



WORKFORCE DEVELOPMENT COUNCIL

317 West Main Street, Boise, Idaho 83735-0510

WIOA Service Provider Selection Policy Ad Hoc Committee Meeting Minutes

Date: Monday, December 3, 2018
Time: 1:00 pm – 2:00 pm (Mountain Time)
Location: Teleconference
Call In: 1-720-279-0026
Guest Passcode: 470642
Screen Presentation:
<https://stateofidahowpm.centurylinkccc.com/CenturylinkWeb/WendiSecrist>

Meeting Conducted By: B.J. Swanson, Committee Co-Chair

Council Members: Heather Sprague, Jan Nielsen, Steve Widmyer, B.J. Swanson, Dwight Johnson, Jane Donnellan

Guests: Rico Barrera, Marilyn Whitney, Georgia Smith

Staff: William Burt, Wendi Secrist, Paige Nielebeck

Call to Order at 1:03 PM

Roll Call – quorum met

Review Agenda

Ms. Swanson briefly went over the agenda.

Approve November 19, 2018 Meeting Minutes

November 19 Meeting Minutes approved as written by unanimous consent.

Review Committee Goals

Ms. Secrist briefly went over the committee goals. Please see attached document.

Are the performance measures in addition to the other performance indicators that are already in place?

- Yes, they will be added to the other performance indicators required by WIOA.

The Committee has been asked to look over the goals and provide feedback before the Committee takes a recommendation to the full Council.



WORKFORCE DEVELOPMENT COUNCIL

317 West Main Street, Boise, Idaho 83735-0510

Procurement Options Overview and Discussion

There are two primary laws that provide guidance:

- The Workforce Innovation and Opportunity Act
- Idaho State Procurement Laws.

Ms. Secrist has been working with the Idaho Division of Purchasing, the Governor's Office, and legal counsel to figure out which options follow not only the guidance from WIOA but Idaho's procurement laws.

Procurement Options Explored

1. Competitively procure all four contracts.
 - In doing this we would be working with the state purchasing division to create an RFP and put that out to the public. There would be a selection committee appointed to look at the applicants and go through the standard procurement process and award the contract.
2. Competitively procure the One-Stop Operator and use provisions in WIOA to award the Adult and Dislocated Worker contracts to the One-Stop Operator. WIOA allows the grantee to provide the services for the Youth program, if they decline to perform the services, Youth provider(s) must be competitively procured.
 - This would not meet Idaho's procurement laws. In the state if we want to procure a contract we have to describe all the services that will be under the contract. It would be illegal to add additional services that were not included in the initial contract. This is not an option for the Committee.
3. Sole source procurement.
 - The Council had gone through a process with the Idaho Department of Labor in 2017 to do a sole source contract for the One-Stop Operator. However, USDOL has pushed back with concerns about conflict of interest. In talking with the Procurement Division, since the Workforce Development Council is now a separate legal entity, they discourage this option and shared that they would not likely approve a sole source procurement.
4. Invoke a public agency to public agency procurement option to award all contracts.
 - It is completely legal in Idaho to award a contract from one public agency to another public agency. However, the Governor's Office has a few issues with this option. The money flows through the Idaho Department of Labor and not to the Council. Even if we directed the Department of Labor to do an agency to agency contract it would not actually be agency to agency since they would be contracting with themselves. The Governor's office shared extreme caution on this approach and the attorney is going to provide a written recommendation.

What is the current status on the procurement of the One-Stop Operator?

- The US Department of Labor has not gotten back to us on if we need to re-procure.



WORKFORCE DEVELOPMENT COUNCIL

317 West Main Street, Boise, Idaho 83735-0510

- This does not impact us on putting a policy in place, since the policy defines how the procurement process would be done in the future.
- If they do not tell us we that we have to re-procure, the Council can choose to keep the existing contract that is already in place.

Ms. Whitney was asked to comment on the recommendation from the Governor's Office.

- The letter from USDOL was a red flag.
- With the Workforce Development Council being an independent agency, under the Office of the Governor, it is important for this discussion to take place to decide how procurement will be conducted in the future so that there is transparency in the process. It is also important that legal counsel is comfortable with the decisions and that there are no questions about conflict of interest in the procurement process.

Once Ms. Secrist receives the written recommendation from legal counsel on option 4 she will share it with the Committee.

Our goal is to have a policy recommendation to present to the full council on January 10. We are working on setting up a meeting for January 2, 3, or 4. If we cannot finalize a policy by the January 10 meeting then the Committee will present an update. We do need to manage timing since some of the contracts are up in June.

Adjourned at 1:39 PM