

**Workforce Development System  
Technical Advisory # 17-1  
March 1, 2017**

**To:** Workforce Development Community

**SUBJECT:** One-Stop Operator Competitive Selection

**PURPOSE**

- Clarify the function of the One-Stop Operator under the Workforce Innovation and Opportunity Act of 2014 (WIOA) compared to that under the Workforce Investment Act of 1998 (WIA).
- Provide guidance to Local Workforce Development Boards (LWDBs) for competitive selection of the One-Stop Operator under WIOA.

**POLICY**

- 1. Operator Role** – The required role of the One-Stop Operator is to coordinate the service delivery of required One-Stop partners, service providers and all WIOA titles.

Under WIOA, the required coordination role of the One-Stop Operator is “system” in scope. This is different than under WIA where the One-Stop Operator was primarily “career center” in scope and performed career center manager functions. In addition, WIOA requires the One-Stop Operator to be selected through a competitive selection process, rather than designated by the LWDB as under WIA.

For these reasons, the New York State Department of Labor (NYSDOL) defines the One-Stop Operator under WIOA as a “One-Stop System Operator.” In addition, NYSDOL defines the One-Stop System Operator role to be separate and apart from the Operator/Manager role designated by LWDBs under WIA, which would allow LWDBs to maintain their designated Operator/Manager in this role if desired.

- 2. Timeframe** – The One-Stop System Operator must be competitively selected by July 1, 2017, and not less than once every four (4) years thereafter.

The competitive selection process must be based on local policies and procedures, and the principles of competitive procurement in the Uniform Administrative Guidance at 2 CFR 200.318 through 200.326.

- 3. Eligibility** – The One-Stop System Operator may be a single entity (public, private, or non-profit) or a consortium of entities, including consortiums of required Career Center partners. If the consortium is made up of Career Center partners, it must include a minimum of three Career Center partners. Entities that may serve as the One-Stop System Operator include:

- Institution of higher education;
- Employment service State agency established under the Wagner-Peyser Act on behalf of the local office of the agency;
- Indian tribes, tribal organizations, Alaska Native entities, Indian-controlled organizations serving Indians, or Native Hawaiian organizations;
- Community-based organization, non-profit organization, or intermediary;
- Private for-profit entity;
- Government agency or governmental unit, such as local or county governments, school districts, State agencies, and Federal WIOA partners;
- Nontraditional public secondary school such as a night school, adult school, or an area career and technical education school;
- LWDB, with the approval of the local Chief Elected Official(s) (CEO) and Governor; and
- Interested organization or entity, which may include a local chamber of commerce or other business organization, or a labor organization.

Elementary and secondary schools cannot be selected as the operator.

4. **LWDB Selection Approval** – LWDBs may be selected as the One-Stop System Operator only with approval of the CEO(s) and the Governor. The Governor will determine if an LWDB can serve as the One-stop System Operator on a case-by-case basis provided the appropriate internal control, conflict of interest, and firewall policies are in place and adhered to throughout the competitive selection process.
5. **Regional Operator** – LWDBs in a region may competitively select one One-Stop System Operator to cover all of the Local Workforce Development Areas (LWDAs) in the region.

## ACTION

LWDBs must perform the activities listed below.

1. **Identify Resources** – Determine the available resources for the role of the One-Stop System Operator.
2. **Identify Geographic Location** – Designate the geographical area the operator covers, whether that may be one or more Career Centers or LWDAs.
3. **Identify the Role of the One-Stop System Operator** – Identify the specific activities the operator must perform to meet the primary function of coordinating the service delivery across the system. LWDBs may identify additional roles and/or functions provided appropriate internal controls and firewalls are in place.

The role of the One-Stop System Operator must be clearly articulated in all phases of the competitive selection process, as well as in the legally binding agreement between the LWDB and the One-Stop System Operator.

- 4. Identify the Solicitation Instrument** – There are two types of solicitation instruments to competitively select the One-Stop System Operator: 1) Request for Qualifications (RFQ); and 2) Request for Proposals (RFP).
- RFQ is used to describe the entity's general qualifications to perform a service or supply a product. The RFQ is used to establish a group of entities that are qualified and eligible to submit responses to an RFP.
- Note that if more than one qualified entity responds to the RFQ solicitation, the solicitation must be reissued as an RFP.
- RFP is used for the procurement of services or technology in situations where price is not the sole determining factor and the award is based on a combination of cost and technical factors. The proposal offers solutions to the need specified in the RFP and defines how the entity intends to meet the RFP requirements.
- 5. NYSDOL Validation of the RFP/RFQ results** – NYSDOL must validate the solicitation results in order for the LWDB to proceed with selecting the One-Stop System Operator upon: a Sole Source Outcome; or a Failed Procurement Outcome.
- **Sole Source Outcome** – A sole source outcome occurs when the RFQ or RFP does not result in a qualified entity.
  - **Failed Procurement Outcome** – A failed procurement outcome occurs when the RFQ or RFP results in one qualified applicant.
- 6. Selection of the One-Stop System Operator** – The following describes selection of the operator for the three solicitation outcomes: Multiple Qualified Entities Outcome (under an RFP); Sole Source Outcome; and Failed Procurement Outcome.
- **Multiple Qualified Entities Outcome** – This outcome occurs when more than one qualified entity responds to an RFP solicitation instrument. The LWDB must select the entity with the highest rating based on scoring of the applications.
  - **Sole Source Outcome** – The LWDB has two options for selecting the One-Stop System Operator upon NYSDOL validation of a sole source outcome.
    - a. Designate an entity to serve as the One-Stop System Operator under the same terms and conditions of the solicitation. The entity designated can be the LWDB; however, this requires approval by the CEO(s) and the Governor, and notification to NYSDOL. Information on this notification is presented in Section 7 of this WDS-TA, Required Notifications.
    - b. Re-issue the RFQ or RFP with modifications to obtain qualified entities.
  - **Failed Procurement Outcome** – The LWDB has two options for selecting the One-Stop System Operator upon NYSDOL validation of a failed procurement outcome.
    - a. Designate the entity that applied to be the operator if the entity is qualified and the response to the solicitation instrument is satisfactory.
    - b. Re-issue the RFQ or RFP with modifications to obtain qualified entities.

## 7. Required Notifications –

- **One-Stop System Operator Selected** – Upon completion of the competitive selection process, LWDBs must notify NYSDOL of the entity selected as the operator. The notification must be sent via email to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) with the subject line “[LWDA Name] One-Stop System Operator Competitive Selection Process - Results.”
- **Request to Validate a Sole Source Outcome or Failed Procurement Outcome** – Within three (3) business days of the close of the solicitation, LWDBs must notify NYSDOL, via email, if only one or no qualified entities respond to the solicitation. The email must be sent to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) with the subject line “[LWDA Name] One-Stop System Operator Competitive Selection Process – Insufficient Applicants.” The notification will signal to NYSDOL that a sole source or failed procurement outcome may be appropriate in order to begin the validation process to make a final determination.
- **Request for LWDB to be the One-Stop System Operator** – If the LWDB wishes to be the One-Stop System Operator, it must provide notification, within three (3) business days of the close of the solicitation, to NYSDOL via email to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov) with the subject line “[LWDB Name] Request to be One-Stop System Operator.” The notification must include confirmation that the CEO(s) approves the LWDB’s request to fill the operator role.

## 8. Additional Requirements – Once the One-Stop System Operator is selected and in place, the LWDB must ensure that, in carrying out WIOA programs and activities, the operator(s):

- Discloses any potential conflicts of interest arising from the relationships of the operators with any particular training or other service providers, including but not limited to, career services providers;
- Does not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer term career and training services; and
- Complies with Federal regulations and procurement policies relating to the calculation and use of profits.

## REFERENCES

Workforce Innovation and Opportunity Act of 2014, §107(d)(10)(A) and §121(d).

Regulations: Workforce Innovation and Opportunity Act, Part 678 Subpart D, Part 679.370, and Part 680.160.

Uniform Administrative Guidance Rules on Procurement, 2 CFR 200.318-326.

NYS Procurement Guidelines - <http://www.ogs.ny.gov/bu/pc/Docs/Guidelines.pdf>.

## INQUIRIES

Please direct all questions regarding this Technical Advisory to [LWDB@labor.ny.gov](mailto:LWDB@labor.ny.gov).