based upon the
 local and state Plan and should be outlined in the Scope of Work or
 schedule of deliverables of the RFP.
 - And lastly, Budget: As contract negotiations continue, it is important that a budget or benchmark for payments is discussed and documented as well as the frequency in which payments are to be made. It should also address where and when invoices should be submitted and how payments will be rendered will they be issued electronically or in a paper form of a check? The board should ensure that the payment terms are clearly stated.

- When dealing with for-profit organizations, the board must negotiate profit as a separate element of the contract price. This consideration is only required when a for-profit entity is prospective service provider. Further guidance can be found in Uniform Guidance at 2 CFR 200.323(b).
- It is important to note that although these three items can be negotiated independently of each other, they are all dependent upon each other and consideration of all three should be taken into account during negotiations.



- Once all contracts, agreements, or MOUs, are signed and in place, the next step in procurement is the execution or implementation phase.
- During the execution of the contract, agreement, or MOU, the board is responsible for the following:
 - Program Implementation: Selected provider begins service delivery in alignment with contract and local MOUs/IFAs.
 - Conduct Oversight and Monitoring: The LWDB must conduct periodic monitoring of program goals, participant files, and fiscal activities of the service providers. This allows for continuous reconciliation and opportunity for improvements. The board should have a monitoring tool in place to ensure that the service provider is in compliance.



- When all the phases of the contract are done and the contract, agreement, or MOU is nearing completion, the board is responsible for the closeout phase. This phase is all about reconciliation and securing of records. There is no standard for closeout but there are some key responsibilities that must be addressed during this phase.
 - First, files and records must be **secured & retained**.
 - Next, inventories of equipment, property, program supportive services, and supplies must be conducted.
 - Additionally, reconciliation of performance and service delivery goals with actual performance must be performed.
 - Next, the preparation of closeout documents.
 - And finally, **invoicing** and reconciling any costs and payments.
- We are going to spend a few minutes diving deeper into each of these responsibilities, providing details of the service providers' responsibility as well as best practices for the LWDBs.

Closeout Phase: Secure & Retain

The current service provider is to review all participant files within their possession to ensure files are in good standing and contain all required documentation.

Best Practice: The LWDB is to oversee the transition of files & to act as liaison or mediatory between the service providers.

- The first item to be completed during closeout is ensuring the security and retainment of files and financial records.
- This really means that the current service provider is to prepare for the transition
 of files by reviewing the files to ensure that they are in good standing and contain
 all the required documentation. Additionally, the files must contain an official
 notice to participants of the transition to the new, selected service provider.
- Lastly, the service provider, under the direction of the LWDB, must ensure the participant and financial records are secured and safeguarded in order to protect personally identifiable information (PII) and that the records are retained in order to meet any retention requirements.
- It is the LWDB's responsibility to oversee the transition of files from the current service provider to the newly selected provider and to act as a liaison or mediatory between the two providers. It is a recommended best practice to have a representative from the LWDB to be physically present during the review and hand-off of files and a record of the transferred files be signed and retained by all parties.



- Next, an inventory of any transferable equipment, supplies, & program supportive services must be conducted.
- The current service provider is to inventory any and all program associated property or equipment as well as supplies and any on-hand supportive services. This includes any items bought with contract dollars as they are property of the LWDB. It is important that a written record or inventory be kept as these items are transferred from one service provider to another.
- After the service provider conducts its inventory, the LWDB should also conduct a physical inventory of all items before the new service provider begins its contract. It is a recommended best practice that all parties sign and retain a copy of this inventory.



- Additionally, during the closeout phase, it is important that performance and service delivery goals are reviewed and reconciled with actual performance records.
- The current service provider is to compare any independently kept spreadsheets with performance reports pulled from the state system of record. The reports could include ad hoc reports and any common measure reports.
- This reconciliation of performance is to be a joint effort by both the current service provider and the LWDB. It is also the responsibility of the LWDB to share the performance results with the future service provider.



- Another important portion of the closeout phase is the need for any closeout documentation. Closeout documentation may be dependent upon any local purchasing policies but here are some recommended best practices to keep in mind:
 - As mentioned previously, a written record of the transferrable files should be kept. This document should be signed by the current service provider, the LWDB, and the future service provider as the files are relocated.
 - Also, as mentioned, a written record or inventory of all equipment, property, supplies, and supportive services should be kept. This also should be signed by all parties involved.



- And lastly, the final piece of the closeout phase is to ensure accurate invoicing and reconciliation of costs and payments. Typically costs and payments happen at the end of the program year but the timeframe to submit documents and payments may be extended during the contract closeout.
- The current service provider will need to review any costs associated with rent or leases, disconnection or storage and shredding fees, as well as any payouts for staff separation.
- As a recommended best practice, the LWDB is responsible for remitting payment in alignment with the contract or agreement.



Let's wrap up this module.



- The main takeaways from today include:
 - The competitive procurement process is similar to a life cycle, with a series of multiple-layered phases and steps.
 - The phases included in the competitive procurement process are: Planning, Release & Evaluation, Selection & Negotiation, Execution or Implementation, and Closeout.
 - Each phase of the procurement process has key aspects that a LWDB must perform in order to be compliant with WIOA.
 - Lastly, it is important for a LWDB to allow sufficient time for all phases of a procurement process to take place when procuring for One Stop Operator, One Stop Career Services, and One Stop Youth Services.



- As a reminder, go through the prompts for reflection in your application guide. Address outstanding questions with a WIOA Subject Matter Expert by registering for Technical Assistance. You can either click on the link or scan the QR code to be taken to the registration form.
- The next module in the training series is focuses on procurement monitoring and RFP best practices.





 Thank you for your time and we look forward to connecting with you again in Module 3C!