Workforce Innovation & Opportunity Act (WIOA)
COMPETITIVE PROCESS
In the selection of One-Stop Operators

Under the transition authority of WIOA sec. 503, one-stop operators selected through the competitive process must be in place no later than July 1, 2017 (WIOA sec. 121(d)(2)(A). See TEGL 15-16

WIOA sec. 3(41) defines one-stop operator as one or more entities designated or certified under WIOA sec. 121(d). Such designation or certification must be through a competitive process. The one-stop operator must be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners), of demonstrated effectiveness, located in the Local Area.

States - When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds (2 CFR 200.317).

All other non-federal entities must adhere to the Uniform Guidance at 2 CFR 200.318 through 200.326, including DOL Exceptions at 2 CFR part 2900. For-Profit Entities* - OMB’s approved exception for DOL at 2 CFR 2900.2, expands the definition of non-Federal entities to include for-profit and foreign entities.

All one-stop operators are considered subrecipients and must adhere to the Uniform Guidance at 2 CFR part 200 and DOL Exceptions at 2 CFR part 2900 (WIOA sec. 121(d)(4)(C))

General Procurement Standards:

1. Establish written policies and procedures that address the procurement of service providers such as one-stop operators.
   a. Establish settlement procedures related to disputes, protests, source evaluations, and claims.
   b. 20 CFR 678.605(d) requires written documentation explaining the determination concerning the nature of the competitive process to be followed in selecting a one-stop operator.
2. A method of procurement to be used during the procurement process. Non-Federal entities are required to use methods of procurement described at 2 CFR 200.320 when selecting a one-stop operator.
3. Use of full and open competition.
   a. Procurement transactions must not restrict competition.
   b. Application of policies in all Federal and non-Federal procurements must be consistent.
4. Establish written standards of conduct that addresses disclosure of real, apparent, and organizational conflict of interest for all involved parties, such as staff and board members.
5. A process that promotes transparency and an awarding only to responsible entities.
6. Policies and procedures that address non-competitive or sole source procurement.
7. Document and make available for review, the procurement history to include, but not limited to:
   a. Rationale for procurement method
   b. Rationale for contract type including MOUs
   c. Basis for contractor selection or rejection
   d. Basis for contract price or award amount
   e. Separately negotiated profit*

*Profit may not be earned from any Federal financial assistance award at 2 CFR 200.400(g) unless expressly authorized by the program. Consistent with WIOA sec. 121(d)(2)(B)(iv), under 20 CFR 683.295(a)(1), a for-profit entity may be a one-stop operator. In 20 CFR 683.295(a)(2), consistent with WIOA sec. 121(d)(4)(C), DOL requires private for-profit entities that are one-stop operators adhere to the requirements of 2 CFR 200.323 concerning earning and negotiating a fair and reasonable profit.

Resources:
Competitive Selection of One-Stop Operators: The Basics webinar: https://www.workforcegps.org/events/2017/02/02/12/48/WIOA-Wednesday-One-Stop-Operator-Competition-The-Basics