

MARYLAND WORKFORCE DEVELOPMENT SYSTEM

Maryland Policy Issuance

Policy Issuance No. 04-2013 **Policy** **Information** **Guidance**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Fiscal Agents

cc: WIA State Partners

From: Julie Squire, Assistant Secretary, 
Department of Workforce Development and Adult Learning

Date: September 10, 2013

Effective Date: April 4, 2014

Expiration Date: Until rescinded

GWIB Approval Date: N/A

Authority: WIA Section 112(b)(18)(B)

Subject: Award & Evaluation of Youth Grants

- A. **Background:** WIA Section 112(b)(18)(B) states that for a State to be eligible to receive WIA funds or financial assistance under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), the Governor of the State shall submit a State Plan that includes youth activities authorized in section 129. The State is to include criteria to be used by local boards in awarding grants for youth activities, including criteria that the Governor and local boards will use to identify effective and ineffective youth activities and providers of such activities.

WIA Section 123 states, "From funds allocated under paragraph (2)(A) or (3) of section 128(b) to a local area, the local board for such area shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council and on the criteria contained in the State plan, to the providers to carry out the activities, and shall conduct oversight with respect to the providers, in the local area."

- B. **Purpose:** In the state plan, the State established a written policy and procedure that set forth criteria to be used by chief elected officials to award grants for youth activities. However, the policy did not identify the criteria for awarding the grants.

DWDAL may receive from time to time an annual allocation of State General funds for Summer Youth Programs. These funds are allocated based on the percentage share of the WIA Youth Allocation formula.

DWDAL may also receive from time to time an annual allocation of State General funds for a Youth Employment Program in Baltimore City to address existing needs. These funds are designated by the Governor's Office for the specific geographic area.

C. **Policy:**

Local Workforce Investment Boards will follow the procurement procedures set forth in their own local plan as established by each local area to ensure proper competition and transparency.

I. ***Criteria Used by Local Boards in Awarding Grants for Youth Activities, including Criteria that the Governor and Local Boards Will Use to Identify Effective and Ineffective Youth Activities and Providers of Such Activities – 112(b)(18)(B)***

Youth Councils play a significant role in developing programs and services for youth. In accordance with WIA, Section 117(h) and 20 CFR 661.340, Youth Council responsibilities include developing portions of the local plan related to eligible youth and making recommendations to the local workforce investment board regarding youth service providers.

As part of their local plan, each local area will develop written criteria to identify effective and ineffective youth activities and providers. The local boards will approve grants for youth activities and providers based on performance and program cost data provided by potential grantees and based on criteria that may include those youth activities and providers that:

- Develop relationships between youth and caring adults
- Involve family members
- Build youth responsibility
- Develop youth citizenship and leadership skills
- Place high expectations on youth and staff
- Provide appropriate services based on age and needs of each youth
- Demonstrate involvement of the business/employer community
- Provide accessible facilities and provide accommodations for special needs populations, including individuals with disabilities
- Demonstrate prior successes in providing employment and training services to youth
- Prepare youth for success in employment
- Advocate for the youth perspective
- Demonstrate the connection between work and learning
- Provide comprehensive guidance and counseling

Local Workforce Investment Boards will also be evaluated based on performance standards of the existing youth related programs.

II. WIA General Procurement Requirements of Youth Services

Procurement of WIA Title IB Youth Services (Section 123) requires the selection of youth providers through a competitive selection process. Each LWIB, with recommendations from its Youth Council and in accordance with criteria outlined in the local WIA Strategic Plan, is afforded the opportunity to identify providers of youth services that effectively address the needs of local youth.

III. Youth Elements

Youth activities must include each of the 10 program elements listed below. Local areas need not provide all 10 program elements with WIA funds if certain services are already accessible for all eligible youth in the local area. In conjunction with the Youth Council, local areas should identify the extent to which the 10 program elements are available and/or already being provided. Local areas will use a competitive selection process to facilitate the development of new and innovative youth services unless the service(s) are identified and documented as being provided free of charge in the LWIA.

1. Tutoring, study skills training, and instruction leading to secondary school completion, including dropout prevention strategies;
2. Alternative secondary school offerings (e.g. General Education Diploma (GED));
3. Summer employment opportunities that are directly linked to academic and occupational learning;
4. Occupational skill training, as appropriate (if not utilizing providers listed on the State's Eligible Training Provider List ;
5. Leadership development opportunities, which include community service and peer centered activities encouraging responsibility and other positive social behavior (e.g. exposure to post- secondary education opportunities, community/service learning projects, teamwork/team leadership, decision-making, and life skills);
6. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
7. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
8. Paid and unpaid work experience, including internships and job shadowing;
9. Supportive services (which may include assistance with transportation, child care, dependent care, housing, referrals to medical services, appropriate work attire, and related tools); and
10. Follow-up services for not less than 12 months after the completion of participation, as appropriate.

IV. Exceptions/ Exclusions

Local areas need to be aware of the different exceptions and exclusions as they relate to youth program services and procurement. As the Request for Proposal (RFP) is developed, decisions will need to be made about what services to include in the proposal.

A. Program Design Framework

The competitive procurement of youth services need not apply to the following design elements

of local Title IB youth programs when these elements are offered and/or administered by the local grant recipient or fiscal agent. Competitive procurement for the following design elements is allowable, but is not required (WIA Section 664.405):

- 1) *Intake* – Program registration, eligibility determination, collection of information to support eligibility verification, pre-screening of potential participants and general orientation to self-help services, and referrals to other services.
- 2) *Objective Assessment* – Identification of service needs, academic levels, goals, interests, skill levels, abilities, aptitudes, supportive service needs, measures of barriers and strengths, review of basic and occupational skills, prior work experience, employability potential, and developmental needs.
- 3) *Development of the Individual Service Strategy (ISS)* – Basis for the entire case management strategy, developed in partnership with the youth, reflects the needs indicated by the objective assessment and the expressed interests and desires of the youth.
- 4) *Case management services* that are part of the overall ISS, apart from such services offered by providers that were competitively procured.

B. Grant Recipient as One-Stop Operators

If the grant recipient or sub-recipient (as designated by the chief elected official or the Governor) is also the One-Stop Operator, the Operator may provide the program design elements shown above without competition. One-Stop Operators that are not local grant recipients or sub-recipients may apply to provide program design components in any competitive selection process, where such components are not solely provided by the local grant recipient.

C. Summer Youth Component

WIA regulations at 20 CFR 664.610, state that if the grant recipient/fiscal agent elects to directly provide subsidized summer employment opportunities for youth in the local area, then the competitive selection requirements do not apply for this program element. However, if other providers are used to provide subsidized summer youth employment opportunities, those providers must be selected through the award of grants or contracts on a competitive basis.

Whether summer employment opportunities are competitively selected or directly provided by the grant recipient or fiscal agent, evidence of a direct linkage between employment and academic or occupational learning must be documented.

V. Competitive Selection Process

The Department defines competitive procurement as the Request for Proposal (RFP) process. Local Boards are urged to develop the solicitation in a manner which promotes meaningful competition and increases choices for youth customers. The State encourages a process under which potential providers are allowed to bid on those services for which they are qualified, as opposed to a “bundled” process under which potential bidders must bid on most or all services in order to be considered as a qualified bidder. The following steps are the allowable forms of solicitation necessary to complete the process for procurement of youth services.

A. Competitive Procurement/Compliance

Local Boards must follow a procurement process that ensures compliance with the prescribed rules and regulations. At a minimum, the procurement process must ensure:

- 1) Solicitation methods that promote fair and open competition;
- 2) A written code of conduct that includes specific conflict of interest provisions to ensure that those who develop or issue a proposal are separate and distinct from those who are involved in the selection process; a clear and accurate description of the services being procured; and
- 3) A specific contract time frame with the option to extend the contract for a specified period based on a provider's compliance with the terms of the contract.

In addition, as outlined in the State's WIA Strategic Plan, each LWIB must use the following criteria in awarding contracts for youth services:

1. Ability to measure and attain youth-related core performance levels; Participant and employer (customer) satisfaction levels;
2. Process for conducting skills and needs assessments and performance goals and objectives for each youth participant;
3. Coordination with local secondary and post-secondary institutions;
4. Prior experience working with disadvantaged, special populations, and in operating education, training, and employment programs;
5. Leveraging funds with other funding sources;
6. Fiscal accountability; and
7. Program design that includes the following components:
 - a. An objective assessment for each participant;
 - b. Individual Service Strategies (ISS); and
 - c. Services that prepare youth for post-secondary education opportunities, link academic and occupational learning, prepare youth for employment, and provide connections to intermediary organizations linked to the job market and employers.
8. Sole-Source/In-House Provision of Services
Noncompetitive procurements are allowable under 29 CFR 97.36, but they are considered a "last resort" option and used only when there is a documented reason for sole-source selection. Therefore, grantees should ensure that the competitive process is open and fair. They must exercise caution when using noncompetitive procurement. Sole-sourcing may be used when there are no bids for an RFP and the LWIA knows of a qualified vendor that can perform the service.

D. Action Required by LWIB:

Local Boards must provide their procurement and evaluation/monitoring procedures of youth programs in their local plan.

E. Inquiries:

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