

WIOA Service Provider Selection Ad-Hoc Committee Update

Policy Components

1. Goals
2. Procurement Methodology
3. Method of Contract
4. Remedy for Breach of Contract/Non-performance

REVISED Workforce Innovation & Opportunity Act Title I – Goals

Idaho's one-stop system provides high-quality, responsive services to individuals and employers creating a climate where Idahoans have access to sustainable wage jobs, and employers have access to the skilled talent they need to drive economic growth.

- Access to services is a key driver and while access may look different in rural versus urban environments, the system will support equitable access for all Idahoans and employers.
- The services provided under the one-stop system are communicated broadly and effectively to Idahoans and employers. The system shall specifically engage individuals with barriers to employment including, but not limited to, minorities, persons with disabilities, veterans, individuals in poverty, those with limited English proficiency and/or basic skills.
- Priority is placed on the use of career pathways (including CTE programs of study) and work-based learning to connect Idahoans to high-skill, in-demand careers that provide sustainable wages, adjusted for local markets.
- Performance is measured above and beyond the WIOA primary indicators of performance including, but not limited to:
 - Effective communication to job seekers and employers
 - Cost-effective service delivery
 - Employer engagement and satisfaction
 - Job seeker engagement and satisfaction

Procurement Options Explored

1. Competitively procure all four contracts.
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.
3. Sole source procurement.
4. Invoke a public agency to public agency procurement option to award all contracts.

Guidance from the Governor's Office

Recommendation: Use the proper procurement process to ensure the contracts are awarded fairly and avoid any conflicts of interest.

67-9202: “The Idaho legislature, recognizing that an offered low price is not always indicative of the greatest value, declares it to be the policy of the state:

- (1) To engage in open, competitive acquisitions of property; and
- (2) To maximize the value received by the state with attendant benefits to the citizens.”

67-9233: ETHICS IN PROCUREMENT.

(1) It is the intent of the legislature that all persons involved in the process of procuring property for the state conduct themselves in a manner that protects the public interest and fosters confidence in the integrity of the process.

74-402: POLICY AND PURPOSE.

“It is hereby declared that the position of a public official at all levels of government is a public trust and it is in the public interest to:

- (1) Protect the integrity of government throughout the state of Idaho while at the same time facilitating recruitment and retention of personnel needed within government;
- (2) Assure independence, impartiality and honesty of public officials in governmental functions;
- (3) Inform citizens of the existence of personal interests which may present a conflict of interest between an official’s public trust and private concerns;
- (4) Prevent public office from being used for personal gain contrary to the public interest;
- (5) Prevent special interests from unduly influencing governmental action; and
- (6) Assure that governmental functions and policies reflect, to the maximum extent possible, the public interest.”

The Ethics in Government Act requires impartiality and requires public officials to put the interests of the public before personal gain. A conflict of interest is generally defined as any “official action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit of the person or a member of the person’s household, or a business with which the person or a member of the person’s household is associated.” 74-403.

This could potentially be viewed not as a “private” benefit, but a public. But as discussed, even if it is deemed legally proper, there is an obvious optics issue. Because the entire goal of the procurement process is to be fair and transparent the recommended path forward is to ensure the contracts are awarded fairly, through the procurement process.