

# New Jersey Workforce Innovation Notice 10-15

**TO:** Workforce Development Board Directors  
One-Stop Operators  
Employment Service Managers

**FROM:** Kirk Lew, Sr. Policy Analyst  
State Employment and Training Commission

John Bicica, Chief,  
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**SUBJECT:** WIOA Youth Procurement Guidelines

**DATE:** December 23, 2015

## **Purpose**

To inform all local workforce development areas and one-stop partners of the youth program procurement requirements of the Workforce Innovation and Opportunity Act (WIOA). This guidance is subject to revision upon issuance of additional guidance and the Final Rules by the United States Department of Labor and any changes in the State Plan.

## **Background**

WIOA Sec. 123 requires that for WIOA Youth funds the local board “shall award grants or contracts on a competitive basis to providers of youth workforce investment activities identified based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program.

## **Full and Open Competitive Procurement**

20 CFR 681.400 (a) (2) states: Local areas must conduct a full and open competition to secure youth service providers according to the Federal procurement guidelines at 2 CFR parts 200 and 2900, in addition to applicable State and local procurement laws.

(b) Exceptions-A local board may award grants or contracts on a sole-source basis if such board determines there is an insufficient number of eligible providers of youth workforce investment activities in the local area involved (such as a rural area) for grants and contracts to be awarded on a competitive basis under subsection (a).

## **State Plan Criteria**

*New Jersey's Unified Workforce Investment Plan (2012-2017)* lists 10 criteria that were established by the State Employment and Training Commission. These criteria, which must be incorporated into the evaluation of youth service programs during procurement, are listed below:

1. The program will have a record of demonstrated effectiveness.
2. The program will not discriminate in any way and will be in full compliance with the Americans with Disabilities Act.
3. The provider must have the capacity to identify issues that are hindering youth from succeeding in the program and recommend the appropriate support services.
4. The provider must be able to detail how linkages between communities, academic, occupational learning, and work experience will be used to enhance the youth development and employability. They should also demonstrate the involvement of the business/employer community.
5. The program will maintain a close working relationship with the local One-Stop Career Center.
6. Programs with certifications or licenses as a goal will make arrangements for participants to test for and obtain the certification or license.
7. Any program offering summer employment opportunities must be linked to academic and occupational learning as a complement to overall year-round program goals. Summer employment opportunities operated as a stand-alone Summer Youth Program are specifically prohibited.
8. The provider must establish specific timeframes for evaluation of participant performance, attendance and progress, including level of academic performance, vocational abilities/skills, aptitudes, and interests.
9. The provider must identify process and strategies to be used to ensure that participants receive planned services and reach planned goals and what corrective actions will be available for participants who are not meeting the requirement of each activity or goals. The provider must detail the internal systems that will be used to report and monitor programmatic and fiscal activities.
10. The provider must permit federal, state, and local area staff and designated agents to conduct regular monitoring activities, including communication with customers and contractor staff at instructional sites.

## **Design Framework Services**

20 CFR 683.310(b) states that “design framework services” do not have to be competitively procured:

“The requirement in WIOA sec. 123 that eligible providers of youth services be selected by awarding a grant or contract on a competitive basis does not apply to the design framework services when these services are more appropriately provided by the grant recipient/fiscal agent. Design framework services include **intake, objective assessments** and the development of **individual service strategy, case management, and follow-up services.**”

Therefore, while the framework services can be provided by the grant recipient, all 14 program elements, with the exception of follow-up services, **must** be procured competitively. Local boards must ensure that they are able to conduct competitive procurement of youth services that will be provided in Program Year 2016. This is a required function of each local board. While a fiscal agent designated by the local chief elected official may be designated to conduct procurement, the one-stop operator should not participate in procurement due to conflict of interest.

## **Program Elements**

In order to support the attainment of a secondary school diploma or its recognized equivalent, entry into postsecondary education, and career readiness for participants, the programs described in paragraph (1) shall provide elements consisting of—

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 (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential;
2. Alternative secondary school services, or dropout recovery services, as appropriate;
3. Paid and unpaid work experiences that have as a component academic and occupational education, which may include—
  - i. Summer employment opportunities and other employment opportunities available throughout the school year;
  - ii. Pre-apprenticeship programs;
  - iii. Internships and job shadowing; and
  - iv. On-The-job training opportunities;
4. Occupational skill training, which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in demand industry sectors or occupations in the local area involved, if the local board determines that the programs meet the quality criteria described in section 123;
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, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate;
7. Supportive services;
8. Adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months;
9. Follow-up services for not less than 12 months after the completion of participation, as appropriate;
10. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate;
11. Financial literacy education;
12. Entrepreneurial skills training;
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; and
14. Activities that help youth prepare for and transition to postsecondary education and training.

USDOL has indicated that there is no expectation that any one provider should be responsible for the delivery of all program elements in an area **[WIOA Sec. 129 (c) (5)]**. Local boards should identify the existing providers of program elements in their area and procure as necessary where there are gaps in services.

### **Leveraging Available Resources**

**20 CFR 681.470** states that non-WIOA funds can be used to provide WIOA youth program elements under certain conditions:

The Department does not require local programs to use WIOA youth funds for each of the program elements. Local programs may leverage partner resources to provide some of the readily available program elements. However, the local area must ensure that if a program element is not funded with WIOA Title I youth funds, the local program has an agreement in place with a partner organization to ensure that the program element will be offered. The Local Board must ensure that the program element is closely connected and coordinated with the WIOA youth program.

For example, YouthBuild is a required one-stop system partner that provides work experience (a program element). A local area could enter into an agreement with a YouthBuild entity, and refer appropriate WIOA-enrolled youth to YouthBuild to receive a WIOA program element with non-

WIOA funds. This does not preclude an agency from also responding to an RFP and serving ***additional*** WIOA enrolled youth with WIOA funds.

Leveraging of youth funds will expand local program capacity and demonstrate greater fiscal responsibility with the limited funds available. Local areas must demonstrate efforts to identify and enter into agreements with agencies which are already providing program elements. The New Jersey Department of Labor and Workforce Development and the State Employment and Training Commission will provide technical assistance in these efforts.

### **Individual Training Accounts**

Under WIOA, youth age 18 or older may be provided the occupational training program element through an Individual Training Account (ITA). (**20 CFR 681.550**). This is **not** a waiver, and there is no need to utilize the waiver log in America's One-Stop Operating System when serving youth with an ITA using WIOA funds.

### **Program vs. Service**

**WIOA Youth Program**-All the WIOA youth services (program elements) that are made available throughout a local area.

**WIOA Youth Service**-An individual WIOA program element. WIOA requires these fourteen elements to be made available by the local area, though they do not have to be provided to every youth. Individual RFPs should be designed to procure particular service(s) (not all).

### **Program Design**

Before issuing requests for proposal, each local area, with the participation of the youth standing committee, should take the following steps:

1. Conduct an environmental scan to identify partner agencies that are providing program elements in the area/region. The local board can then enter into agreements for these program elements to be provided using non-WIOA funds.
2. Consider the WIOA priorities:  
75 percent of funds must be spent on out-of-school youth (not counting administrative funds; must be services to this population only)  
20 percent of all youth funds must be spent on work experience
3. Review records to estimate the total funds that will be spent on ITAs in the program year.
4. Consider other relevant factors such as the local labor market.

After taking these steps, the local area can identify the particular services that need to be procured for which groups of youth (in-school/out-of-school) and at what funding and service levels.

Note on Work Experience Expenditure Requirement-Training and Employment Guidance Letter 8-15 states that allowable expenditures for the work experience expenditure requirement beyond wages include staff time spent on the following: identifying potential work experience opportunities; working with employers to develop the work experience; working with employers to ensure a successful work experience; evaluating the work experience; conducting work experience orientation sessions; classroom training or the required academic education component directly related to the work experience; orientation for employers.

### **References and Links**

WIOA Sec. 123; WIOA Sec. 129 (c)(5); 20 CFR 681.310 (b); 20 CFR 681.400 (a)(2); 20 CFR 681.550; New Jersey Unified Workforce Investment Plan

Training and Employment Guidance Letter 8-15  
[https://wdr.doleta.gov/directives/attach/TEGL/TEGL\\_08-15.pdf](https://wdr.doleta.gov/directives/attach/TEGL/TEGL_08-15.pdf)

### **Authority**

New Jersey Department of Labor and Workforce Development	X
State Employment And Training Commission	X

### **Questions**

For general questions regarding this guidance, contact John Bicica, Chief, Office of WIOA Technical Assistance and Capacity Building, at [john.bicica@dol.nj.gov](mailto:john.bicica@dol.nj.gov)

For questions regarding the criteria established in the State plan, contact Kirk A. Lew, Sr. Policy Analyst, State Employment and Training Commission at [kirk.lew@dol.nj.gov](mailto:kirk.lew@dol.nj.gov)