



**ISSUANCE DATE:** December 20, 2021

**REQUEST FOR PROPOSALS (RFP)** #21-01-WIOA

**SUBMITTAL DEADLINE:** February 4, 2022 – 12:00 noon

**FUNDING AUTHORITY:** Title I – Workforce Innovation & Opportunity Act (Adult, Dislocated Worker, Youth, NDWG)  
Section 414(c) of American Competitiveness and Workforce Improvement Act of 1998 (ACWIA)

**REQUEST:** To provide the following workforce development services for the Pee Dee Workforce Development Area System as authorized and established by federal legislation:

- **WIOA Title I Adult and Dislocated Worker Career and Training Services**
- **SC Works Center Operations as defined by WIOA Title I**
- **WIOA Title I Youth Program Services**
- **H-1B Rural Healthcare Grant Services**
- **CAREER National Dislocated Worker Grant Services**

You are invited to submit proposals in accordance with the requirements of the request contained herein. **It is requested that your application(s) be submitted to the Pee Dee Regional Council of Governments by 12:00 noon on Friday, February 4, 2022.**

The applications must be signed by an official authorized to bind the applicant and they must contain a statement that the request is firm for a period of at least 90 days from the date of submission.

This request does not commit the Pee Dee Regional Council of Governments and/or the Pee Dee Workforce Development Board to award a contract, to pay any costs incurred in the preparation of an application or to procure or contract for the articles of goods or services. The Council of Governments and/or the Workforce Development Board reserve the right to accept or reject any or all applications received as a result of this Request for Proposals, to negotiate with all qualified applicants, or to cancel in part or in whole this Request if it is in the best interest of the workforce system to do so.

A handwritten signature in blue ink that reads "Joette R. Dukes". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Joette R. Dukes, Workforce Development Director  
Pee Dee Regional Council of Governments

**PEE DEE WORKFORCE DEVELOPMENT AREA**

*Chesterfield, Darlington, Dillon,  
Florence, Marion, and Marlboro Counties*

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)  
TITLE I  
H-1B RURAL HEALTHCARE GRANT  
CAREER NATIONAL DISLOCATED WORKER GRANT

REQUEST FOR PROPOSAL(S)

Prepared by the  
Pee Dee Regional Council of Governments  
Workforce Development Division

December 20, 2021

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## **PART I: GENERAL INFORMATION**

### **Foreword**

The Pee Dee Local Workforce Development Area (LWDA) has traditionally been a high-performing workforce area, consistently meeting federally established performance indicators, while delivering quality services to its jobseeker and business customers. Its service model has been traditional and largely unaltered for many years. With WIOA Title I funding consistently declining over the past several years, the LWDA is looking for ways to remain effective and high-performing within the financial constraints it now faces.

With this Request for Proposals, the LWDA wishes to receive applications that include cost-effective, innovative, and transformative service delivery models that have been proven in other areas and identified as promising practices for workforce development.

#### **A. Questions and Answers**

Prospective applicants are invited to ask questions or request additional information relative to this RFP by sending an email to Joette Dukes, Workforce Development Director, at [j-dukes@peedeecog.org](mailto:j-dukes@peedeecog.org).

No questions can be answered by telephone at any time during the response period. Any question(s) received for which the answer(s) would change the scope of this RFP, will be posted at the Workforce Development Board's website ([www.scworkspeedee.org](http://www.scworkspeedee.org)). The website will be updated daily as questions are received.

#### **B. Key Events and Dates**

- |  |                                |
|--|--------------------------------|
| 1. Request for Proposal Released   | December 20, 2021              |
| 2. Request for Virtual Link to Bidder's Conference   | January 7, 2022 by 12 noon     |
| 3. Optional Virtual Bidder's Conference  | January 10, 2022 at 10:00 a.m. |
| 4. Q&A by applicants   | through January 17, 2022       |
| 5. Deadline for Receipt of Formal Applications<br>By Pee Dee Regional Council of Governments | February 4, 2022 at 12 noon    |
| 6. Formal Review Process of Applications Begins  | February 7, 2022               |
| 7. Workforce Board Will Approve Award to<br>Successful Applicants                            | by March 4, 2022               |
| 8. Written Notification to Successful Applicants   | by March 11, 2022              |
| 9. Negotiations made, contracts issued, and training<br>completed                            | by June 15, 2022               |

### C. Bidder's Conference

A conference for all entities interested in submitting a proposal in response to this RFP will be conducted virtually via Zoom on Monday, January 10, 2022 at 10:00 a.m. The bidders' conference is optional and will afford applicants an opportunity to ask questions. Any information that is disseminated at the bidders' conference that would change the scope or requirements of the RFP will be posted at [www.scworksppeedee.org](http://www.scworksppeedee.org). Preliminary questions may be emailed prior to the conference to Joette Dukes at [j-dukes@peedeecog.org](mailto:j-dukes@peedeecog.org). **No questions can be answered by telephone at any time during the response period.**

Applicants interested in attending the virtual conference should contact Joette Dukes at [j-dukes@peedeecog.org](mailto:j-dukes@peedeecog.org) no later than 12:00 noon on January 7, 2022, to receive a personalized meeting invitation.

### D. Delivery of Proposals

Proposals will be received by the Pee Dee Regional Council of Governments **until 12 noon on February 4, 2022**. Any application received after the scheduled time and date will immediately be disqualified in accordance with the S.C. Consolidated Procurement Code and Regulations. Applications must be electronically submitted to [pdCogworkforcebids@peedeecog.org](mailto:pdCogworkforcebids@peedeecog.org) with the subject line "RFP 21-01-WIOA". The response package and all supporting documents must be submitted in a single e-mail in PDF format. A request for a read receipt must be attached to your submission. These additional steps have been included to ensure that the contents of an applicant's proposal are not accessed until the designated proposal opening, in keeping with regulations regarding competitive sealed bidding.

### E. Proposal Opening

Applications shall be opened by Workforce Development staff in the presence of one or more witnesses. A tabulation of entities offering proposals are a matter of public record. Contents of competing applicants' proposals shall not be disclosed during the process of negotiation. Except as otherwise provided by law, information furnished by an applicant shall not be disclosed without written consent of the applicant.

### F. Determination of Cost/Price Reasonableness

To determine if costs are correctly calculated and are reasonable, necessary, allowable, and allocable, the Workforce Development staff will conduct a comparative analysis.

#### G. No Contract Application Reply

Anyone electing not to submit a proposal may do so by sending a written notice of “no reply” to Pee Dee Regional Council of Governments. Entities not replying in any way to this RFP may be removed from the list of applicants contacted to submit future proposals.

#### H. Policy of Competition

The Pee Dee LWDA’s procurement will be carried out in accordance with the standards outlined in the Uniform Guidance and as outlined in TEGL 15-16: “Competitive Selection of One Stop Operators”. As subrecipients of federal funds, the one stop operator must follow the Uniform Guidance at 2 CFR, part 200, including the contractual provisions in 2 CFR 200.326 and 2 CFR part 2900.

The Pee Dee Local Workforce Development Area (LWDA) conducts all procurement transactions in a manner providing full and open competition. The RFP identifies all evaluation factors and their relative importance. All responses will be honored to the maximum extent practical. Technical evaluations will be made of all applications received. Awards will be made to the responsible firms whose applications are most advantageous to the program.

Workforce Development staff, the Workforce Development Board (WDB) and its designees will carry out procurement review responsibilities with complete impartiality and without preferential treatment to any response.

### **Part II: OVERVIEW OF WIOA AND LOCAL WORKFORCE SYSTEM**

The Workforce Innovation and Opportunity Act (WIOA) will help job seekers and workers access employment, education, training and support services to succeed in the labor market and match employers with skilled workers they need to compete in the global economy. In 2014, Congress passed WIOA, the first legislative reform of the public workforce system in more than 15 years. In doing so, Congress reaffirmed the role of the one stop workforce system, the cornerstone of the public workforce investment system and brought together and enhanced several key employment, education and training programs. Individuals in the Pee Dee Region turn to these programs to obtain good jobs and a pathway to middle-class status. WIOA continues to advance services to these job seekers and employers.

The purposes of WIOA include:

- Increasing access to, and opportunities for individuals to receive, the employment, education, training, and support services necessary to succeed in the labor market, with a particular focus on those individuals with disabilities or other barriers to employment including out-of-school youth with the goal of improving their outcomes;
- Enhancing the strategic role for States and elected officials, and Local Workforce Development Boards in the workforce system by increasing flexibility to tailor services to meet employer and worker needs at State, regional and local levels;

- Streamlining service delivery across multiple programs by requiring colocation, coordination, and integration of activities and information to make the system understandable and accessible for individuals, including people with disabilities and those with other barriers to employment, and businesses;
- Supporting the alignment of the workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system at the Federal, State, and local and regional levels;
- Improving the quality and labor market relevance of workforce investment, education, and economic development efforts by promoting the use of industry and sector partnerships, career pathways, and regional service delivery strategies in order to both provide America's workers with the skills and credentials that will enable them to secure and advance in employment with family-sustaining wages, and to provide America's employers with the skilled workers the employers need to succeed in a global economy;
- Promoting accountability using core indicators of performance measured across all WIOA authorized programs, sanctions, and high quality evaluations to improve the structure and delivery of services through the workforce development system to address and improve the employment and skill needs of workers, jobseekers, and employers;
- Increasing the prosperity and economic growth of workers, employers, communities, regions, and States; and
- Providing workforce development activities through statewide and local workforce development systems to increase employment, retention and earnings of participants and to increase industry-recognized post-secondary credential attainment to improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet skill requirements of employers, and enhance productivity and competitiveness of the nation.

The publicly-funded workforce system envisioned by WIOA is quality-focused, employer-driven, customer-centered, and tailored to meet the needs of regional economies. TEGL 4-15, issued by the US Department of Labor further outlines the vision for the one-stop service delivery system under WIOA.

Proposals are being solicited for programs that will be a part of a comprehensive system to provide workforce development services for job seekers and employers. The system is a collaborative network of many organizations. Services may be provided in-person at locations designated as SC Works Centers, virtually, or in alternate community and/or mobile locations.

The Pee Dee Workforce Development Board recently completed a Comprehensive Plan for the Local area. The complete document and executive summary are available online at <http://www.scworksppeedee.org>. The Pee Dee Region's Plan, including Pee Dee, Waccamaw and Santee-Lynches Local Areas, is also available online.

### PART III. SPECIAL INSTRUCTIONS AND CONDITIONS

#### The Scope of the Request for Proposal (RFP)

- A. The Pee Dee Workforce Development Board (PDWDB) is seeking a **single provider** to
1. Provide career, training, and follow-up services for eligible adults and dislocated workers under Title I of WIOA;
  2. Operate the SC Works Centers;
  3. Provide career, training, and follow-up services to participants of the H1-B Rural Healthcare Grant; **AND**
  4. Provide career, on-the-job training opportunities, and follow-up services for the Comprehensive and Accessible Reemployment through Equitable Employment Recovery (CAREER) National Dislocated Worker Grant (NDWG)
- B. The Board is also seeking a **single provider** to provide Title I Workforce Innovation and Opportunity Activities and follow-up services for youth. Applicants who wish to provide youth services, (hereinafter referred to as NextGen services) as well as the services outlined in items numbered 1-4 of this section (hereinafter referred to as Comprehensive Workforce Services) must submit one proposal to provide NextGen services and a separate proposal to provide Comprehensive Workforce Services.

The following counties are in the Pee Dee Local Workforce Development Area: Chesterfield, Darlington, Dillon, Florence, Marion, and Marlboro. In addition, because the participating employer for the H-1B Rural Healthcare Grant (McLeod Health) has hospitals and/or physician's practices that are in locations outside of the aforementioned counties, services under the H-1B Grant includes two counties outside of the Pee Dee's traditional service area: Williamsburg and Clarendon.

Current SC Works Pee Dee Center locations can be found at <https://scworkspeedee.org/locations/index.php>. While the expectation is that services are available to customers in all of our Pee Dee Counties, applicants are not confined to proposing that services continue in their present locations. Applicants are encouraged to offer innovative service delivery models, such as virtual and mobile services, to minimize operating costs yet serve the entire local workforce development area. The Board reserves the right to negotiate the final location(s) in which services will be offered by the successful applicant. At a minimum and in accordance with the provisions of WIOA Title I, services must be offered in at least one comprehensive center (i.e., a physical location) in the workforce development area. SC Works Florence is the local area's present comprehensive center.

To assist applicants with making a determination about the proposed placement of its services, in-person service levels for each SC Works Pee Dee Center from July 1, 2020 through November 30, 2021 are as follows:

SC Works Center	Number of Individuals Served
Florence	8,433
Cheraw	983
Dillon	1,899



Hartsville	1,246
Bennettsville	1,877
Marion	5,123
Total	19,561

*Source of Data: SCWOS Greeter Reports*

#### A. Applicable Act and Regulations

The Workforce Innovation and Opportunity Act of 2014, Public Law 113-128, authorizes local workforce programs. The Act and the Final Regulations (20 CFR Parts 676, 677 and 678) can be found online at: <https://www.doleta.gov/wioa/>. The H-1B Rural Healthcare Grant Program is authorized under Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (codified at 29 U.S.C. 3224a). Financial requirements for all programs are listed in the Uniform Guidance (2 CFR 200).

Attachment A provides the terms and conditions associated with the award of funding under the WIOA Title I Adult, Dislocated Worker, Youth Programs, and CAREER NDWG programs. Attachment B contains applicable regulations and terms and conditions associated with the H-1B Rural Healthcare Grant.

This procurement document also references local policies. All local policies can be accessed at [https://www.scworkspedee.org/workforce\\_board/staff\\_resources.php](https://www.scworkspedee.org/workforce_board/staff_resources.php). Please note under no circumstance do local policies supersede federal or state laws, regulations and executive orders.

Upon award of a contract under provisions of this RFP, the entity to whom the award is made, must comply with the laws of South Carolina, which requires such entity to be authorized and/or licensed to do business in the State. Notwithstanding the fact that applicable statutes may exempt or exclude the successful proposer from requirements that it be authorized and/or licensed to do business in the State; by submission of its signed application, the proposer agrees to subject itself and agency to the jurisdiction and process of the courts of the State of South Carolina as to all matters and disputes arising or to arise under any contract and the performance thereof, including any questions as to the liability for taxes, license or fees levied by the State.

#### B. Eligible Applicants

The following entities are eligible to submit an application to deliver the services detailed in this solicitation:

- Government agencies or governmental units, such as: Local or county governments, school districts, State agencies, and Federal WIOA partners;
- Employment Service State agencies under the Wagner-Peyser Act, as amended by title III of WIOA;
- Indian Tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations (collectively referred to herein as “Indian Tribes”);
- Educational institutions, such as: institutions of higher education, nontraditional public secondary schools such as night schools, and area career and technical education schools;

- Community-based organizations, nonprofit entities, or workforce intermediaries;
- Other interested organizations that are capable of carrying out the duties of the one-stop operator, such as a local chamber of commerce, other business organization, or labor organization; and
- Private for-profit entities.

Federal regulations do not permit elementary and other secondary schools to become a one-stop operator; therefore, under the scope of this RFP, these entities are eligible to apply to provide services as a NextGen contractor only.

Funding will not be provided to organizations who are debarred or suspended from receiving funds and providing services under Federal assistance programs.

#### C. Amendments

If it becomes necessary to revise any part of the Request for Proposals, all amendments will be made accessible to all potential applicants online at [www.scworkspeddee.org](http://www.scworkspeddee.org). **Verbal comments or discussion relative to this solicitation cannot add, delete, or modify any written provision. Any alteration must be in the form of a written amendment accessible to all potential applicants.**

#### D. Allowable Cost Categories and Limitations

Administration charges are defined in section 683.215 of the WIOA Final Regulations. Among those costs defined as administrative are the costs of one stop operations. Pee Dee Regional Council of Governments performs many of the functions of the one stop operator that would be considered administrative, so 100% of the applicants' planned operations expenditures may be budgeted as program costs. Applicants proposing to provide one stop operations should evaluate its planned activities to determine if it is appropriate to charge any part of one stop operations to administration. In no case will administration be budgeted at more than 3% of the total budget for WIOA Title I programs, nor will any administration costs be charged to the H-1B Rural Healthcare or CAREER NDWG components of the grant application.

All costs, other than one stop operations costs that must be charged to administration, are considered program costs.

#### E. Indirect Costs

All applicants that include indirect costs as part of their budget must have an approved indirect cost plan. If an applicant has never negotiated an indirect cost rate, the organization may qualify to be covered through the De Minimis Rate of 10% of Modified Total Direct Costs as described in OMB Unified Guidance, 2 CFR Part 200. Indirect costs may be either program or administrative costs, depending upon the costs included in the indirect cost pool. Applicants must include a listing of items included in the indirect cost pool.

#### F. Contract Type

Awards made in response to this Request for Proposals will be made under a cost reimbursement subaward/contract. A line item budget, based on all legitimate costs to be incurred by the contractor/subgrantee carrying out the activity, must be presented. The contractor/subgrantee will be reimbursed for actual expenses according to the approved line-item budget. Profit is to be shown in the line item “Other Operating Expenses” and is limited to no more than 8% of the applicant’s budget. The LWDA reserves the right to attach performance criteria to the payment of profit.

#### G. Separate Applications

A single application proposing services for Comprehensive Workforce Services, as defined earlier in this section, is to be submitted with budget pages detailing the distribution of costs against the proposed projects/activities (i.e. Adult, Dislocated Worker, CAREER NDWG, and H-1B). An application that does not propose the provision of ALL listed services for ALL six Pee Dee counties (and Williamsburg and Clarendon Counties for the H-1B Grant) will be deemed nonresponsive.

Applicants that wish to provide NextGen activities must submit an application proposing those services for the entire six-county service area. An applicant is welcome to submit two applications – one for NextGen Services and one for Comprehensive Workforce Services. The Pee Dee Workforce Development Board wishes to evaluate proposals for NextGen Services independently of Comprehensive Workforce Services but reserves the right to award both NextGen and Comprehensive Workforce Services contracts/subawards to a single applicant if it deems it in its best interest to do so.

#### H. Required Signature

All applications must be signed and dated by a representative of the entity authorized to commit to the provisions of the RFP. Unsigned proposals will be rejected as being non-responsive.

#### I. Contract Administration and Negotiation

The Pee Dee Regional Council of Governments will administer contracts awarded by the Workforce Development Board through this RFP. The Council of Governments may require selected applicants to participate in cost negotiations, technical, or other revisions to their proposals prior to contract finalization. In addition, contract amounts may be adjusted by the Workforce Development Board and/or the Council of Governments based on final allocation figures.

#### J. Administrative and Fiscal Capabilities

The administrative and fiscal capabilities of all applicants, who are not existing contractor/subgrantees, will be assessed by completion of a Pre-Award survey prior to contract finalization. A representative of the Pee Dee Regional Council of Governments may

visit the offering entity to affirm certain items of the survey. Any serious discrepancies found will be brought to the attention of the Workforce Development Board prior to contract finalization and could result in cancellation of the commitment to fund.

Entities who have previously contracted with the Pee Dee Workforce Development Board will be evaluated in terms of their historical performance as it relates to financial, administrative, and program matters, with particular emphasis on the following:

1. The entity's efforts to recover debts
2. Established fraud or criminal activity of a significant nature
3. Failure to maintain an appropriate financial management system
4. Unresolved or recurring audit or monitoring findings of a significant nature
5. Failure to provide services to applicants as agreed to in a previously funded program or to meet applicable program standards
6. Failure to return a contract closeout package by the established deadline
7. Failure to submit required reports in a timely manner
8. Failure to properly report and dispose of government property
9. Unresolved disallowed costs or disallowed costs in excess of five percent of a contract

The failure to meet any one of the above responsibility tests does not establish that an organization is not responsible, unless the failure is substantial or persistent (for two or more consecutive years), and, therefore, will not automatically preclude an award being made.

K. Documents Required of Selected Bidders

Before contract negotiations are finalized, applicants will be required to provide ALL of the following information to the Council of Governments. **Only the items listed below with a specific attachment noted beside it, should be submitted with your proposal:**

1. Federal Identification Number
2. List of Current Board Members of Governing Body
3. Current Fiscal Statement and Copy of Last Audit
4. Copy of Indirect Cost Plan and Approval
5. Grievance Procedures
6. Staff, Personnel, Procurement, and Travel Policies
7. Charter and By-Laws of Organization (if applicable)
8. **Evidence of Signatory Authority (Attachment C)**
9. Banking Arrangements (Bank Name, Address, Account Number)
10. Cost Allocation Plan
11. **Lobbying Certification (Attachment D)**
12. Fidelity Bonding Policy (and invoice showing coverage for current year)
13. **Debarment and Suspension Certification (Attachment E)**
14. Organization's Mission and Vision Statements

#### L. Time Frame

All budgets submitted for activities under this Request for Proposals are to be for costs incurred between July 1, 2022 and June 30, 2023. Activities extending past June 30, 2023, must secure funds from the 2023 allocation for their support. No guarantee for availability of 2023 funds is made at this time. The awarding agency's funding obligations under any agreement are contingent upon receipt of funds from USDOL/State allocation guidelines governing distribution within the awarding agency's total jurisdiction. The Awarding Agency is in no way obligated for any funds not received nor any decrease in funding required by allocation formulas.

#### M. Carry-Over Activities

Participants who are currently receiving services through WIOA and who will not complete them prior to June 30, 2022 must receive continued services until their service plans have been completed (subject to their adherence to the local area's satisfactory progress policy). Participants who have enrolled in WIOA, but have not received a service, must have a service strategy or employment plan completed and services provided to them in accordance with the plan or strategy.

Entities who are not currently serving as WIOA contractor/subgrantees may be required to assume responsibility for participants of an existing contractor/subgrantee. If this occurs, the specifics of this arrangement, including the associated cost for serving these participants, will be addressed in negotiations with the new service provider.

#### N. Cost Allocation Plans

In order to maximize the ability to use the available funding to fund direct participant costs, applicants are strongly encouraged to share operating costs across projects when feasible. Cost allocation plans are required of all applicants who propose costs that will be shared across multiple funding streams (adult, dislocated worker, youth and/or non-WIOA sources). A cost allocation plan is a methodology for identifying, classifying, and distributing any joint costs related to a program, as well as any costs to be allocated under plans of other organization units which are to be included in the cost of federally sponsored programs.

#### O. Presentations

An applicant may be requested to make an oral presentation of its proposal to the Workforce Development Board's Executive Committee or designees after the proposal opening. Such presentations provide an opportunity for the applicant to clarify their proposal and ensure mutual understanding. The Council of Governments staff will schedule these presentations, if required.

#### P. Price Not Determinative

The Pee Dee Workforce Development Board reserves the right to select such applicants which it deems appropriate and is not bound to accept any proposal based on price alone, further

reserving the right to reject any and all proposals if it is deemed to be in the Workforce Innovation and Opportunity Act's best interest.

Q. Discussion/Negotiation

By submission of a proposal, applicants agree that, during the period following the issuance of the RFP and prior to final award of a contract, the applicant shall not discuss this proposal with any party except Joette Dukes, or designated staff, of the Pee Dee Regional Council of Governments. Ms. Dukes and her designated staff person(s) reserve the right to conduct discussions with responsible applicants who submit proposals, which appear eligible for award, for the purpose of clarification to assure full understanding of, and responsiveness to, the requirements of this Request for Proposals. Applicants shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of their proposals, and such revisions may be permitted after submission and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing applicants.

R. Confidential Information

No documents relating to this procurement will be presented or otherwise made available to any other person, agency, or organization until after award. Commercial or financial information obtained in response to this Request for Proposals which is privileged and confidential and is clearly marked as such will not be disclosed at any time. Such privileged and confidential information includes information that, if disclosed, might cause harm to the competitive position of the applicant supplying the information. All applicants, therefore, must visibly mark as "Confidential" each part of their proposal which they consider proprietary information.

S. Prohibition of Gratuities

Section 8-13-705 of the SC Code of Laws states that a person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to influence the discharge of a public official's, public member's, or public employee's official responsibilities. Such actions are punishable by law as a felony and includes imprisonment for up to ten years and a fine of up to \$10,000.

T. Appeal/Protest Policy

Applicants dissatisfied with decisions regarding contract award and/or other aspects of the procurement process can appeal to the Pee Dee Workforce Development Board's Executive Committee.

The protest must be filed in writing with the Workforce Development Director, Joette R. Dukes, within one week of the announcement of the contract awards. If the protestor wishes to appear before the Committee, it must be so specified in writing.

The Committee will review the protest and make its decision within 30 days of the receipt of the written protest. The decisions of the Executive Committee are final.

#### U. Terms and Conditions/Record Retention

Each applicant shall fully acquaint itself with conditions relating to the scope and restrictions pertaining to the execution of the work under the terms and conditions of this request (Attachments A and B). As it relates to the retention of records, hard copy case files for participants must be maintained for a period of 5 years after the participant's exit from the program, in order to comply with U.S. Department of Labor data validation requirements. Since the LWDA has implemented a scanning policy for participant records, the retention requirements related to hard copies of participant information will have limited application. The three-year period required by the terms and conditions will apply to financial and other documents not required for data validation purposes. The failure of an applicant to acquaint himself with existing conditions shall in no way relieve him of any obligation with respect to this request or to the contract.

#### V. Option to Extend

Based upon funding availability, the Council of Governments and/or Workforce Development Board may extend a contract beyond the initial period of award, if it appears in the best interest of the Workforce Innovation and Opportunity Act and is agreeable with the contractor/subgrantee. A contractor/subgrantee's performance will be evaluated in making a decision to extend a contract/subaward.

The extension may be less than but will not exceed three additional years. Similarly, the slot levels and/or number of participants served and/or associated budgets may be adjusted at any time during a contract period.

#### W. Applicant's Qualifications

Special attention should be given to this section of the application package. In particular, for each existing staff person, the applicant should include, in addition to education and experience information, all workshops, conferences, seminars, professional organizations, and/or activities in which staff has participated in the past two years to stay abreast of current information, procedures, practices, regulations, technological, or programmatic operations. For vacant staff positions, all applicants should include a statement which addresses their commitment to hire qualified staff and to ensure that staff receives up-to-date training and information in all areas associated with their job responsibilities. Special technological and computer skills possessed by staff persons are important for the efficient utilization and maintenance of the SC Works Online system. Although the contract/subgrant period for this Request for Proposals is July 1, 2022 through June 30, 2023, staff that will be funded under this agreement should be available training prior to July 1, if possible.

The Pee Dee LWDA is particularly interested in WIOA-funded staff being certified as Career Development Facilitators. The Career Development Facilitator credential is designed to promote competency among workforce and career development professionals. The applicant should indicate in its response package whether or not its staff possesses this credential and/or indicate its plans to ensure that this credential (or a substantially similar one) is obtained.

## X. Coordination/Leveraging of Resources

The establishment of a One-Stop delivery system for workforce development services is a cornerstone of the reforms contained in the Title I of WIOA. This delivery system streamlines access to numerous workforce investment and educational and other human resource services, activities, and programs. Rather than requiring individuals and employers to seek workforce development information and services at different locations, WIOA requires States and communities to integrate multiple workforce development programs and resources.

On behalf of participants, successful applicants must understand and coordinate with programs and services provided by State and local education and training agencies (including vocational education agencies), public assistance agencies, the employment service, rehabilitation agencies, programs for the homeless, post-secondary institutions, economic development agencies, and such other agencies as the Governor determines to have a direct interest in the employment and training programs and human resource utilization within the State.

All applicants are required to address the basic educational needs of their participants. This should be done by establishing linkages with adult education centers, technical colleges and/or literacy councils.

All applicants are encouraged to coordinate and utilize outside resources in securing additional funds, supplies and materials, services, etc. in order to enhance WIOA activities and to demonstrate its capability to do so in its response to this request for proposals. This opportunity does not require matching funds, but applicants are encouraged to present, as leveraged funds, their ability to commit resources from other funding sources in support of their proposed activities. The amount and type of available leveraged funds should be reported in the budget narrative completed by the applicant. Pee Dee LWDA [Instruction 21-011](#) addresses the tracking and reporting of leveraged costs.

## Y. Coordination of Services to TAA and H-1B Participants

Applicants who are awarded contracts to provide intensive services to adults and dislocated workers will also have responsibility for providing case management to clients enrolled in the Trade Adjustment Assistance (TAA) Program who have been determined to be in need of occupational skills training by the client's TAA case manager.

In addition, one of the requirements of the H-1B Rural Healthcare Grant is that about 25 H-1B participants be co-enrolled in a WIOA Title I Program each program year to receive on-the-job training at the participating employer. Applicants will need to take this requirement into consideration when planning their budgets and caseloads.

## Z. Case Loads

It is expected that the case load, per WIOA career consultant/case manager, will be about 75 participants, including those in follow-up. It is expected that the CAREER NDWG case manager will manage a total of 60 participants over the life of the grant, which commenced



on August 1, 2021 and is a 2-year grant. It is expected that the case manager for the H-1B Grant will manage a total of 247 participants over the life of the grant, which commenced on February 1, 2021 and is a 4-year grant.

**AA. Audit/Monitoring Exceptions**

No contracts will be finalized with approved applicants who have outstanding audit and/or monitoring exceptions unless negotiations have been initiated and the administrative entity determines that a resolution is forthcoming.

**BB. Performance Standards**

Contractors/subgrantees will be responsible for achieving and documenting acceptable performance outcomes based on state and local requirements. Performance measures for Program Year 2021 are as follows:

<b>Performance Indicator</b>	<b>Negotiated Rates for Program Year 2021</b>			
	<b>Adult</b>	<b>Dislocated Worker</b>	<b>Youth</b>	<b>CAREER NDWG</b>
Employment Rate Second Quarter After Exit	80.40%	84.30%	77.10%	81.1%
Employment Rate Fourth Quarter After Exit	80.10%	80.30%	72.80%	77.00%
Median Earnings Second Quarter After Exit	\$4,800	\$7,150	\$3,000	\$7,300
Credential Attainment Rate	58.70%	61.70%	69.10%	60.5%
Measurable Skills Gains	49.50%	47.30%	49.00%	48.5%

Performance expectations may change based on legislative or administrative changes in the Workforce Innovation and Opportunity Act and/or regulations or based on the LWDA's negotiations with the State Administrative Entity for future program years. Definitions can be found at <https://www.dol.gov/agencies/eta/performance/performance-indicators>.

**The following WIOA primary indicators of performance are applicable to H-1B grants:**

- 1) Employment Rate – 2nd Quarter After Exit: **81.4%**
- 2) Employment Rate – 4th Quarter After Exit: **78.5%**
- 3) Median Earnings – 2nd Quarter After Exit: TBD
- 4) Effectiveness in Serving Employers (Retention with the Same Employer 2nd and 4th Quarter After Exit): TBD

5) Credential Attainment: **67.4%**

6) Measurable Skill Gains: TBD

The information collected on these measures is used by the Department of Labor to assess performance across numerous programs administered by the Department. The WIOA Credential Attainment and Measurable Skill Gains measures are calculated using participant-level performance data collected during the grant period of performance.

For the H-1B grant, the grantee is also required to track real-time measures of performance not captured by SCWOS as follows:

- 1) Total number of unemployed and underemployed participants who complete education/training activities and obtain employment: **148** of 247 served over the entire federal grant period ending January 31, 2025.
- 2) Total number of incumbent workers who complete training activities and that advance into a new position: **69** of 247 served over the entire federal grant period ending January 31, 2025.

#### CC. Follow-Up

Because the above performance standards involve capturing data for participants in the second and fourth quarters after their exit from the program, contractor/subgrantees are required to conduct follow-up contact with participants to assess their status and provide additional services as necessary to aid the participant in securing or maintaining self-sufficient employment. In addition, all youth must be followed-up for a period of one year following their exit from the WIOA program.

#### DD. Supportive Services

Supportive services for adults, dislocated workers, and youth include services such as books/supplies, uniforms/work gear, transportation, child care, dependent care, housing, and needs-related payments that are necessary to enable an individual to participate in activities included in their service strategies. The Pee Dee Local Workforce Development Board has established a supportive services policy. The policy was developed to ensure resource and service coordination in the local area and can be accessed at [Pee Dee Supportive Services Policy](#).

#### EE. Business Services System

The Pee Dee Workforce Development Area has a vibrant business services delivery system that is a partnership of service provider services and administrative entity services. The Pee Dee Regional Council of Governments, the administrative entity, employs the Business and Industry Coordinator who oversees all business services. Activities directed by Business & Industry Coordinator and relevant to the RFP include:

- Maintains communication with Economic Development partners regarding workforce development needs

- Collaborates with partner business services staff and the business community to ensure that SC Works business services are meeting the needs of business customers
- Develops and oversees the Pee Dee Integrated Business Services Team comprised of staff from partner organizations to conduct employer outreach to reduce and eliminate duplication of services
- Works with the Regional Business Services Team leads to coordinate Regional Talent Pipeline Strategies
- Participates in sector strategy initiatives in which the Board is engaged

The LWDA has a menu of services for employers that business services team members are required to promote. These services include, but are not limited to, incumbent worker training, on-the-job training, job orders through the SC Works Online System, apprenticeships, Rapid Response services, job fairs, and labor market information. Services to jobseekers include assistance with resumes, interviewing skills, job referrals, job clubs, and other assistance as necessary for the jobseeker to secure employment.

Business services team members periodically meet and provide their peers with an update on their activities in the Region. These meetings ensure non-duplication of services to employers and provide a forum in which best practices can be shared and concerns addressed.

Applicants should include in its proposed budget(s), a sufficient number of business services staff to cover the Pee Dee Region for the groups (adult, dislocated worker, youth, etc.) it plans to serve. Applicants who plan to submit proposals to serve youth and a separate proposal to provide all other services outlined in this RFP may propose to share staff across projects. All business services team members, regardless of funding source, are required to participate in the Integrated Business Services Team.

#### FF. Non-Federal/COG Employee Status

It is understood and agreed by the parties hereto that no staff member of the contractor/subgrantee or participant receiving funds under this agreement shall be deemed a federal employee nor shall he/she be deemed an employee of Pee Dee Regional Council of Governments for any purpose or subject to provision of law relating to federal/COG employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation, and federal/COG employment benefits, except where specifically provided to the contrary in the Regulations promulgated under the Act.

Although contractor's/subgrantee's employees are not federal or COG employees, they are afforded the right to have the Pee Dee Local Workforce Development Area and the State Administrative Entity review their employer's decision in matters related to their employment as a WIOA-funded staff person. Such review is for the specific purpose of determining that the employer's decision was made in accordance with established policies and procedures and is not in violation of WIOA or other federal, state, and local laws, policies, and procedures.

#### GG. Pee Dee LWDA Participant Tracking System

The Pee Dee LWDA uses a web-based program to track the progress of services provided to participants. The SC Works Online Services (SCWOS) system is a real-time, on-line system for intake, case management, tracking of services, tracking of expenditures made for participant costs, follow-up, and reporting. SCWOS has built-in business rules and user-friendly selection lists to ensure data consistency and reduce the number of data entry errors. Text entry has been kept to a minimum (initial input of personal information, case notes and comments).

The SCWOS system is used to record the application and eligibility determination, plan, training and intensive services activities, case notes, and follow-up activities of participants who are enrolled in the workforce programs included in this RFP.

#### HH. Anticipated Allocations for Program Year 2022

In Program Year 2021, the Pee Dee LWDA awarded WIOA Title I funding in the following amounts to provide one stop operations and basic career, individualized, and training services to eligible adults and dislocated workers:

Adult	\$1,000,000
Dislocated Worker	\$462,713
Youth	\$758,452

For purposes of this solicitation and in the absence of any more definitive information about Program Year 2022 allocations, the LWDA will presume funding equal to the levels awarded in Program Year 2021, for WIOA Title I Programs. Available funding is subject to adjustment based on final allocation figures.

Please note that it is not expected that the contractor/subgrantee pay for the infrastructure costs associated with operating SC Works Centers from awarded amounts. Those costs are covered by funds maintained by Pee Dee Regional Council of Governments. While this is the LWDA's preferred way of doing business, the LWDA is willing to consider a change to its customary practice of budgeting and paying for infrastructure costs in support of innovative approaches proposed by the applicant. Any adjustments to the budgets to allow the contractor to budget/pay for infrastructure costs will be handled in negotiations with the successful applicant.

For Program Year 2021, the following chart details budgeted expenses by SC Works Center:

Infrastructure Costs	Florence	Hartsville	Marion	Bennettsville	Dillon	Cheraw	Totals
Rent	-	-	-	18,000.00	4,800.00	-	22,800.00
Security System	240.00	-	300.00	-	-	-	540.00
Utilities	20,000.00	-	11,000.00	3,780.00	-	-	34,780.00
Janitorial/Maintenance	7,140.00	-	6,000.00	3,060.00	-	-	16,200.00
Landscaping	1,500.00	-	2,000.00	-	-	-	3,500.00
General Repair	5,000.00	-	1,500.00	2,000.00	-	-	8,500.00
Pest Control	600.00	-	600.00	-	-	-	1,200.00
Depreciation (if applicable)*	-	-	4,722.00	-	-	-	4,722.00
Telephone (if applicable)	-	-	-	-	-	-	-
Public Access PC Costs	4,435.00	4,569.00	5,899.00	5,123.00	2,238.00	2,066.00	24,330.00
Equipment Maintenance/Rental	2,306.00	2,306.00	2,200.00	2,306.00	2,200.00	-	11,318.00
Common area supplies**	4,000.00	2,000.00	2,000.00	2,000.00	2,000.00	2,000.00	14,000.00
Other - please list	-	-	-	-	-	-	-
Other - please list	2,016.00	-	-	-	-	-	2,016.00
Other - please list	-	-	-	-	-	-	-
<b>Total Infrastructure Costs</b>	<b>\$ 47,237.00</b>	<b>\$ 8,875.00</b>	<b>\$ 36,221.00</b>	<b>\$ 36,269.00</b>	<b>\$ 11,238.00</b>	<b>\$ 4,066.00</b>	<b>143,906.00</b>

The WIOA Title I portion of the infrastructure costs totaled \$55,379.71 was paid by Pee Dee Regional Council of Governments and distributed as follows:

<b>Number of FT Employees</b>	<b>20</b>
Rent	\$13,258.22
Security System	\$180.09
Utilities	\$12,193.50
Janitorial/Maintenance	\$6,268.99
Landscaping	\$1,172.99
General Repair	\$3,270.94
Pest Control	\$393.33
Depreciation (if applicable)*	\$1,791.10
Telephone (if applicable)	\$0
Public Access PC Costs	\$8,216.04
Equipment Maintenance/Rental	\$3,791.22
Common area supplies**	\$4,286.38
Other - please list	\$556.91
<b>Total Infrastructure Costs</b>	<b>\$55,379.71</b>

The following approximate funding is available for the H-1B and the CAREER NDWG for Program Year 2022:

	Staff and Operating Costs	Training Costs	Supportive Services Costs
H-1B Rural Healthcare Grant	\$97,100	\$335,576	\$56,539
CAREER NDWG	\$140,876	\$105,000	\$0

The present budget for the H-1B Grant includes funding for one full-time Career Specialist and the CAREER NDWG includes funding for a full-time Business Services Representative and a

full-time Career Specialist. Applicants are welcome to propose staffing scenarios that differ from what is included in the present funding but understands that any change in staffing levels for these special projects must have the approval of the US Department of Labor, who is the grantor for these projects.

## **PART IV: SCOPE OF WORK FOR COMPREHENSIVE WORKFORCE SERVICES**

Applicants must propose to provide career and training services utilizing a case management delivery system to participants in the WIOA Title I Adult and Dislocated Worker Programs, the CAREER NDWG, and the Level Up H-1B Rural Healthcare Grant. In addition, the applicant must propose to operate the SC Works service delivery system in the six-county Pee Dee Local Workforce Development Area.

The Pee Dee LWDA expects the contractor/subgrantee to provide services in the six Pee Dee counties (Chesterfield, Darlington, Dillon, Florence, Marion, and Marlboro) for WIOA Title I and CAREER NDWG services. For the H-1B Rural Healthcare Grant, in addition to the six aforementioned counties, the contractor/subgrantee must also provide services in Williamsburg and Clarendon counties.

### **RESOURCES AVAILABLE TO CONTRACTORS/SUBGRANTEES**

Please note that it is not expected that the contractor/subgrantee pay for the infrastructure costs (i.e. rent, utilities, office phones, internet service, center supplies) associated with operating SC Works Centers from awarded amounts. Those costs are covered by funds maintained by Pee Dee Regional Council of Governments. While this is the LWDA's preferred way of doing business, the LWDA is willing to consider a change to its customary practice of budgeting and paying for infrastructure costs in support of innovative approaches proposed by the applicant. Any adjustments to the budgets to allow the contractor to budget/pay for infrastructure costs will be handled in negotiations with the successful applicant.

Laptops/desktops and printers/copiers are available for staff.

### **CASE MANAGEMENT/CAREER SERVICES & TRAINING SERVICES/SC WORKS OPERATIONS**

The Pee Dee WDB is seeking a **single contractor/subgrantee** to provide Comprehensive Workforce Services.

#### **Eligibility Determination**

All adults and dislocated workers who receive services under Title I of WIOA other than self-service or informational activities must be determined eligible to receive such services. The Contractor/subgrantee will complete the WIOA Program Application utilizing the SC Works Online Services System (SCWOS) WIOA Application.

The Contractor/subgrantee must verify the Adult applicant:

1. is 18 years of age or older;
2. if male, has met the Selective Service Act registration requirements. Males born after 1959 and over the age of 17 shall register with the selective service system by going to the Selective Service website at [www.sss.gov](http://www.sss.gov); and
3. is a US citizen or national or lawfully admitted permanent resident alien, lawfully admitted refugee or parolee, or other individual authorized by the Attorney General to work in the United States.

Veterans and eligible spouses of veterans receive priority of services under all DOL-funded employment and training programs as stipulated in TEGL 5-03. The priority for services applies throughout all phases of WIOA including certification, enrollment and training.

The PDWDB has established priority for individualized career and training services for adults in Pee Dee LWDA [Instruction 20-008](#). At least 75% of all participants enrolled in the adult program must meet the priority for services definition established by the policy.

To determine Dislocated Workers eligible for WIOA, the contractor/subgrantee must verify the applicant:

1. Has been terminated or laid off, or who has received a notice of termination or layoff from employment;
2. Is eligible for or has exhausted entitlement to unemployment compensation; or
3. Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 121(e), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and
4. Is unlikely to return to a previous industry or occupation;

The term **“unlikely to return to previous industry or occupation”** should be interpreted as follows: The occupation, not just the industry, must be taken into account. Consider the primary job from which the applicant was laid off or terminated prior to application. If the applicant was laid off from more than one job, the job held the longest is primary. Consider similar occupations for which the applicant’s skills are transferable.

5. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

The State interpretation of the legislative intent of the term **‘terminated or laid off’** is that the termination/layoff is due to a lack of work situation as a result of economic conditions or structural job changes.

6. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or
7. For purposes of eligibility to receive services other than training services, career services, or supportive services is employed at a facility at which the employer has made a general announcement that such facility will close;
8. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;
9. Is a displaced homemaker; or
10. Is the spouse of a member of the Armed Forces on active, and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member; or



11. Is the spouse of a member of the Armed Forces on active duty and who meets the criteria described in (3) displaced homemaker section.

A Displaced Homemaker is an individual who has been providing unpaid services to family members in the home and who:

1. Has been dependent on the income of another family member but is no longer supported by that income; or
2. Is the dependent spouse of a member of the Armed Forces on active Duty and whose family income is significantly reduced because of, a call or order to active duty, a permanent change of station, or the service-connected death or disability of the member; and
3. Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

To determine an applicant eligible as a CAREER NDWG participant, the contractor/subgrantee must verify the applicant:

1. Is eligible as a dislocated worker as defined in WIOA section 3(15) and as outlined above, and
2. Is from historically marginalized communities or groups, and
3. Has been unemployed for an extended period or has exhausted UI or other Pandemic Unemployment Insurance programs.

To determine an applicant eligible for the Level UP H-1B Rural Healthcare Grant, the contractor/subgrantee must verify the applicant:

1. Must be at least 17 years old
2. Must not be enrolled secondary school or and adult education program
3. Must be unemployed, underemployed, or an incumbent worker and
4. Must be willing to work in a rural hospital or physician's practice with McLeod Health

The SCWOS WIOA Application will be used for determining eligibility for all programs included in this Request for Proposals, including the H-1B Grant and the CAREER NDWG. Individuals who will be co-enrolled in multiple programs must meet the eligibility requirements of all programs in which he/she will be co-enrolled.

#### Work Elements of Eligibility Component

- Formally determine whether applicants for services are eligible to receive such services in accordance with the requirements of the grant providing the services. Such determination will be made by use of the SC Works Online Services (SCWOS) WIOA Application and will be supported by the appropriate hard copies of documentation used to make the determination.

- Maintain a signed and scanned SCWOS WIOA application as the official certification for all applicants, whether eligible or ineligible for the program.
- Provide information and coordinate referrals to partner agencies or other community agencies.
- The provider shall be financially liable for erroneous eligibility determinations and certifications. Such disallowed costs must be reimbursed to Pee Dee Regional Council of Governments from non-federal funds.

## **Career and Training Services**

*Basic Career Services* are available to all individuals:

1. Eligibility determination for funding and services;
2. Outreach, and orientation to the information and other services available through the SC Works System;
3. Initial assessment of skill levels (including literacy, numeracy, and English language proficiency), aptitudes, abilities (including skills gaps), and supportive service needs;
4. Job search and placement assistance and, in appropriate cases, career counseling, including information on in-demand industry sectors and occupations; and nontraditional employment; and appropriate recruitment and other business services on behalf of employers
5. referrals to and coordination of activities with other programs and services;
6. workforce and labor market employment statistics information including job vacancy listings in such labor market areas, job skills necessary for job openings; and information on local occupations in demand and the earnings, skill requirements, and opportunities for advancement within those career pathways; &
7. performance information and program cost information on eligible providers of training services;
8. provision of information, in formats that are usable by and understandable to one stop center customers, regarding how the local area is performing on the local performance accountability measures;
9. information in formats that are usable by and understandable to customers, relating to the availability of supportive services or assistance, provided by partners;
10. Referrals to supportive services or other needed assistance;
11. information and assistance regarding filing claims for unemployment compensation;
12. Information and assistance regarding establishing eligibility for financial aid assistance for training and education programs that are not funded under this Act.

*Individualized Career Services* needed for an individual to obtain or retain employment consists of:

1. Comprehensive and specialized assessments of the skills levels and services needs of adults and dislocated workers, which may include diagnostic testing and use of other assessment tools and in-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;

2. Development of an Individual Employment Plan to identify employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the employment goals, including providing information on eligible providers of training services, and career pathways to attain career objectives;
3. Group counseling;
4. Individual counseling;
5. Career planning;
6. Short term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training;
7. Internships and work experiences that are linked to careers;
8. Workforce preparation activities;
9. Financial literacy services
10. Out-of-area job search assistance and relocation assistance;
11. English language acquisition and integrated education and training programs
12. Follow-up services including counseling regarding the workplace, for participants in workforce investment activities authorized under this subtitle who are placed in unsubsidized employment, for not less than 12 months after the first day of the employment, as appropriate.

Each customer should receive an orientation of available services, including all partner services and any other pertinent resources to ensure successful return to employment. The orientation shall include a complete overview of the processes and procedures for gaining maximum benefits from engagement with the SC Works System. Orientations can be conducted in individual or group settings, virtually or in-person, depending on demand and the need for center efficiency.

WIOA consistently emphasizes the need for services targeted to persons with disabilities and individuals with barriers to employment, including individuals who receive public assistance or are otherwise low income and/or basic skills deficient. Outreach shall include efforts to encourage the use of the SC Works system to groups that need employment and training services to become more skilled and employable in the path to financial self-sufficiency.

WIOA defines an “individual with a barrier to employment” as a member of one of more of the following populations:

1. Displaced homemakers
2. Low-income individuals
3. Indians, Alaska Natives, Native Hawaiians, as such terms are defined in Section 166
4. Individuals with disabilities
5. Older Individuals
6. Ex-offenders
7. Homeless Individuals (as defined in Section 41403(6) of the Violence against Women Act of 1994 (42 U.S.C. 14043e-2(6), or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a (2)).
8. Youth who are in or have aged out of the foster care system

9. Individuals who are English language learners and individuals who have low levels of literacy, and individuals facing substantial cultural barriers
10. Eligible migrant and seasonal farm workers, as defined in Section 167(i)
11. Individuals within 2 years of exhausting lifetime eligibility under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et seq.)
12. Single parents (including single pregnant women)
13. Long term unemployed individuals
14. Such other groups as the Governor determines has barriers to employment

### *Training services*

Upon completion of the required, intake, orientation and assessments applicable to specific programs, customers may be deemed appropriate for training services.

A participant is, in general, considered appropriate candidates for training, if the customer is unlikely to obtain or retain self-sufficient employment. Training programs should focus on in-demand industry sectors or occupations in demand in the area, or an area to where the customer is willing to relocate, and align with the customers' interests and aptitude, as determined through assessment.

Occupational skills training should be provided through individual training accounts (ITAs) from an approved training provider. All customers interested in receiving WIOA scholarship assistance must apply for a Pell Grant, and if awarded, the Pell Grant funds are to be applied to the cost of training prior to use of WIOA funding.

WIOA Training Services are defined as:

1. Occupational skills training, including training for nontraditional employment;
2. On-the-job training (OJT);
3. Incumbent Worker Training (IWT);
4. Programs that combine workplace training with related instruction, which may include cooperative education programs;
5. Training programs operated by the private sector;
6. Skill upgrading and retraining;
7. Entrepreneurial training;
8. Transitional jobs;
9. Job readiness training provided in combination with other training services such as occupational skills training;
10. Adult Education and Literacy Activities, including activities of English language acquisition and integrated education and training programs, provided concurrently or in combination with other training services; and
11. Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training.

For H-1B Rural Healthcare Grant Participants, customers who have been determined eligible for participation may receive classroom training in one of six occupations in preparation for employment at McLeod Health, as follows:

1. Certified Nursing Assistant (CNA/MST)
2. Phlebotomy

3. Pharmacy Technician
4. Certified Medical Assistance (CMA)
5. Licensed Practical Nurse (LPN)
6. Registered Nurse (RN)

Training under the H-1B Grant must be provided by public post-secondary institutions, to include technical colleges, public post-secondary vocational schools, and public 4-year colleges/universities in the grant service area. A complete list of eligible training providers for the H-1B grant will be provided to the successful applicant prior to contract finalization. The use of individual training accounts is not required for H-1B grant participants. About 40% of the participants receiving training services from the H-1B grant will be co-enrolled to receive on-the-job training through WIOA Title I programs. All co-enrolled individuals will meet the priority of service requirements (i.e. low income or basic skills deficient.)

The only training service available to CAREER NDWG participants is On-the-Job Training. These participants may be co-enrolled in other funding sources for classroom training if doing so enhances their ability to achieve the goal of obtaining and maintaining self-sufficient employment.

#### Work Elements of the Career & Training Services component

- Timely enrollment of certified-eligible applicants in the program(s) for which they have been determined eligible.
- Provision of each of the specified services for applicable grants, using a case management approach, which may include referral to other agencies providing the activity.
- Deployment of sufficient career specialist staff to provide services to eligible persons
- Use of assessment information and counseling sessions to determine the most appropriate approach to obtain employment for an individual leading to economic self-sufficiency.
- Coordinating the provision of training services which includes payment of ITAs, OJT reimbursements, and, when necessary, supportive service payments to individual participants
- Entering amounts obligated and paid for training and supportive services in the SC Works Online Services System (SCWOS) Advanced Individual Funds Tracking (AIFT) module.
- Ensuring that ITAs are issued for only those training options that are listed on the Statewide List of Eligible Training Providers (ETPL) or as provided by the H-1B Rural Healthcare Grant. The ETPL can be accessed online at [PATH](#). The eligible training providers' list is established to maximize customer choice and aid the individual in making an informed decision about his/her training. All customer choices are subject to any restrictions placed on specific courses by the Pee Dee Workforce Development Board.
- Ensuring payments are only made for eligible program participants.
- Ensuring payments are made for participants who meet the LWDA's satisfactory process described in LWDA Instruction Number [11-013 Change 1](#).
- Ensuring payments are made for participants who receive training in the six targeted high demand occupations and their relevant occupational sectors described in Pee Dee LWDA Instruction WIOA [17-001](#).
- Ensuring payments made for sponsorship at four-year institutions meet the criteria established by the Pee Dee WDB as described in Pee Dee LWDA Instruction WIOA-[10-013 Change 1](#)
- Ensuring the \$5,500 yearly and \$14,000 lifetime ITA limitation is not exceeded.

- Ensuring issuance of reimbursements to eligible training providers, OJT employers, and supportive service vendors or individual participants when necessary.
- Ensuring supporting documentation is maintained for all funds disbursed and that real-time reporting of obligations and expenditures is available to the LWDA upon request.
- Ensuring that at least 40% of the contractor's WIOA Title I and dislocated worker funding is spent directly on participants. In the State of South Carolina, the Governor has set aside money from CARES Act funding to support jobseekers' pursuit of short-term training at the State's technical colleges. Therefore, the applicant will want to consider how it can maximize its use of WIOA funds to provide supportive services and work-based learning opportunities to eligible participants.

### *Business Services*

Serving the needs of employers is a principle focus for WIOA and Pee Dee WDB, as employers are a primary customer with the continued need to find and hire candidates. The contractor/subgrantee will be required to participate in a business service delivery system coordinated by the PDRCOG's Business and Industry Coordinator.

WIOA emphasizes Sector Partnerships as a key method to engage businesses in the design of workforce services, including education available through public schools, colleges, and universities with the goal that education agencies and career centers understand and delivery training, education, credentials and guidance to provide defined career pathways into targeted industry sectors. These sectors must also be aligned with economic and business development efforts to maximize effectiveness. The contractor/subgrantee is expected to participate in efforts to develop and support sector partnerships.

The contractor/subgrantee will be expected to participate in the provision of Rapid Response Services under the leadership of the Business and Industry Coordinator and State staff, when necessary. Rapid Response Services, as mandated by USDOL, are services delivered to businesses and employees of companies that are experiencing downsizing through layoffs or closure and may have also been impacted by a Worker Adjustment & Retraining Notification (WARN) issued by the state of South Carolina.

### *SC Works Center Operations Component*

Under the leadership of the Pee Dee Regional Council of Governments' Workforce System Coordinator, the Contractor/subgrantee will serve as the Operator of the SC Works Centers, provide day-to-day operations of the Centers, provide functional supervision for all Center staff, and ensure that customer and staff complaints are addressed in a timely manner. The System Coordinator's primary responsibilities are strategic, while the Operator's responsibilities are primarily operational.

The One-Stop Operator is prevented from engaging in the following activities:

- Convening system stakeholders to assist in the development of the local plan
- Preparing and submitting local plans as required under sec 107 of WIOA
- Oversight of itself as the One-Stop Operator
- Participating in the competitive procurement for selection of the One-Stop Operator, as well as the selection or termination of the One-Stop Operator, Career Services or Youth Providers

- Negotiating local performance accountability measures
- Developing or submitting the budget for activities of the local Workforce Development Board

As the Contractor/subgrantee serves as One-Stop Operator and Service Provider, the following firewalls are in place to address this:

- The Pee Dee Workforce Development Board Bylaws state that the WDB has sole authority for the oversight, monitoring, and evaluation of performance of the duties performed by the One-Stop Operator and Service Provider
- WDB will support creation of an environment of impartiality to ensure fairness and equitable distribution of referrals, resources and resource deployment (as it relates to space allocation, resource sharing agreements), grievance procedures, and shared/common policies and procedures. These activities will be retained by or conducted under the direct supervision of staff assigned to the Pee Dee Workforce Development Board.

#### Work Elements of the SC Works Operations Component

In accordance with SC Works Certification Standards:

- Provides day-to-day “functional supervision” of SC Works Center staff
- Provides day-to-day oversight of SC Works facilities, including layout, maintenance and emergency procedures
- Establishes, communicates, and enforces SC Works Center policies and procedures
- Develops and implements a staff development plan that includes information sharing, project management, team building, and ensures that staff has skills and knowledge of partner services to effectively delivery quality services
- Implements a process to operate Centers in an effective and efficient manner
- Creates a high-performance work environment through the development and promotion of functional and cross-functional teams
- Establishes and communicates specific and measurable performance standards in conjunction with the WDB, Consortium and input from partner staff regarding their own performance standards
- Uses performance information to measure the effectiveness of the SC Works delivery system and to implement any required continuous improvement activities
- Develops continuous improvement processes to respond to immediate operational needs while ensuring that short-term actions support long-term objectives
- Ensures quality service delivery to customers with special needs
- Establishes and enforces Pee Dee policies that define operations such as hours of operation, data confidentiality, service delivery, proper equipment use, health and safety, office closings, and emergencies.
- Maintains knowledge of partner program policies and procedures that affect service delivery in order to ensure programmatic and statutory compliance
- Establishes and maintains an environment that encourages innovative approaches and incorporates new technologies to meet customers’ needs
- Conducts community outreach, to include the use of the print, radio/television, and social media, as well as making presentations about the local SC Works system and services for civic and community organizations

- Implements and maintains a service delivery system that meets the needs of the job seeker customers
- Conducts and/or coordinates a robust schedule of workshops for the system and that are available to all customers in the local area, to include virtual workshops
- Ensures that content is continually uploaded to the SC Works Pee Dee YouTube Channel
- Develops and implements procedures that facilitate efficient customer flow through career and training services
- Maintains a system to address customer feedback regarding service delivery and make improvements as needed
- Establishes and maintains an effective service recovery procedure that addresses customer complaints in a timely and efficient manner
- Develops and implements a new employee orientation procedure to acclimate new partner employees to site procedures and policies
- Assess the service delivery needs of the SC Works System to determine the number and type of staff required to accomplish those needs and coordinates with the Pee Dee Workforce System Coordinator to address the identified staffing needs
- Assesses and ensures the adequate supply of equipment tools, materials, supplies, and assistive technologies
- Safeguards equipment purchased with grant funding and listed on the LWDA's inventory records and provides periodic verification of the location of those items at the LWDA's request.
- In collaboration with the SC Works System Coordinator, ensures that system/centers are physically and programmatically accessible in accordance with the standards prescribed by the American's with Disabilities Act (ADA) and equal opportunity (EO) provisions.
- Maintains a thorough knowledge of the terms of the building lease in order to ensure compliance and acts as a liaison to the landlord



## PART V: SCOPE OF WORK FOR NEXTGEN ACTIVITIES

The following NextGen activities are available for proposers:

### **Case Management Services (includes eligibility, case management, follow-up)**

The Pee Dee WDB is seeking a single contractor/subgrantee for the region to provide services to youth in the Pee Dee Area. The LWDA is seeking to provide services primarily to out-of-school youth. However, an applicant may propose to invest up to 20% of its budget on in-school youth.

All youth who receive services under Title I of WIOA must be determined eligible to receive such services. The Contractor/subgrantee will complete the WIOA Program Application utilizing the SC Works Online Services system (SCWOS) WIOA Application. The following eligibility items shall be documented at the time of application/eligibility determination:

1. Social Security Number
2. Citizenship/Alien Status
3. Residency
4. Birth date/age
5. Selective Service registration for males 18 and older born after 1959
6. Family size
7. Family income
8. Cash Public Assistance
9. Food Stamps
10. Education Status
11. Disability
12. Publicly Supported Foster Child

An out-of-school youth (OSY) is an individual who is:

1. Not younger than 16 or older than age 24 at time of enrollment;
2. Not attending any school (as defined under State law), (but can be attending an Adult Education program, YouthBuild, or Job Corps);
3. AND meets one or more of the following barriers-
  - a. A school dropout;
  - b. A youth who is within the age of compulsory school attendance, but has not attended school for at least the most recent complete school year calendar quarter (9 weeks);
  - c. A LOW INCOME individual who is the recipient of a secondary school diploma or its recognized *equivalent and IS BASIC SKILLS DEFICIENT OR AN ENGLISH LANGUAGE LEARNER*;
  - d. An individual who is subject to juvenile or adult justice system;
  - e. A homeless individual, a homeless child or youth, a runaway, in foster care or has aged out of the foster care system, a child eligible for assistance under section 477 of the Social Security Act, or an individual who is in an out-of-home placement;
  - f. An individual who is pregnant or parenting;
  - g. A youth with a disability;

- h. *A LOW-INCOME individual who requires additional assistance to enter or complete an educational program or secure or hold employment.*

Work Elements of Eligibility Component

- Formally determine whether applicants for services under Title I of WIOA are eligible to receive such services in accordance with the Act. Such determination will be made by use of the SC Works Online Services (SCWOS) WIOA Application and will be supported by the appropriate documents scanned into SCWOS.
- The provider shall be financially liable for erroneous eligibility determinations and certifications. Such disallowed costs must be reimbursed to Pee Dee Regional Council of Governments from non-WIOA funds.

WIOA Youth Services activities will be provided year-round. Services will be provided utilizing a case management approach to promote continuous educational achievement, workforce readiness skills and citizenship and leadership skills.

The selected applicant will utilize the following guidelines in its program design:

1. Develop an Individualized Services Strategy for each out-of-school youth participant that meets the requirements of the Workforce Innovation and Opportunity Act, Section 129(c)(1)(B), including identifying any employment goals and appropriate achievement objectives that take into account the assessment results of each youth.
2. Provide high quality services for youth beginning with career exploration and guidance, continued support for education attainment, opportunities for skills training in in-demand industries and occupations and culminating with jobs along a career pathway or enrollment in post-secondary education.
3. Provide customer-focused services based on the needs of the individual participant. This includes the creation of career pathways for youth, connected to the youth's individualized service strategy.
4. Market skilled youth as an asset to employers. Employers are critical partners that provide meaningful growth opportunities for youth through work experiences that give them the opportunity to learn and apply skills in a real world setting and ultimately jobs that young people are ready to fill given the opportunity.
5. Increase focus on serving out-of-school youth and those most in need, an emphasis on the needs of individual participants, and the prioritizing of connections with employers, especially through work experience opportunities.
6. Ensure that at least 25 percent of funds be spent on work experience. Program expenditures on the work experience program element include participant wages as well as staffing cost for the development and management of work experience.
7. Incorporate career pathways into both the objective assessment and the development of the Individualized Service Strategy. The Individualized Service Strategy must be directly linked to one or more of the Youth Services performance indicators.
8. WIOA requires that the youth program functions as a required partner of the SC Works System.

The proposal must address each of the fourteen youth services elements listed below. Based upon the needs of the individual, observations of the case management staff and recommendations of the comprehensive assessment, the case manager will have the discretion to incorporate one or more of the elements listed below into the plan of service for customers participating in the Youth Services program. The contractor/subgrantee will offer the youth program elements either by offering the elements directly or coordinating the activity through a referral to another agency or program. Workforce Innovation and Opportunity Act funds should not be used to duplicate services already available in the area. Not every eligible youth will require every service. The contractor/subgrantee will have the discretion to determine which specific service will be provided to youth participants based on each participant's comprehensive assessment and Individualized Service Strategy.

1. **Tutoring, study skills training, instruction and evidence-based dropout prevention and recovery strategies** that lead to completion of the requirements for a secondary school diploma or its recognized equivalent certificate of attendance or similar document for individuals with disabilities or for a recognized post-secondary credential.
2. **Alternative secondary school services, or dropout recovery services**, as appropriate.
3. **Paid and unpaid work experience that have academic and occupational education as a component of the work experience:** Summer Employment, Pre-Apprenticeship Programs, Internships and Job Shadowing, On-the-Job Training Opportunities.
4. **Occupational skills training**, which includes priority consideration for training programs that lead to recognized credentials that are aligned with in-demand industry sectors or occupations in the local area. Occupational skills training includes training ordinarily conducted in an institutional setting and designed to provide individuals with technical skills and information required to perform a specific job or groups of jobs.
5. **Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster.**
6. **Leadership development opportunities**, including community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, such as: exposure to post-secondary education possibilities, community and service learning projects, peer-centered activities, including peer mentoring and tutoring, organizational and team work training, including team leadership training, training in decision-making, including life skills training such as parenting and work behavior training, civic engagement activities which promote the quality of life in the community, and other leadership activities that place youth in a leadership role.
7. **Supportive services** for youth as defined in the Workforce Innovation and Opportunity Act are services that enable an individual to participate in Workforce Innovation and Opportunity Act activities. These services include but are not limited to the following: linkages to community services, assistance with transportation, assistance with housing, needs-related payments, books, educational fees and supplies, reasonable accommodations for youth with disabilities, referrals to health care, and assistance with uniforms or other appropriate work attire and work-related tools, including such items as eyeglasses and protective eye gear.
8. **Adult mentoring** for duration of at least 12 months that may occur both during and after program participation. The activity must be a formal relationship between a youth participant and an adult mentor that includes structured activities where the mentor offers guidance, support, and encouragement to develop competence and character of

the mentor. Mentoring may include workplace mentoring where the contractor/subgrantee matches a youth participant with an employer and employee of a company.

**9. Follow-up services for not less than 12 months after the completion of participation.**

All youth participants must receive some form of follow-up services for a minimum duration of 12 months. Follow-up services may be provided beyond 12 months at the State's and Local Board's discretion. The types of services may differ for each participant. However, follow-up services must include more than only a contact attempt or made for securing documentation in order to report a performance outcome.

**10. Comprehensive guidance and counseling,** which may include drug and alcohol abuse counseling, as well as referrals to other forms of counseling, as appropriate to the needs of the individual youth.

**11. Financial literacy education:** The financial literacy component element includes activities which help participants to gain the knowledge, skills, and confidence to make informed financial decisions that enable them to attain greater financial health and stability by using high quality, age appropriate, and relevant strategies and channels, including, where possible, timely and customized information, guidance tools and instructions.

**12. Entrepreneurial skills training:** Entrepreneurial skills training provides the basics of starting and operating a small business. Such training must develop the skills associated with entrepreneurship, such as the ability to take initiative; creatively seek out and identify business opportunities; develop budgets and forecast resource needs; understand various options for acquiring capital and the trade-offs associated with each option; communicate effectively and market oneself and one's ideas.

**13. Services that provide labor market and employment information about in-demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services.**

**14. Activities that help youth prepare for and transition to post-secondary education and training.**

The foundation of the region's youth development system is a network of partners that share information and work together to achieve a common goal. It is the intent of the United States Department of Labor, as well as the Pee Dee Workforce Development Board, that Workforce Innovation and Opportunity Act activities are coordinated with other providers of youth services within the region. These partners include the SC Works Centers, local school districts, community-based organizations, post-secondary educational institutions, local and regional law enforcement agencies, alcohol and drug abuse prevention program, Job Corps, the Department of Social Services, Vocational Rehabilitation, local housing authorities, employers and other youth-oriented organizations and agencies.

#### Other Considerations Related To Youth Programs

#### **Concurrent Enrollment**

Eligible youth for the Pee Dee LWDA are 16 through 24 years of age. Adults are defined in the Act as individuals age 18 and older. Thus, youth ages 18-24 may be eligible for both adult and youth programs. Eligible individuals who are 18 through 24 years old may participate in adult and youth programs concurrently. The Contractor/subgrantee should determine for individuals in

this age group the appropriate level and balance of youth and adult services and coordinate services with the adult/dislocated worker Contractor/subgrantee, as necessary to ensure the best mix of services for the individual.

Youth may also be co-enrolled in the H-1B Grant or CAREER NDWG, provided that he/she meets the eligibility criteria for all programs in which services will be provided. It is important to note that out-of-school youth presently enrolled in adult education programs are eligible for the WIOA Title I youth program but are not eligible for the H-1B Grant.

### **Eligible Training Providers**

Occupational skills training, one of the fourteen elements, must be provided by an approved training vendor. The new ETPL system, Palmetto Academic and Training Hub (PATH) is accessible in the SC Works Online Services System. It may be accessed by going to <https://scpath.org/> to view all approved providers and/or programs.

For the H-1B Grant, funding can only pay for training at designated publicly funded training providers, such as the technical colleges. A list of eligible training providers for the H-1B Grant will be provided during negotiations and in preparation for contract finalization.

### **Basic skills Development**

The LWDA will not pay for developmental studies at technical colleges. The subgrantee may fund basic skills upgrading through its resource lab or at adult education. If a participant desires to upgrade their basic skills through developmental courses offered at their chosen institution, they will be required to use other sources of funding and will be considered to be enrolled in partner-funded training.

## **PART VI: EVALUATION CRITERIA**

The Executive Committee of the Workforce Development Board and its designees will consider the following information in determining the appropriateness of funding proposals:

1. Adequate financial resources or the ability to obtain them;
2. The ability to meet program design specifications at a reasonable cost, as well as the ability to meet performance goals;
3. A satisfactory record or past performance (in the area for which the application is being made);
4. The ability to provide services that can lead to the achievement of economic self-sufficiency;
5. A satisfactory record of integrity, business ethics, and fiscal accountability, including
  - The agency's efforts to recover debts
  - The absence of fraud or criminal activity of a significant nature
  - The absence of serious administrative deficiencies, such as failure to maintain a financial management system
  - Compliance with the requirements of OMB Uniform Guidance, to include audit requirements
  - Timely reconciliation of findings or questioned costs resulting from audits or monitoring
  - Provision of services to applicants as agreed to in previous contracts
  - Timely and accurate submission of required reports
  - Proper reporting and disposal of government property
6. The necessary organization, experience, accounting, and operating controls; and
7. The technical skills to perform the work.

## **Evaluation Panel Briefing**

The Chairperson of the Workforce Development Board (WDB), or her designee, will address each of the following areas with the review panel before the evaluation process begins.

1. **Conflict of Interest** – Does any member of the panel have conflict of interest by sitting on the evaluation panel? The following are examples of conflicts of interest: (1) Part ownership in or employment with a company; (2) Family member works for or has part ownership in company; and/or (3) any other reason a member of the evaluation panel cannot give an impartial decision.
2. **Independent Evaluation** – Each member of the evaluation panel must score each proposal independently. Members may not confer with each other in determining a score and no two proposals can be compared to each other for the purposes of determining scores.
3. **Rating Structure** – The evaluation points for each award criteria will be assigned before the evaluation process begins.
4. **Documentation of Scoring** – Each member of the evaluation panel must support their reasoning with appropriate documentation and explanation.
5. **Oral Presentation** – The panel may feel that an oral presentation is necessary to reach final decision.
6. **Protest Hearing** – All decisions made by the panel are subject to protest. Each member and/or the whole panel may be called upon to explain or defend each rating.
7. **Confidentiality** – Anything discussed during the whole evaluation process is to be considered confidential.

## EVALUATION CRITERIA

**The criteria which will be used to evaluate applicants' proposals for COMPREHENSIVE WORKFORCE SERVICES are listed below, along with their point values. An application must receive an aggregate score of 70 from the Executive Committee in order to be considered for funding.**

**Applicant:** \_\_\_\_\_

**Point Values: 0 – No**

**3 – Somewhat**

**5 - Yes**

Criterion		0	3	5
<b>A.</b>	<b>Program Design Considerations (up to 35 points)</b>			
1.	Does the applicant propose an innovative and cost-efficient strategy for delivering services and operating the local SC Works System in the six-county Pee Dee Region, to include effective outreach, provision of workshops, utilization of virtual services, expansion of work-based learning and strengthening employer relations?			
2.	Has the applicant, through letters of support from community organizations, demonstrated that it has established relationships that will enable it to arrange appropriate services to assist participants in their efforts to become self-sufficient?			
3.	Does the applicant demonstrate in its response that it has the capability to provide career services as outlined in the request for proposals?			
4.	Is the applicant's plan for monitoring participant progress acceptable?			
5.	Does the applicant propose a number of participants consistent with anticipated funding availability and its proposed level of staffing?			
6.	Does the applicant present an acceptable plan for job development which includes participation in the local area's Business Services System as outlined in the RFP?			
7.	Does it appear that the applicant's workforce development service vision and commitment to customer service and continuous improvement result in satisfactory operation of SC Works Pee Dee centers? Is it clear that the applicant is capable of providing day-to-day functional supervision and oversight of the facilities, in addition to creating a high-performance work environment among the partners in the center?			



<b>Total Points – Section A</b>				
<b>B.</b>	<b>Applicant's Qualifications (up to 25 points)</b>			
1.	Does the applicant have previous experience offering employment and training programs designed to help individuals achieve self-sufficient employment?			
2.	Does the applicant have previous experience in managing or operating workforce centers or similar entities?			
3.	Is the required education and experience of the applicant's proposed staff sufficient to enable the applicant to meet the goals of case management? Has existing staff participated in workshops, conferences, seminars, professional organizations and/or other activities to stay current? Has the applicant indicated that its proposed employees have received certification as Career Development Facilitators or indicated its willingness to ensure that proposed staff obtains this certification?			
4.	Does the applicant include a current organizational chart and job descriptions for all budgeted staff?			
5.	Does the applicant include at least three completed and favorable reference forms from entities for which it has performed similar work?			
<b>Total Points – Section B</b>				
<b>C.</b>	<b>Fiscal and Compliance (up to 20 points)</b>	<b>20</b>		
1.	Does the applicant's response demonstrate it has the ability to properly safeguard federal funds?			
2.	Are there documented instances of the applicant's significant failure to comply with audit, monitoring, or reporting requirements that have been ongoing for two or more consecutive years? For current service providers, did the most recent programmatic monitoring of the Local Workforce Development Area or the State Administrative Entity require correction by the applicant? If yes, has improvement been realized in those areas and/or was the plan of correction acceptable?			

3.	Are there documented instances of the applicant's history being characterized by administrative deficiencies and/or disallowed costs?			
4.	Does the applicant describe its ability to repay disallowed costs if such disallowances are made in the monitoring or audit of the contract? Does the availability of this source and the amount provide the security the Workforce Development Board needs to contract with the entity?			
<b>Total Points – Section C</b>				
<b>D.</b>	<b>Performance (Up to 15 points)</b>			
1.	Has the applicant clearly outlined that they can achieve the expected program outcomes?			
2.	Based on historical performance shared by the applicant, does the applicant have successful experience in providing activities that are considered WIOA services to the eligible population through WIOA or other federal, state, local, or private funding sources? For applicants who have been awarded previous contracts with the Workforce Development Board, do the results of the applicant's most recent contract(s) demonstrate successful performance?			
3.	Has the applicant demonstrated successful job development strategies, counseling, and case managing techniques as evidenced by successful placement, monitoring, and customer satisfaction?			
<b>Total Points – Section D</b>				
<b>E.</b>	<b>Budget and RFP Responsiveness (Up to 5 points)</b>			
1.	Were the budgets detailed and accompanied by budget narratives? Does the application conform to the requirements of the RFP? Is the response complete with the items requested? Is there internal consistency of the information presented? Is the abstract clear and concise?			
<b>Total Points – Section E</b>				
<b>Total Points – All Sections</b>				

Reviewer:\_\_\_\_\_

Date:\_\_\_\_\_

## EVALUATION CRITERIA

**The criteria which will be used to evaluate applicants' proposals for NEXTGEN SERVICES are listed below, along with their point values. An application must receive an aggregate score of 70 from the Executive Committee in order to be considered for funding.**

**Applicant:** \_\_\_\_\_

**Point Values: 0 – No**

**3 – Somewhat**

**5 - Yes**

Criterion	0	3	5
<b>A. Program Design Considerations (up to 35 points)</b>			
1. Does the applicant demonstrate in its response that it has the capability to provide quality youth services as outlined in the request for proposals?			
2. Has the applicant, through letters of support from community organizations, demonstrated that it has established relationships that will enable it to arrange appropriate services to assist participants in their efforts to become self-sufficient?			
3. Are the applicant's plans to incorporate career pathways into the provision of services to youth acceptable?			
4. Is the applicant's plan for monitoring participant progress acceptable?			
5. Does the applicant propose a number of participants consistent with anticipated funding availability and its proposed level of staffing?			
6. Does the applicant have the capability to provide each of the fourteen elements required of local youth training programs? Does the applicant present an acceptable plan for job development which includes participation in the local area's Business Services System as outlined in the RFP?			
7. Does the applicant present an innovative plan to recruit "out-of-school" youth for the program?			
<b>Total Points – Section A</b>			
<b>B. Applicant's Qualifications (up to 25 points)</b>			
1. Does the applicant have previous experience offering employment and training programs designed to help			

individuals achieve self-sufficient employment or placement in post-secondary education or the military?			
2. Does the applicant have previous experience offering programs designed to increase the educational functioning levels of youth?			
3. Is the required education and experience of the applicant's proposed staff sufficient to enable the applicant to meet the goals of case management? Has existing staff participated in workshops, conferences, seminars, professional organizations and/or other activities to stay current? Has the applicant indicated that its proposed employees have received certification as Career Development Facilitators or indicated its willingness to ensure that proposed staff obtains this certification?			
4. Does the applicant include a current organizational chart and job descriptions for all budgeted staff?			
5. Does the applicant include at least three completed and favorable reference forms from entities for which it has performed similar work?			
<b>Total Points – Section B</b>			
<b>C. Fiscal and Compliance (up to 20 points)</b>	<b>20</b>		
1. Does the applicant's response demonstrate it has the ability to properly safeguard federal funds?			
2. Are there documented instances of the applicant's significant failure to comply with audit, monitoring, or reporting requirements that have been ongoing for two or more consecutive years? For current service providers, did the most recent programmatic monitoring of the Local Workforce Development Area or the State Administrative Entity require correction by the applicant? If yes, has improvement been realized in those areas and/or was the plan of correction acceptable?			
3. Are there documented instances of the applicant's history being characterized by administrative deficiencies and/or disallowed costs?			

4. Does the applicant describe its ability to repay disallowed costs if such disallowances are made in the monitoring or audit of the contract? Does the availability of this source and the amount provide the security the Workforce Development Board needs to contract with the entity?			
<b>Total Points – Section C</b>			
<b>D. Performance (Up to 15 points)</b>			
1. Has the applicant clearly outlined that they can achieve the expected program outcomes?			
2. Based on historical performance shared by the applicant, does the applicant have successful experience in providing activities that are considered WIOA services to the eligible population through WIOA or other federal, state, local, or private funding sources? For applicants who have been awarded previous contracts with the Workforce Development Board, do the results of the applicant's most recent contract(s) demonstrate successful performance?			
3. Has the applicant demonstrated successful job development strategies, counseling, and case managing techniques as evidenced by successful placement, monitoring, and customer satisfaction?			
<b>Total Points – Section D</b>			
<b>E. Budget and RFP Responsiveness (Up to 5 points)</b>			
1. Were the budgets detailed and accompanied by budget narratives? Does the application conform to the requirements of the RFP? Is the response complete with the items requested? Is there internal consistency of the information presented? Is the abstract clear and concise?			
<b>Total Points – Section E</b>			
<b>Total Points – All Sections</b>			

Reviewer: \_\_\_\_\_

Date: \_\_\_\_\_

**PART VII**  
**Pee Dee Local Workforce Development Area**  
**Attachments**

Attachment A	WIOA Terms and Conditions
Attachment B	H-1B Terms and Conditions
Attachment C	Evidence of Signatory Authority
Attachment D	Lobbying Certification
Attachment E	Debarment and Suspension Certification
Attachment F	Budget Template

PART III

TERMS AND CONDITIONS

3.0 LEGAL AUTHORITY

- 3.0.1 The persons signing this Contract Agreement on behalf of the parties warrant and guarantee their full authorization to execute the Contract Agreement and to legally bind the parties to all the terms, performance requirements, and provisions set forth.

3.1 AWARDING ENTITY

- 3.1.1 As the awarding entity, the Pee Dee Regional Council of Governments (PDRCOG), has the following oversight responsibilities:
- Providing technical assistance, as requested by the Contractor or deemed necessary by PDRCOG;
  - Conducting programmatic and financial monitoring of the Contract project;
  - Ensuring compliance with WIOA Public Law 113-128 and implementing Federal regulations, the OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200), as well as State laws and policies applicable to the Contract Agreement;
  - Disbursing funds to the Contractor to pay for allowable expenses or services provided in accordance with applicable State and Federal laws upon receipt of proper supporting documentation of disbursement amounts previously drawn down; and
  - Evaluating the Contractor against specific deliverables and performance requirements as outlined in Part I – Program Statement of Work.

3.2 FINANCIAL SYSTEM AND REPORTING

- 3.2.1 The Contractor is responsible for developing and implementing procedures and standards for reporting financial, programmatic, and customer information in the required timeframes and using the systems and formats specified by PDRCOG.
- 3.2.2 The Contractor shall maintain fiscal records and supporting documentation for all expenditures of funds under the Contract Agreement. The Contractor must provide adequate, qualified staff to prepare required reports. Proper internal controls are required to ensure separation of duties.
- 3.2.3 Costs incurred by the Contractor prior to the start date specified in the Contract Agreement are incurred at the Contractor's own expense. Prior authorization for pre-award spending must be obtained from SC Department of Employment and Workforce (DEW) and the US Department of Labor before any costs are incurred.
- 3.2.4 Payment by PDRCOG of Indirect Costs incurred requires the Contractor to submit its approved Indirect Cost Rate or Acceptance of Certification of Indirect Costs from its

cognizant agency upon receipt. If 1 is the cognizant agency for the contract recipient, an Indirect Cost Rate proposal must be submitted to DEW no later than 180 days after the June 30 fiscal year end. Failure to do so may result in the disallowance of indirect costs. DEW may either disallow all indirect costs or establish a rate based upon audited historical data or such other data that have been furnished to DEW for indirect costs. (2 CFR Part 200.415(b)(2))

- 3.2.5 The Contractor is required to submit a Financial Status Report (FSR) on a monthly basis. Reports must be submitted no later than the 10<sup>th</sup> of the following month. Expenditure data is reported cumulatively through the end of each reporting period on an accrual basis.
- 3.2.6 A Request for Payment must be submitted each time the Contractor wishes to draw down funds, along with proper supporting documentation of disbursements previously drawn down. The Contractor may request funds in advance to cover upcoming cash expenditures and accruals to be paid within a short period of receipt of funds (usually within three (3) business days). The Contractor's cash needs must be projected to ensure that funds are received as close as possible to the time of actual disbursement in accordance with 2 CFR Part 200.305. Cash on hand should be limited to the amount needed for immediate disbursement.
- 3.2.7 The Contractor will submit a complete Contract Closeout Report to PDRCOG no later than forty-five (45) calendar days after the contract end date. DEW will supply the closeout forms and instructions prior to contract expiration.

### 3.3 RECORDKEEPING

- 3.3.1 PDRCOG, and any of its authorized representatives, must have timely and reasonable access to all Contractor records and personnel related to the Contract Agreement for the purpose of inspection, investigation, monitoring, auditing, evaluation, interview, and discussion. Further, PDRCOG and any of its authorized representatives, have the right to copy all records pertaining to the Contract Agreement.
- 3.3.2 The Contractor shall comply with requirements for custody and retention of records as set forth in 2 CFR Part 200, as applicable. Records must be retained for no less than three years after submittal of the Contract Agreement closeout to PDRCOG or the last request for contract records during an audit, whichever is most recent. If any litigation, claim, or audit is started before the expiration of the 3-year period, the records must be retained until all litigation, claims, or audit findings involving the records have been resolved and final action taken (2 CFR Part 200.333).
- 3.3.3 The Contractor assures it will comply with Federal and State laws and guidelines for the handling and protection of Personally Identifiable Information, including but not limited to 2 CFR Part 200.79 and US Department of Labor Training and Employment Guidance Letter 39-11, *Guidance on the Handling and Protection of Personally Identifiable Information (PII)*, located at [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=7872](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872).



- 3.3.4 The Contractor agrees to maintain the confidentiality of any information that identifies or may be used to identify any contract and benefit participants. The Contractor shall not disclose or re-disclose any employer or personally identifying information of the subject of the information unless permitted by law.
- 3.3.5 All releases of information shall be in accordance with State and Federal law, regulations and guidelines, including but not limited to S.C. Code Ann. § 41-29-160; the Family Privacy and Protection Act (S.C. Code Ann. § 30-2-10 et al), 20 CFR 603, and IRS Publication 1075.

#### 3.4 PROCUREMENT

- 3.4.1 The Contractor must have written procedures for procurement transactions that comply with State regulations. Procedures may reflect applicable local laws and regulations, provided they conform to applicable Federal law and the standards identified in 2 CFR Parts 200.318 through 200.326.
- 3.4.2 Procurement standards must ensure fiscal accountability and prevent waste, fraud, and abuse. The Contractor will conduct procurement in a manner that provides full and open competition consistent with the standards of 2 C.F.R Part 200.319.

#### 3.5 ADDITIONAL CONDITIONS AND ENFORCEMENT

- 3.5.1 The Contractor acknowledges and accepts that special additional conditions may be unilaterally imposed by PDRCOG in accordance with 2 CFR 200.207. Such conditions may be imposed if the Contractor demonstrates one or more of the following conditions:
- a history of unsatisfactory performance;
  - financial instability;
  - management system(s) that do not meet standards prescribed in 2 CFR 200.300 et seq.;
  - noncompliance with terms and conditions of previous Federal awards or sub awards;
  - absence of responsibility disclosed as a result of ongoing evaluation of risk by DEW conducted in accordance with 2 CFR 200.331(b);
  - reports and findings from audits performed under 2 CFR Subpart F – Audit Requirements of this part or the reports and findings of any other available audits; and/or
  - inability to effectively implement statutory, regulatory, or other requirements.
- 3.5.2 If PDRCOG determines that a contract award will be made or continued, special provisions shall address the condition identified and shall be included in the award. Such provisions may include but are not limited to:
- requiring payments on a reimbursement basis;
  - withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
  - requiring additional, more detailed financial reports;

- requiring additional project monitoring;
- requiring the Contractor to obtain technical or management assistance and to implement corrective actions; and/or
- establishing additional prior approval.

PDRCOG will notify the Contractor regarding the nature and reason for implementing any of the above special provisions.

3.5.3 Failure to comply with any provision of the Contract Agreement, or any applicable law or regulation, may subject the Contractor to additional enforcement actions that are determined by DEW to be appropriate under the circumstances. Such enforcement actions include but may not be limited to:

- requiring special award provisions as stated above;
- temporarily withholding cash payments pending correction of identified deficiencies, as identified in 2 CFR 200.338;
- disallowing cost (and, if appropriate, applicable matching credit) for any claim or action made that is not in compliance and require appropriate repayment or financial adjustment;
- suspending the contract award, in whole or in part, pending corrective action;
- terminating the contract award, in whole or in part;
- withholding further awards for the project or program;
- recommending to appropriate Federal officials that suspension or debarment proceedings be initiated as authorized under 2 CFR 180; and/or
- taking other remedies that may be legally available. (See 2 CFR 200.338.)

3.5.4 The Contract Agreement may be immediately terminated by PDRCOG in whole or in part for cause or noncompliance whenever such non-compliance is material and in the best interest of the Contractor, PDRCOG, DEW, or the US Department of Labor.

3.5.5 Appeals regarding monitoring findings and/or enforcement actions may be appealed as follows:

1. Within 14 days of receipt of the final monitoring determination or notice of enforcement action, a written appeal may be made to the Pee Dee Workforce Development Board (PDWDB).
2. The PDWDB will issue a written decision within 30 days.
3. If dissatisfied with the decision, a written appeal may be made to the State Workforce Development Board (SWDB) within 14 days of receipt of decision.
4. The Chair will designate the Executive Committee or an Ad Hoc Committee of at least five SWDB members to hear the appeal.
5. The SWDB will hear the appeal and render a decision within 60 days.
6. The Contractor will be notified in writing of the SWDB's decision within 20 days.

3.5.6 Appeal requests made to the SWDB must be submitted in writing as follows:

South Carolina Department of Employment and Workforce

3.6 CHANGES AND AMENDMENTS

- 3.6.1 Any alterations, additions, or deletions to the terms of the Contract Agreement which are required by changes in Federal or State law or regulations are automatically incorporated into the Contract Agreement without written amendment, and shall become effective on the date designated by such law or regulation.
- 3.6.2 Alterations, additions, deletions, or extensions to the terms of the Contract Agreement must be modified in writing and executed by both Parties. Any other attempted changes, including oral modifications, shall be invalid.
- 3.6.3 To ensure effective performance under the Contract Agreement, the Parties agree that PDRCOG may amend requirements in writing during the contract period to interpret or clarify a change in Federal or State law, rules or regulations.

3.7 ASSURANCES

- 3.7.1 As a condition to the award of financial assistance from the US Department of Labor under Title I of WIOA, the Contractor assures that it will comply fully with the following nondiscrimination provisions, equal opportunity provisions, Public Laws and Executive Orders, including but not limited to:
  - A. *WIOA Section 188 (29 CFR, Part 38)*, which provides that no individual may be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of, or in connection with, any program or activity because of race, color, religion, sex (including gender identity, gender expression, and sex stereotyping), national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or participation in a WIOA Title I-financially assisted program or activity;
  - B. *Title VI The Civil Rights Act of 1964 (42 U.S.C. §2000d, et seq.)*, as amended by the *Equal Employment Opportunity Act of 1972*, which prohibits discrimination on the basis of race, color, religion, sex and national origin, and applies to any program or activity receiving Federal financial aid, and to all employers, including state and local governments, public and private employment agencies, and labor organizations;
  - C. *Title VII of the Civil Rights Act*, as amended, which prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment;
  - D. *Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. §794)*, as amended, which prohibits discrimination against qualified individuals with disabilities in all federally-funded programs;

- E. *The Age Discrimination Act of 1975 (42 U.S.C. §6101)*, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance;
- F. *The Americans with Disabilities Act of 1990 (42 U.S.C. §12101)*, as amended, which prohibits discrimination on the basis of physical, sensory, or mental disability or impairment and the ADA Amendments Act of 2008 effective January 1, 2009;
- G. *Title IX of the Education Amendments of 1972 (20 U.S.C. §1681-1688)*, as amended, which prohibits discrimination on the basis of sex in educational programs;
- H. *Title V of the Older Americans Act of 1965 and all regulations that apply to the Senior Community Services Employment Program*, which generally prohibit discrimination under any program funded in whole or in part with Title V funds because of race, color, religion, sex, national origin, age, disability or political affiliation or beliefs;
- I. *Title II of the Genetic Information Nondiscrimination Act of 2008* which prohibits discrimination in employment on the basis of genetic information;
- J. *Executive Order 13279, Equal Protection of the Laws for Faith-based and Community Organizations* (signed December 12, 2002), which prohibits discrimination against contract seeking organizations on the basis of religion in the administration or distribution of Federal financial assistance under social service programs, including grants, contracts and loans;
- K. *Section 508 of the Rehabilitation Act (29 U.S.C. §794d)*, which ensures that individuals with disabilities have comparable access to information and data as do members of the public who are not individuals with disabilities;
- L. *Jobs for Veterans Act (38 U.S.C. §4215)*, which requires recipients to provide priority of service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the US Department of Labor. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. US Department of Labor Training and Employment Guidance Letter 10-09 provides further guidance and can be found at [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=2816](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816);
- M. *P.L. 113-114, Division E, Title VII, Section 743*, which prohibits an entity receiving Federal funds from requiring employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information;
- N. *P.L. 113-114, Division H, Title V, Section 505*, which establishes that when issuing statements, press releases, requests for proposals, bid solicitations and other

documents describing projects or programs funded in whole or in part with Federal money, all recipients receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program, and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

The requirements of this part are separate from those in 2 CFR Part 200 and, when appropriate, both must be complied with.

- O. *Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency (LEP),"* which requires that recipients of Federal financial assistance ensure that programs and activities provided in English are accessible to LEP persons and thus do not discriminate on the basis of national origin;
- P. *Executive Order 13333*, which establishes this agreement may be terminated without penalty, if the Contractor or any subcontractor engages in: (i) severe forms of trafficking in persons; (ii) the procurement of a commercial sex act during the period of time that the contract is in effect; (iii) the use of forced labor in the performance of the contract; or (iv) acts that directly support or advance trafficking in persons. (22 U.S.C. §7104(g));
- Q. *Buy American Notice Requirement*, which provides that in the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds available under WIOA, entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products, as required by the Buy American Act (41 U.S.C. §10a et seq.);
- R. *Executive Order 13043 Increasing Seat Belt Use in the United States (April 16, 1997)*, which provides that recipients of Federal funds are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating vehicles, whether organizationally owned or rented or personally owned;
- S. *Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving (October 1, 2009)*, which provides that recipients of Federal funds are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles, Government-owned, Government-leased, or Government-rented vehicles, or while driving privately-owned vehicles when on official Government business or when performing any work for or on behalf of the Government, and to conduct initiatives of the type described in section 3(a) of the Executive Order;
- T. *Special Requirements for Conferences and Conference Space*. Conferences sponsored in whole or in part by the recipient of Federal awards are allowable if the conference is necessary and reasonable for successful performance of the Federal Award. Recipients are urged to use discretion and judgment to ensure that all conference costs charged to the contract are appropriate and allowable. For more information on

the requirements and allowability of costs associated with conferences, refer to 2 CFR Part 200.432;

- U. The Contractor also assures that it will comply with 29 CFR Part 38, and all other regulations implementing the laws listed above. This assurance applies to the operation of any WIOA Title I financially assisted program or activity, and to all agreements including lease agreements that the Contractor makes to carry out the WIOA Title I financially assisted program or activity. The Contractor understands that the United States has the right to seek judicial enforcement of this assurance, and the State has the authority to withhold funding;
- V. All other applicable State and Federal laws, policies and procedures, including those contained within South Carolina's Methods of Administration for ensuring implementation of the nondiscrimination and equal opportunity provisions as required by 29 CFR Part 38;
- W. The Contractor may not deny services under any contract or subcontract to any person and are prohibited from discriminating against any employee, applicant for employment, or beneficiary because of race, color, religion, sex, national origin, age, physical or mental disability, gender identity, gender expression, sex stereotyping, temporary medical condition, political affiliation or belief, citizenship, or his or her participation in any Federal or State financially assisted program and/or activity; and
- X. The Contractor shall ensure that the evaluation and treatment of employees and applicants for employment are free from discrimination. The Contractor must provide initial and continuing notice that it does not discriminate on any prohibited grounds to applicants for employment and employees (29 CFR §38.29(a)(3). The notice must contain specific wording regarding the prohibited bases and the process for filing a complaint, as required by 29 CFR §38.30.

### 3.8 CERTIFICATIONS

#### 3.8.1 Lobbying (2 CFR §200.450)

- A. No federally appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
- B. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan or

cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

### 3.8.2 Debarment, Suspension, and Other Responsibility Matters

The Contractor agrees to comply with 2 CFR Part 200.213, which states that non-Federal entities and contractors are subject to the non-procurement and debarment and suspension regulations.

### 3.8.3 Drug-Free Workplace (Public Law 100-690)

The Contractor agrees to comply with provisions of 41 U.S.C. §702 in providing a drug-free workplace.

**H-1B Rural Healthcare Grant  
Terms and Conditions**

- Non-Profit Organizations, Educational Institutions, For-profit entities and State, Local, and Indian Tribal Governments – 2 CFR Part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards) and 2 CFR Part 2900 (DOL’s Supplement to 2 CFR Part 200).
- Appeal – This program is authorized under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended (codified at 29 USC 2916a). Therefore, appeal under sections 186 of the Workforce Investment Act or the Workforce Innovation and Opportunity Act is not available.
- All entities must comply with 29 CFR Part 93 (New Restrictions on Lobbying), 29 CFR Part 94 (Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)), 29 CFR Part 180 (OMB Guidance to Agencies on Government-wide Debarment and Suspension (Non-procurement)), and, where applicable, 2 CFR Part 200 (Audit Requirements).
- 29 CFR Part 2, subpart D—Equal Treatment in Department of Labor Programs for Religious Organizations; Protection of Religious Liberty of Department of Labor Social Service Providers and Beneficiaries.
- 29 CFR Part 31—Nondiscrimination in Federally Assisted Programs of the Department of Labor—Effectuation of Title VI of the Civil Rights Act of 1964.
- 29 CFR Part 32—Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance.
- 29 CFR Part 35—Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor.
- 29 CFR Part 36—Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance.
- 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.
- 29 CFR Parts 29 and 30—Labor Standards for the Registration of Apprenticeship Programs, and Equal Employment Opportunity in Apprenticeship and Training, as applicable.
- The Department of Labor will follow the procedures outlined in the Department’s Freedom of Information Act (FOIA) regulations (29 CFR Part 70). If DOL receives a FOIA request for your application, the procedures in DOL’s FOIA regulations for responding to requests for commercial/business information submitted to the government will be followed, as well as all FOIA exemptions and procedures. See generally 5 U.S.C. § 552; 29 CFR Part 70.
- Standard Grant Terms and Conditions of Award—see the following link:  
<https://www.doleta.gov/grants/resources.cfm>.



Block 1: Grantee's Name & Address		Block 2: Grantee's Contact	
Recipient: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Email: _____		Name: _____ Title: _____ Organization: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Email: _____	
<b>Block 3: Individuals Authorized to Sign Checks</b> The individual who signs Block 5 must be the same individual who signs the grant awards and/or NFAs, and must be a higher-ranking official than anyone in Blocks 3 & 4. Please <b>print</b> or <b>type</b> the following information. <b>Note: If changes occur, revise this form and send it to the Pee Dee Regional Council of Governments, P.O. Box 5719, Florence, SC 29502.</b>			
Name: _____ Title: _____ Organization: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Fax: _____ Email: _____  Signature: _____		Name: _____ Title: _____ Organization: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Fax: _____ Email: _____  Signature: _____	
<b>Block 4: Individuals Authorized to Sign Requests for Payment</b>			
Name: _____ Title: _____ Organization: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Fax: _____ Email: _____  Signature: _____		Name: _____ Title: _____ Organization: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Fax: _____ Email: _____  Signature: _____	
<b>Block 5: Signatory Official</b> I certify that the individuals whose signatures appear in Blocks 3 & 4 are authorized to sign checks and requests for payment. I also understand that as the certifying officer, I cannot sign checks or requests for payment unless a waiver has been approved.  Name: _____ Title: _____ Address: _____ _____ Zip Code: _____ Phone: _____ Fax: _____ Email: _____  Signature: _____		<b>Block 6: Miscellaneous Action/Request</b>  <input type="checkbox"/> Change of Address (attach revised W-9 form)  <input type="checkbox"/> Change of Authorized Signer(s)  <b>Block 7: Review of Signatures</b>  _____ Workforce Development Area Department  _____ Date	

**CERTIFICATION REGARDING LOBBYING FOR CONTRACTS, GRANTS, LOANS, AND  
COOPERATIVE AGREEMENTS**

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of Congress; or an employee of a Member of Congress, in connection with the awarding of any federal contract; the making of any federal grant; the making of any federal loan; the entering into of any cooperative agreement; and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan or cooperative agreement.
- (2) If any funds, other than federal appropriated funds, have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency; a Member of Congress; an officer or employee of Congress; or an employee of a Member of Congress, in connection with this federal contract, grant, loan or cooperative agreement, the undersigned shall complete and submit **Standard Form-LLL, "Disclosure Form to Report Lobbying"**, in accordance with its instructions.
- (3) \* The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by **Section 1352, Title 31, U.S. Code**. Any person who fails to file the required certification shall be subject to a civil penalty of **not less than \$10,000 and not more than \$100,000** for each such failure.

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Contract Organization

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Program/Title

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Name of Certifying Official/Title

---

Signature

---

Date

**\*Note:** "All", in the Final Rule, is expected to be clarified to show that it applies to covered contract/grant transactions over \$100,000 (per OMB).

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION,  
INELIGIBILITY AND VOLUNTARY EXCLUSION LOWER TIER COVERED TRANSACTIONS**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 24 CFR Part 85, Section 85.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

*(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS BELOW)*

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principles are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

**Contract Number:** \_\_\_\_\_

**Name of Participant:** \_\_\_\_\_

**Address of Participant:** \_\_\_\_\_

Name and Title of Authorized Representative	Signature	Date
1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.		
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.		
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.		
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.		
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.		
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.		
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may check the Nonprocurement List.		
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.		
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.		