

SAN DIEGO
WORKFORCE

PARTNERSHIP[®]

advancing careers, enriching lives

REQUEST FOR PROPOSALS

**FOR THE PROVISION OF
LAYOFF AVERSION SERVICES
FOR SAN DIEGO COUNTY
ISSUED MAY 21, 2013**

**Proposal must be received no later than 3:00 P.M.
Pacific Daylight Time (PDT)
Thursday, June 13, 2013**

ABSOLUTELY NO EXCEPTIONS

San Diego Workforce Partnership, Inc.
3910 University Avenue, Suite 400
San Diego, CA 92105
(619) 228-2900

An Equal Opportunity Employer
Auxiliary Aids and Services are Available upon Request
to Individuals with Disabilities

**San Diego Workforce Partnership
FOR THE PROVISION OF
LAYOFF AVERSION SERVICES
FOR SAN DIEGO COUNTY**

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**SAN DIEGO WORKFORCE PARTNERSHIP
NOTIFICATION OF REQUEST FOR PROPOSALS
FOR THE PROVISION OF
LAYOFF AVERSION SERVICES
FOR SAN DIEGO COUNTY
MAY 21, 2013**

1.0 REQUEST FOR PROPOSALS INTRODUCTION

The San Diego Workforce Partnership, Inc. (SDWP) is issuing this Request for Proposals (RFP) on May 21, 2013 to interested applicants with experience in providing Layoff Aversion Services (LAS) to San Diego County. Activities in LAS include (but are not limited to):

- “Working with businesses to conduct comprehensive production cost studies with the goal of continuing cost-effective production within the United States;
- Helping a company spin off an under-performing business unit to focus on core competences;
- Helping companies practice continuous improvement in processes and quality, constantly looking for opportunities for new products, customers, markets, and business models;
- Partnering or contracting with business-focused organizations to assess risks to a company, propose strategies to address those risks, implement services, and measure impacts of services delivered;
- Conducting analyses of suppliers to assess risk and vulnerabilities from potential closings of customers; and
- Conducting prefeasibility or company valuation studies to determine the sustainability of the company with new products, retooled production processes, or new customers and markets.”

(For more information on layoff aversion activities, refer to: “Layoff Aversion in Rapid Response Systems.” Training and Employment Notice. No. 9-12. 31 August 2012.)

The goal of the LAS program is to ultimately retain jobs in San Diego County.

The purpose of this Request for Proposals is to procure a qualified provider(s) to enter into an initial eleven (11) month contract to provide LAS in San Diego City and County. The term of the LAS contract shall be for an eleven-month period beginning on August 1, 2013 and ending on June 30, 2014.

Proposers are notified that the funding for the LAS program is allocated on a yearly basis. Should subsequent funding be available beyond the 2013-14 fiscal year, SDWP may, but is not obligated or required to, extend the contract for up to two (2) additional time periods, not to exceed to one year each, based on need, performance, and availability and amount of contingent funding. Any subsequent funding and/or contracting decision will be subject to approval by SDWP boards.

All interested applicants are on notice of the potential of subsequent year award of contracts beyond 2013-14 to the provider selected by this Request for Proposals, **but that there is no guarantee the winning proposer on this RFP will in fact receive any additional extensions**. The initial contract period will be for the period of July 1, 2013 through June 30, 2014. Subsequent contracts, if any, will be awarded consistent with funding availability.

This RFP will provide potential proposers with background information, desired services, guidelines for proposals, and the contractor selection process.

Instructions:

- Read this RFP carefully;
- Bidders are encouraged to attend the Bidders' Orientation to discuss the contents of this RFP on Friday, May 31, 2013;
- Ask questions or seek technical assistance on points or concepts that are unclear by no later than Wednesday, June 5, 2013;
- Submit Request for Qualifications (RFQUALS) and Statement of Qualification (SOQ) by no later than Friday, June 7, 2013, and;
- Submit proposals with all necessary information no later than 3:00 P.M., PDT, Thursday, June 13, 2013.

For the bidders' convenience, a checklist for this RFP can be found in **RFP Checklist – Attachment A**.

1.1 Solicitation

SDWP hereby solicits proposals using a competitive bid process to provide LAS to at-risk businesses with a focus on the prevention of layoffs in San Diego County.

A consortium, joint venture, or a group of organizations with complementary skills and experience are permitted to respond to this RFP, however, the proposal must clearly demonstrate that all contractual responsibility rests solely with one legal entity and that the proposed arrangement would enable the bidder to furnish efficient quality for the SDWP.

The RFP does not commit SDWP to accept any proposal submitted, nor is SDWP responsible for any costs incurred by the bidders in the preparation of responses to this RFP. SDWP reserves the right to reject any or all proposals, to accept or reject any or all items in the proposal, and to award the contract(s) in whole or in part as is deemed to be in the best interest of SDWP. SDWP reserves the right to negotiate with any bidder after the proposal is reviewed, if such action is deemed to be in the best interest of SDWP.

SDWP reserves the right to delay, amend, or reissue the RFP at any time.

1.2 Submittal of Proposals

SDWP must receive the proposal(s) marked "(Name of Agency) & Layoff Aversion Services Proposal" no later than **Thursday, June 13, 2013, at 3:00 P.M. PDT**. Submit three (3) proposals with original signatures, three (3) copies, and one (1) electronic PDF copy on a USB flash drive to:

Evelyn Ramirez, Procurement Advisor
San Diego Workforce Partnership
3910 University Avenue, Suite 400
San Diego, CA 92105

Late proposals will not be accepted. SDWP will provide a receipt verifying the time and date the proposal is received. If bidders send their proposals via U.S. Postal Service, UPS, or any other type of delivery service, bidders are responsible for requesting proof of delivery date and time from their chosen carrier.

1.3 RFP Schedule and Timeline

Beginning May 21, 2013, the RFP will be available to download from the SDWP website, www.workforce.org/rfps-open. If you are unable to download the RFP please contact:

Evelyn Ramirez, Procurement Advisor
San Diego Workforce Partnership
3910 University Avenue, Suite 400
San Diego, CA 92105
619-228-2954
Email: Evelyn@workforce.org

Timeline:

<u>Activity</u>	<u>Date</u>
Issue RFP	May 21, 2013
Bidders' Orientation at 1 P.M. (PDT)	May 31, 2013
Required Request for Qualifications Due by 5:00 P.M. (PDT)	June 7, 2013
Last Day to Submit Questions by 5:00 P.M. (PDT)	June 7, 2013
Final Answers Posted by SDWP on Website	June 11, 2013
Proposals Due by 3:00 P.M. (PDT)	June 13, 2013
Proposers Selected for Interviews	June 26, 2013
Interviews with Selected Proposers	June 28, 2013
Workforce Investment Board Approval	July 18, 2013
San Diego Consortium Policy Board Approval	July 26, 2013
Effective Date of Contract	August 1, 2013

1.4 Bidders' Orientation

SDWP will provide a bidders' orientation to present the RFP requirements and address questions. In addition to the bidders' orientation, staff will provide technical assistance on items such as program design and budget preparation. The combined bidders' orientation and technical assistance session will be held on Friday, May 31, 2013 from 1:00 P.M. to 2:30 P.M. (PDT) at the SDWP office located at 3910 University Avenue, San Diego, CA 92105, on the fourth floor in the Central Executive Boardroom.

1.5 Request for Qualifications

SDWP is using a Request for Qualifications (RFQUAL) to establish a bidder's qualifications to bid for workforce development funds. This is a required step in the process. Organizations establishing their capacity to administer funds are placed on the Qualified Agencies List and are eligible to respond to RFP's and to contract with SDWP. The RFQUAL must be updated annually and filed with SDWP.

One (1) **original** and one (1) **copy** of all RFQUAL documents are due **no later than 5:00 P.M. (PDT), Friday, June 7, 2013** to:

Evelyn Ramirez, Procurement Advisor
San Diego Workforce Partnership
3910 University Avenue, Suite 400
San Diego, CA 92105

Detailed information and the necessary forms are available for download from the SDWP website, www.workforce.org/funding-qualifications. If you have difficulty or problems downloading the document please contact Evelyn Ramirez at (619) 228-2954 or Evelyn@workforce.org.

1.6 RFP Questions

To ensure a fair and objective evaluation, questions related to the RFP must be submitted via e-mail to: Evelyn@workforce.org. Written questions will be accepted through Friday, June 7, 2013. Questions received after the June 7, 2013 deadline will not be answered.

Written responses to questions received by SDWP, including those that arise during the bidders' orientation, will be posted on the website www.workforce.org within three (3) business days of the day the question was submitted. **It is the bidder's responsibility to check the website on a regular basis for updated information and written responses to all questions submitted.**

NOTE: With the exception of the bidders' orientation, and the technical assistance session, oral questions will NOT be accepted.

Only the responses on the website are considered clarifications to the instructions contained in this RFP. In the event that responses modify any of the terms, conditions, or provisions of this RFP, documentation will be given via a subsequent amendment to the RFP on the website.

Bidders are warned that no other individuals are to be contacted in this regard. No other sources of responses or clarification are considered valid.

Bidders are strictly prohibited from contacting members of the SDWP Board, Workforce Investment Board, San Diego Consortium Policy Board, Adult Programs Committee, San Diego Youth Council or SDWP staff other than as stated in Section 5.7.2 – Ex-Parte Communication Conflict of Interest Disclosure Form.

1.7 Addenda to this Request for Proposal

At the discretion of SDWP, if it becomes necessary to revise any part of this RFP, an addendum will be posted on the SDWP website, www.workforce.org/rfps-open.

Bidders are responsible for checking the website frequently to remain informed about the procurement process, receive addenda to the RFP, read responses to questions and remain updated on other information that may affect this RFP.

1.8 Right to Cancel

SDWP reserves the right to delay, amend, reissue, or cancel, all or any part of this RFP at any time without prior notice. SDWP also reserves the right to modify the RFP process and timeline as deemed necessary.

This RFP does not commit SDWP to accept any proposal, nor is SDWP responsible for any costs incurred by the bidders in the preparation of responses to this RFP.

SDWP reserves the right to reject any or all proposals, to accept or reject any or all items in the proposal, and to award the contracts in whole or in part as is deemed to be in the best interest of SDWP. SDWP reserves the right to negotiate with any bidder after proposals are reviewed, if such action is deemed to be in the best interest of SDWP.

2.0 BACKGROUND INFORMATION

2.1 Organizational Overview

SDWP is a 501(c)(3) tax exempt organization chartered by the County and the City of San Diego to fund job training programs in San Diego County. The organization's primary funding is allocated by the Department of Labor under the provisions of the Workforce Investment Act (WIA).

SDWP serves as a source of information on the county's current and projected labor market. Research specialists analyze workforce needs and trends in San Diego County, offering jobseekers, employers, educators, trainers, and researchers data on topics such as wages and salaries, occupational projections, employment statistics, and San Diego County's economy.

The organization's mission is to foster economic growth and prosperity through education, training, and lifelong learning. The vision of SDWP is that San Diego County will be home to the world's most highly educated and skilled workforce; where a corporate and community-wide commitment to lifelong learning will fuel unprecedented innovation, creativity and economic achievement.

For additional information, please visit www.workforce.org

2.2 Workforce Investment Act of 1998 (WIA)

The concept of One-Stop Career Centers began in the early 1990's under the U.S. Department of Labor. One-Stop Career Centers were to provide easy access to a full array of employment and training services in a community with a "no wrong door" approach to meet the needs of jobseekers and businesses. The first center in San Diego was opened by SDWP in 1992 and was operated under the federal Job Training Partnership Act (JTPA).

On August 7, 1998, President Clinton signed the Workforce Investment Act (WIA) of 1998, replacing JTPA effective July 1, 2000. WIA reformed federal job training programs and created a new comprehensive workforce system. The reformed system is intended to be customer focused, providing individuals, including youth, access to the tools needed for managing their careers and helping businesses find skilled workers.

WIA is up for reauthorization, therefore, the terms and conditions of this RFP may change based on the new legislation. Bidders to this RFP will be expected to remain informed on WIA and its regulations and requirements. Technical assistance on legislative changes will be available from SDWP.

2.3 WIA Guiding Principles

Key guiding principles embodied in WIA emphasized reform of the workforce system. WIA guiding principles driving employment services include:

- Streamlining services through One-Stop Career Center service delivery systems;
- Empowering individuals through information and access to training services;
- Providing universal access to employment related services;
- Increasing accountability (i.e. improving clients' employment retention and earnings, improving the quality of the workforce, sustaining economic growth, enhancing productivity, and reducing welfare dependency); and
- Improving youth programs by linking them more closely to local labor market needs and community youth programs and services, and ensuring strong connections between academic and occupational learning.

A copy of the WIA, and the WIA regulations, are available for review at the U.S. Department of Labor (DOL) Employment and Training Administration website at www.doleta.gov. In addition, bidders are encouraged to keep track of the federal reauthorization of the WIA legislation located on the California Workforce Association's website at www.calworkforce.org. Bidders should also make themselves familiar with California State Employment Development Department Directives that set state policy (accessible at www.edd.ca.gov) and local policy (available on the SDWP website at www.workforce.org). In addition, a list of reference materials to aid bidders is available in **Reference Materials – Attachment B**.

2.4 SDWP Governance

SDWP, under the leadership of the SDWP Board (Corporate Board), Workforce Investment Board (WIB), and the San Diego Consortium Policy Board (Policy Board), is responsible for the fiscal and programmatic administration of federal employment and training funds for the City of San Diego and County of San Diego under a Joint Powers Agreement.

SDWP Boards provide the framework for administering federal, state, and local funding to provide workforce development activities that increase individuals' earnings and skills, and are responsive to business' needs.

The Policy Board is comprised of two San Diego City Council members, two San Diego County Supervisors, and one business representative appointed by the United Way. The Policy Board oversees funding and policy development under WIA. The Policy Board appoints the members of the WIB.

The WIB is a federally mandated board which shares responsibility with the Policy Board for overseeing funding and policy development under the WIA. The board's expertise is in labor market conditions and the development of effective responses to regional economic needs.

The Corporate Board represents an array of San Diego's booming industries, including healthcare, life sciences, and technology. This board is responsible for the oversight of SDWP operations.

There are two other deliberative bodies that oversee SDWP's activities. The Youth Council, a sub-committee of the WIB, is the primary body providing expertise in youth policy and is responsible for oversight of the contracted youth workforce development services and programs. The Adult Programs Committee, also a sub-committee of the WIB, is responsible for oversight of the Adult and Dislocated Worker programs. The Adult Programs Committee oversees the operations and performance of the One-Stop Career Center Network.

For more information on SDWP and its boards please visit the SDWP website at www.workforce.org/boards.

2.5 Roles and Responsibilities of SDWP

Roles and responsibilities of SDWP include:

- Oversee and evaluate the management and operations of all programs funded by SDWP;
- Allocate funds;
- Monitor contractors' performance, quality of service, cost effectiveness, and report on performance to the Boards;
- Develop and provide technical assistance to contractor's staff;
- Inform contractors of federal and state policies, procedures, and rules that may impact the operations of the program(s), and give assistance as needed to implement them accordingly;
- Prepare grant plans and/or modifications as required for all funding sources;
- Ensure compliance with all rules, regulations, and procedures issued by all funding sources.

The roles and responsibilities may be refined and changed as:

- Federal and State law and requirements are enacted and implemented covering the workforce development system;
- Regulations and procedures are developed or changed by the U.S. Department of Labor (DOL);
- SDWP's governing boards adopt local direction and procedures.

2.6 Roles and Responsibilities of the Contractor

Roles and responsibilities of the contractor include:

- Provide layoff aversion services;
- Identify businesses at-risk of closing or laying off employees;
- Evaluate the need of layoff aversion services for each at-risk business;
- Assess costs associated with each LAS project;
- Document LAS project progress and performance;
- Report return on investment (ROI) metrics pertaining to each LAS project;
- Keep in good communication with SDWP;
- Attend all required meetings requested by SDWP; and
- Maintain fiscal responsibilities associated with accounting and record keeping related to the management of state and federal funds, as well as conducting self-monitoring for financial performance and compliance related to the LAS projects.

2.7 Rapid Response Background

According to WIA Directive WIAD05-18 (issued June 14, 2006), "Dislocated Worker 25 Percent Funding Policy," the definition of the role of the Rapid Response system is as follows:

"The California Rapid Response System's role is to support the state's economy and local economies by:

- Assisting workers to quickly return to productive positions in the labor force;
- Assisting employers to explore alternatives to layoffs through human resources solutions;
- Reducing the economic and social burdens that unemployment adds to employers, workers, and the community; and
- Providing local communities, workforce investment partners, employers, and workers with timely and pertinent information to anticipate and profit from economic development opportunities."

For the purposes of this RFP, the LAS program will focus primarily on providing layoff aversion activities that are allowable within Rapid Response funding.

For more information about Rapid Response and how the funding is distributed, please review the WIA Directive, WIAD05-18. This Directive can be accessed at: http://www.edd.ca.gov/Jobs_and_Training/Active_Directives.htm.

2.8 Role of Layoff Aversion

The aim of LAS is to avert potential layoffs in businesses at risk of closing or downsizing. According to Assistant Secretary Jane Oates, “an effective layoff aversion system allows states and local areas to play an active role in shaping and maintaining a competitive, resilient regional workforce...The benefits derived from preventing layoffs or minimizing the duration of unemployment are undeniable—layoff aversion saves jobs, increases economic productivity, decreases the negative impacts of unemployment, and ensures more resources are available to provide comprehensive services to those individuals with greater needs (“Layoff Aversion in Rapid Response Systems.” No. 9-12. Training and Employment Notice. 31 August 2012).” SDWP aims to benefit the county by savings jobs or minimizing the impacts of layoffs and unemployment.

According to WIAD05-18 in Section 665.320, other activities that may be undertaken as part of Rapid Response include assisting in devising and overseeing strategies for:

- Layoff aversion, such as prefeasibility studies of avoiding a plant closure through an option for a company or group, including the workers, to purchase the plant or company and continue it in operation;
- Incumbent worker training, including employer loan programs for employee skill upgrading; and
- Linkages with economic development activities at the federal, State and local levels, including federal Department of Commerce programs and available State and local business retention and recruitment activities.

Bidders shall keep in mind that under “WIA Section 181(e), WIA Title I funds may not be spent on employment generating activities, economic development, and other similar activities, unless they are directly related to training for eligible individuals.” (WIAD05-18). For more information about Rapid Response activities, please review the WIA Directive, WIAD05-18.

The ultimate goal of providing LAS to companies is to proactively avert layoffs. The LAS program is a layoff aversion activity allowable within Rapid Response Funding.

2.9 Estimated Funding

SDWP is looking for bidders that are committed to retaining and serving the needs of at-risk businesses in San Diego.

SDWP has set aside WIA Rapid Response funds estimated to provide LAS to at least ten (10) companies in San Diego County for this pilot program. The number of businesses may increase or decrease depending on the costs of the services provided. One proposal will be chosen to provide services to the entire county of San Diego. This contract award is contingent on funding availability. SDWP maintains the right to revoke and/or modify any and all contracts with appropriate board approval.

2.10 Geographic Location

Services must be targeted to, and provided to, mutually agreed-upon businesses located within San Diego County.

2.11 Targeting Demand Sectors

Based on information gathered from the San Diego Regional Economic Development Corporation (SDREDC), San Diego Association of Governments (SANDAG), and the San Diego Workforce Partnership, SDWP analyzed a number of sectors important to San Diego's economic and workforce development.

The winning bidder shall offer LAS to at least one (1) or more of the following in-demand sectors that, upon successful completion, provide companies with the tools to successfully retain their business and/or company, increase productivity, improve efficiency, and avert layoffs:

- **Advanced Precision Manufacturing**
- **Aerospace, Navigation and Maritime Technologies**
- **Entertainment and Hospitality**
- **Green Jobs**
- **Health Care**
- **Information Communication Technology (ICT)**
- **Life Sciences**
- **Specialty Foods and Microbreweries**
- **Sports Innovation and Manufacturing**

For detailed NAICS codes for each sector, see **NAICS Codes of In-Demand Sectors – Attachment C**.

2.12 Performance Management

Bidders must demonstrate in their program design narrative how performance will be tracked and met. SDWP will monitor the following performance areas:

- Number of businesses served;
- Number of layoffs potentially averted;
- Cost of each individual LAS project;
- Cost savings for each business served (short and long term);
- Project completion; and
- Percent of companies that receive LAS that remain in business at least a year after project completion

These metrics may be changed to reflect the best method in tracking return on investment for each LAS project.

Contractors will be required to submit monthly performance reports to the assigned LAS contract manager by the 7th of each month. Technical assistance and training on the required performance accountability measurements and data management will be provided to the successful bidder(s).

3.0 PROPOSAL REQUIREMENTS

Bidders must submit their proposal in a format suitable for ease of review with a minimum of repetitious material. The proposal should clearly demonstrate the bidder's ability to provide the requested services.

In order to simplify the review process and obtain the maximum degree of comparison the proposal shall be organized as follows:

3.1 Page Limits

Bidders shall adhere to the following page limits and formatting requirements:

1. Proposal Requirements
 - Cover Page – 1 page
 - Table of Contents
 - Executive Summary – 2 pages
 - Past Performance – 4 pages
 - Proposal Content – 20 pages
2. Financial Requirements
 - **Financial Management Structure – Attachment F** – 3 pages
 - **Rapid Response Budget Shell – Attachment G**
 - **Budget Narrative** – 6 pages
3. All other attachments – 15 pages

No other page limits are in effect. SDWP will remove any excess pages from proposals exceeding these limits before the proposals are distributed for review and evaluation. Organizational charts and required resumes of key staff, noted in section 3.7.4 should be included as attachments of the proposal and are not subject to the page limits above. However, items such as job descriptions and letters of support are subject to page limits as they would be counted as attachments.

3.2 Formatting Requirements:

Bidders shall adhere to the following formatting requirements:

- Font size: 12 point
- Font: Times New Roman
- Margins: at least one inch
- Line spacing: Double-spaced
- Pages: single-sided
- Page numbering: right justified at the bottom of each page
- **NO BINDERS**, copy ready format
- Language: English

3.3 Cover Page

The cover page shall include the:

- Company name, address, phone number, and federal tax identification number;
- Name of the person authorized to negotiate contracts and make decisions for the organization including the telephone number, fax number, and e-mail address; and
- Authorized signature and submittal date.

See **RFP Cover Page Template - Attachment D** for an acceptable template.

3.4 Table of Contents

Include a table of contents that shows a clear identification of the material in the proposal by section and by page number.

3.5 Executive Summary

The executive summary shall include a brief overview of the entire proposal including:

- A summary of the bidder's understanding of the role of layoff aversion in Rapid Response,
- An overview of the proposal's contents with an emphasis on the LAS program design, and
- The costs associated with services and the estimated number of at-risk businesses that can be served.

3.6 Past Performance

The bidder must provide at least three (3) complete references from organizations/agencies the bidder has had direct involvement for projects of similar size and scope. If a joint proposal is submitted, the lead entity, the organization that assumes financial responsibility, must be the sole provider of references. Potential bidders that have had contracts with SDWP within the past three years may include the SDWP as one of the three references.

The bidder must describe, in detail, successes in past projects of similar size and scope. The bidder may demonstrate past successes in the form of case studies (indicating the benefits the at-risk businesses received), testimonials from the referenced organizations, portfolios, brochures, flyers, news articles, etc. that can testify to the bidder's experience and past successes.

3.7 Proposal Content

The proposal content, not including the executive summary, table of contents, budget, and budget narrative shall not exceed twenty (20) double-spaced pages and shall include the following elements:

3.7.1 Business Description

The bidder must provide an overview of its organization and qualifications to develop LAS projects.

The bidder must describe its business and how it relates to the LAS program; provide a description indicating the strengths of the organization that uniquely qualify it for the management of the LAS program; and identify whether it is a local (to San Diego County) or a national organization, where its primary offices are located, and whether it is licensed to conduct business in the State of California.

3.7.2 Organization's History

Bidders shall describe in detail their knowledge, expertise, and experience working with companies, and/or the non-profit sector as it pertains to LAS.

Bidders are expected to demonstrate their understanding of businesses' layoff aversion needs and their ability to broker relationships with employers.

3.7.3 Organization's Objectives

Bidders are expected to clearly identify their organization's mission and vision. They will be expected to list the organization's objectives and describe how they relate to workforce development and the provision of a LAS program.

3.7.4 Management and Organization

Bidders are to provide an organization chart of intended operations, including a staffing plan and resumes for all key positions. Bidders are to describe their staffing plan for the program and the organization's hiring policies, and clearly define the qualifications of the staff proposed to fill positions within the program.

SDWP strongly supports the payment of a sustainable wage to employees and the provision of employer assisted medical benefits.

3.7.5 Subcontractors

The bidder shall describe its plan, if any, to subcontract any portion of the services. All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. See **Contract General Provisions - Attachment E**, Section 29.0, Procurement and Purchases. If a proposal identifies a specific entity to provide services, SDWP's award does not provide the justification or basis to sole source the services.

3.7.6 LAS Program Design

SDWP's goal is to fund one (1) contractor to provide LAS to at-risk businesses.

Bidders should have an extensive background in servicing at-risk businesses in one or more of the demand sectors identified in section 2.11 Targeting In-Demand Sectors. Bidders should also have a thorough understanding of the business environment in San Diego County.

Bidders shall describe how they will develop a program design that demonstrates their ability to provide LAS that will retain businesses and avert layoffs in the County.

Proposers must indicate how they would approach the following requirements for the LAS program:

1. *Identification of qualified businesses:*

The bidder shall describe the employer outreach and recruitment strategy for LAS projects based on the industry or industries the bidder proposes to serve.

Businesses that will qualify for the LAS program are at-risk of laying off employees. At-risk businesses may exhibit one or more of the following signs:

- Financial problems
- Supply chain issues (both directions)
- Market issues

- Declining sales and/or declining employment
- Duplicate capacity

The bidder may also indicate in the proposal characteristic(s) that will determine a business to be at-risk that are not listed above.

It is up to the bidder to propose what methodology will be used to identify businesses that would qualify under the LAS program. Some examples of at-risk identification include partnering up with the local energy provider to see which businesses fall behind in paying bills or interviewing businesses to confirm the presence of at-risk characteristics.

2. *Assessment and evaluation:*

The bidder is required to propose how the bidder will evaluate a qualified business's current processes and make reasonable recommendations for improvement. Questions SDWP may take into consideration during the evaluation process are:

- Would the at-risk business still be in operation without LAS?
- Would the at-risk business still lay off employees without LAS?
- Is the project feasible enough to be completed within a specific time frame?
- Are the costs of improving the process(es) in the at-risk business reasonable?
- Would the contractor be able to track concrete outcomes from the proposed LAS project?
- Would the at-risk business benefit more from SDWP's One-Stop Career Center Network than it would from LAS?

The bidder must list the specific assessment tools to be used in determining what LAS would best serve the targeted at-risk businesses.

3. *Cost of services:*

SDWP understands that each company served will have different needs for LAS. While SDWP estimates that there will be ten (10) businesses served in this pilot program, each LAS project will be unique in its own right and there may be more or less than 10 businesses served depending on the costs of each LAS project.

It is up to the bidder to outline the types of LAS that the bidder can provide and propose estimated amounts, as well as breakdown for each of its services. Some questions SDWP may take into consideration in the proposed estimates are:

- What is the size of the business that can be served with this estimate?
- How many layoffs can be potentially averted with this amount?
- Are these competitive estimates?

4. *Performance metrics:*

The bidder shall propose a reporting format that indicates the return on investment (ROI) for each LAS project. ROI metrics may include cost savings, increase in revenues, and job retention.

The bidder shall describe the monitoring process for LAS projects developed with at-risk businesses.

The bidder shall describe how, upon completion of the LAS project, the at-risk business will sustain itself unsubsidized.

The bidder shall describe how and when follow-up measures will be conducted to assess whether or not the LAS project had successful outcomes.

In preparing the program design, bidders must provide or describe:

- The relationship the bidder has with the business community and, to the extent possible, include information on businesses with which the bidder currently partners on projects of similar scope;
- A project plan that includes a timeline for the development of LAS projects; and
- A staffing plan and information on key staff that will be charged with carrying out the responsibilities of this program.

4.0 FINANCIAL REQUIREMENTS

4.1 In-Kind and Cash Match Resources

In order to efficiently use Rapid Response funding and deliver LAS programs to residents and businesses within San Diego County, it becomes increasingly important to leverage a wide-range of public and private resources to support LAS. Bidders are encouraged to demonstrate either in-kind or cash match resources from any variety of funding sources.

These in-kind or cash match resources must directly support the proposed program activities and must be documented with a Letter of Commitment, Memorandum of Understanding or other documentation.

In-kind and cash match resources can support any particular budget item as long as it supports program activities. Cash match is defined as a contribution of funds made available to the bidders to be used specifically for program activities. Bidders are required to assign a monetary value to any in-kind contributions. Examples of in-kind resources include but are not limited to:

- Staff time from lead and/or partner agencies (directly related to jobseeker or business customers)
- Facilities/Infrastructure (where services are provided)
- Participant expenses (e.g. internship/work experience wages, incentives, supportive services, tuition, books, fees, tools or clothing for employment)
- Equipment (directly related to services to jobseeker or business customers)
- Outreach and/or media support

4.2 Financial Management Structure

Bidders are required to describe their financial management structure by completing the form included in the **Financial Management Structure - Attachment F**. The responses included in this document will serve to evaluate the bidder's experience managing and accounting for state and federal funds as well as conducting self-monitoring for financial performance and compliance. In the case of a collaborative partnership, this section must also identify the lead agency responsible for the financial activities of the collaborative and the related partner responsibilities.

4.3 Budget Information

As stated in Section 1.0 of this RFP, the period of performance for the contract to be awarded is eleven (11) months beginning August 1, 2013 and ending June 30, 2014.

Costs will be reimbursed contingent on achieving the program goals as set in the statement of work of the contract and reported on the Monthly Performance Report as described in Section 2.12 of this RFP. Bidders are required to submit a **Rapid Response Budget Shell - Attachment G**, (e.g., personnel, non-personnel, contracts, indirect, profit) that covers the entire 11 month contract period and reflects the overall program costs and estimated monthly layoff aversion services. A related budget narrative by line-item, and a cost allocation plan are also required. Estimated funding is set aside for 10 LAS projects as listed in Section 2.9. The overall line-item detail budget should provide a high-level snapshot of the bidder's total budget.

All personnel costs must identify the staff position, annual salary, and percentage of annual time spent on the funding sources for every staff position by program year of the 11 month contract.

Non-personnel costs should also be further outlined into specific line items (such as supplies, equipment, repairs, and mileage). Subcontractor costs should identify the subcontractor, the service to be provided, and the total cost.

The bidder should submit a cost allocation plan describing the methodology that will be used to prorate common operating costs to each funding source. Examples of common operating costs are infrastructure costs (e.g. rent and copier machines), as well as personnel (e.g. receptionist, fiscal staff, senior management) providing benefits to multiple funding sources. Furthermore, the estimated amounts derived from the proposed methodology should be allocated to each budget line item by funding source. All costs should be identified as program or program support costs.

Each bidder is required to submit a *budget narrative* (last tab in **Rapid Response Budget Shell – Attachment G**) and a cost allocation plan that corresponds to its line-item detail. This narrative should justify the need for all costs built into the line-item detail and the methodology used to derive each cost. Ongoing program costs and LAS described above shall be detailed and clearly described in this *budget narrative*. This budget narrative should not exceed six (6) printed pages.

The total of the separate indirect and negotiated profit line items (when calculated in aggregate) should not exceed 15 percent of a bidder's budget. For-Profit organizations' negotiated profit line item will not be negotiated at a rate higher than 10 percent of a bidder's budget. The following factors that may be considered in negotiating Profit:

- a. Contractor effort measured by the complexity of the work to be performed and amount of subcontracting (if approved under the contract terms);
- b. Contract cost risk;
- c. The contractor's investment and independent development;
- d. The quality of the contractor's record of past performance including cost control and past accomplishments; and
- e. Additional factors as needed.

The extent to which a bidder can meet performance objectives while minimizing indirect and profit costs will be a factor in the evaluation process. Any indirect costs budgeted must be supported by an indirect cost rate agreement with a federal or state cognizant agency. If a bidder does not have an approved indirect rate but wishes to include indirect costs in its proposal, it must submit all relevant financial information that outlines how the indirect rate and costs were determined and future steps for required approval by the relevant cognizant agency. If the bidder is not required to obtain an indirect rate, then the cost allocation plan must include the methodology describing how common operating costs are distributed to the different funding sources. All costs should be identified as program support or program costs. For more information in preparing indirect cost rate agreements, please reference the "Guide for Indirect Cost Rate Determination" issued by U.S. Department of Labor, Office of Cost Determination issued in November 2006. For-Profit organizations should also reference "48 CFR Chapter 1, Part 31."

For guidance on completing the standard budget shell and the budget narrative, please see **Budget Instructions - Attachment H.**

4.4 Program Support vs. Program Costs

The Workforce Investment Act (WIA) identifies two cost categories: administrative and program costs. For the purpose of the RFP, SDWP defines administrative costs as program support costs. Bidders may not exceed the cap of 5 percent on program support costs. For more information on program support and program costs, refer to "20CFR, Section 667.200 and 220." All bidders should follow this rule when classifying budget costs as program support or program costs. SDWP encourages bidders to use in-kind or other revenue streams other than WIA funding to pay for program support costs. The extent to which a bidder can meet performance objectives while minimizing support costs will be a factor in the evaluation process.

5.0 EVALUATION PROCESS AND CONTRACT AWARD

5.1 Evaluation Criteria

The evaluation process will be done in two rounds. First, the written evaluation will determine if proposers are eligible for interviews. Second, interviews will be conducted to clarify and finalize points for each proposal.

1. Initial Review (Pass/Fail)

All proposals will be initially evaluated as follows to determine if they are eligible to be considered and evaluated:

- a. The proposal must be complete, in the required format, and comply with all RFP requirements. Failure to meet all of these requirements will result in a non-responsive response that will be rejected with no further evaluation or consideration.
- b. No responses shall be rejected, however, if it contains a minor irregularity, defect or variation and if the irregularity, defect or variation is considered by SDWP to be immaterial or inconsequential, SDWP may choose to accept the proposal. In such cases, the proposer will be notified of the deficiency in the proposal and given an opportunity to correct the irregularity, defect or variation or SDWP may elect to waive the deficiency and accept the response.

2. Written Evaluation

The review panel will score and rank all proposals with respect to criteria specifically developed to examine the competence of the bidders and suitability of their proposals. Strong weight will be given to the following criteria:

Proposal Section	Point Value
3.0 Proposal Requirements	
Past Performance Section 3.5	15
Sections 3.7.1 – 3.7.5	20
Program Design Section 3.7.6	80
Total	115
4.0 Financial Requirements	40
Total	155

3. Interview Evaluation

SDWP will hold interviews for selected bidders on Friday, June 28 at 1 P.M. (PDT) at the Executive Board Room in SDWP's office, 3910 University Ave, Suite 400, San Diego CA 92105. The interviews will be used primarily to clarify the contents in the bidder's proposal. This second round of evaluations will address the same criteria as above and is intended to finalize the scores for each proposal.

The winning bidder must have a total average score of 131 points to be recommended for funding.

5.2 Compliance Review

Upon receipt of proposals, staff will review submitted proposals for completeness and technical compliance with the terms and conditions of the RFP. Incomplete proposals or those clearly found to be inconsistent with legal, regulatory, or RFP requirements will be eliminated. SDWP will remove any excess pages from proposals exceeding these limits before the proposals are distributed for review.

5.3 Selection

The review panel will recommend as the successful bidder the organization whose proposal is determined to best meet the needs of the SDWP, based on the evaluation criteria discussed above.

The determination of the successful bidder will be based upon information supplied by the bidder in response to this RFP and upon other information that will be obtained by the review panel as is deemed necessary.

SDWP reserves the right to negotiate with any bidder after proposals are opened, if such action is deemed to be in the best interest of the SDWP. SDWP reserves the right to reject any proposal submitted.

5.4 Appeals Process and Access to Evaluation Information

The information below outlines the appeals process and procedure to access evaluation information.

An appeal will only be considered valid if there has been a violation of the one of the following criteria:

- The procurement process as outlined by the RFP was violated in some manner; and/or
- Federal, state, and/or SDWP procurement guidelines have been violated.

An appeal would not be allowed:

- To contest individual scores, the rating system, or dissatisfaction with the evaluation results unless there is a violation of the process as outlined above; or
- By those other than RFP bidders.

The appeals process shall consist of the following steps:

- A written letter of appeal shall be delivered to San Diego SDWP's Manager of Administrative Services;
- The written appeal shall specify evidence for valid appeal and the specific relief sought;
- The written appeal must be received by SDWP within five (5) business days from the date the RFP recommendation is first publicly posted on the SDWP website. Pursuant to the Ralph M. Brown Act (Cal. Gov't Code §54950 et al.) the agenda for a publicly noticed meeting shall be posted no later than 72 hours prior to the meeting being held. Therefore, the agenda for the July 18, 2013 Workforce Investment Board shall be posted no later than 8:00 a.m. Monday, July 15, 2013 at: <http://workforce.org/boards/workforce-investment-board> A designated third-party, appeals review panel comprised of non-SDWP staff shall have 10 business days to determine if the criteria for a valid appeal have been met. The decision of the review panel shall be final with no provision for reconsideration.

5.4.1 Access to Score Sheet and Comments

Individual score sheets and comments used during the evaluation process may be provided in the form of summaries as prepared by SDWP staff. Actual individual scores sheets will not be disclosed. These summaries will be provided to applicants of the RFP who submit a written request. Requests for this information shall be responded to within ten (10) business days of the Policy Board reviewing the final contract recommendations and any appeals submitted. The purpose for releasing this information is for technical assistance and continuous improvement and not for purpose of an appeal.

5.5 Board Action

The review panel's recommendations will be presented to the WIB at its meeting on July 18, 2013 and at the Policy Board meeting on July 26, 2013.

These dates are subject to change at SDWP's discretion. These Boards will designate the bidder to be awarded the contract(s) based upon consideration of the review panel's recommendations.

Bidders are advised that the WIB and the Policy Board, based upon the results of the evaluation process and the recommendations of the review panel and staff, must approve the final selection.

5.6 Contract Award

The San Diego Consortium Policy Board will make the final selection of the successful bidder(s) on July 26, 2013, with contract negotiations and contract signing to follow. These target dates are subject to revision.

5.6.1 Negotiation/Contract

All bidders shall designate an authorized negotiator. (The name and contact information for this person must be included on the title page of the proposal.) This designated person must be empowered to make binding commitments for the successful bidder and its subcontractors, if any. SDWP reserves the right to negotiate the final terms of the contract agreements with the successful bidder(s). Items that may be negotiated include, but are not limited to, the scope of work, the staff as proposed, the implementation schedule, and the final award amount.

5.7 Conflict of Interest

5.7.1 Cooling Off Period

SDWP, WIB, and Policy Board shall not approve or contract with, and shall reject any bid or proposal submitted by, an individual or entity who within the preceding eleven (11) months, was themselves or employs anyone who:

1. Is a current, dismissed, separated, or formerly employed person of SDWP
 - a. Was employed in any position(s) of substantial responsibility in the area of service to be performed by the contract; or
 - b. Participated in any way in the negotiations, transactions, planning, arrangements, or any part of the decision making process relevant to the proposed contract/service agreement, or was or is employed in a role of substantial responsibility in the same general subject area as the proposed contract; or
 - c. Is an owner, officer, principal, partner, or major shareholder of the proposed contractor.

This prohibition shall apply to any qualified person(s) leaving the employ of SDWP after September 21, 2012, and shall apply at all times during the twelve-month period beginning on the date the person left the employment of SDWP and shall apply to any procurement issued or contract executed within that twelve-month period. The Policy Board may, upon a showing of special circumstances that would justify the approval of such a contract, waive this prohibition.

5.7.2 Ex-Parte Communication

It is the policy of SDWP to prohibit ex-parte communication with any board member (Policy Board, WIB, WAC, Youth Council, or SDWP Board), SDWP staff, consultants or other persons serving as an evaluator during the procurement process. Bidders that directly contact board members or evaluators risk elimination of their proposals from further consideration.

Any written communication to a board member or evaluator from potential bidders will be distributed to all board members and evaluators. Collaboration with members of the various SDWP boards and committees on or about the proposal is a violation of the ex-parte communication rule. However, recognizing the value that such collaborations may bring to our system, SDWP has developed **Conflict of Interest Disclosure Form - Attachment I** to ensure that these types of arrangements do not place bidders in jeopardy. Any bidder who wishes to collaborate with a member of any SDWP board or committee **MUST** fill out the attached form and submit with proposal.

NOTE: Under no circumstances may an individual who is part of the proposal review committee collaborate with any bidder. All such individuals will be asked to sign the “Conflict of Interest Certification for Request for Proposal” stating they have not collaborated with any bidder.

Proposals submitted to SDWP for consideration/evaluation shall be accompanied by both **Conflict of Interest Disclosure Form - Attachment I** and an assurance that the provisions of Section B.14 of the San Diego Workforce Partnership, Inc. Procurement Guidelines have not been violated.

5.8 Insurance

A full line of business insurance will be required of all successful bidders. Please refer to SDWP’s Contract General Provisions, Sections 19.0 and 20.0, **Contract General Provisions - Attachment E** for complete information.

5.9 Contract Terms and Litigation Warranty

SDWP will negotiate contract agreements with the successful bidder(s). SDWP’s standard contract terms are included in the **Contract General Provisions - Attachment E**. These will be the terms and conditions used by SDWP in its contract, and will form the basis for contract negotiations.

The RFP, any addenda, and the bidder’s response shall also become part of the contract agreement between SDWP and the bidder. SDWP is not responsible for oversights in this RFP that are not brought to the attention of SDWP prior to starting contract negotiations. The bidder shall indicate in its proposal any exceptions that the bidder takes to the terms and conditions in **Contract General Provisions - Attachment E**, or to any of the contents of this RFP. Contract terms required by the bidder must be included or attached to the bidder’s proposal.

Bidders, by submitting a proposal, warrant that they are not currently involved in litigation or arbitration concerning their performance as it relates to the same or similar services to be supplied pursuant to the referenced contract and that no judgments or awards have been made against the bidders on the basis of their performance in supplying the same or similar services, unless such fact is disclosed to SDWP in the proposal(s). Disclosure will not automatically disqualify the bidders; however, SDWP reserves the right to evaluate proposal(s) on the basis of facts surrounding such litigation or arbitration. These will be reviewed and decided upon at the discretion of the SDWP.

5.10 Funding Warranty

Bidders, by submitting a proposal(s), warrant that in the preceding three (3) years they have not had one or more public transactions (federal, state, or local) terminated for cause or default.

5.11 Work for Hire

Bidder agrees that all intellectual properties created by the bidder in the course of performance of bidder's duties under a contract with SDWP, including without limitation, all patentable and copyrightable inventions and recordings, in every format, are each a "work for hire" and are the sole and exclusive property of the State, except as provided in 37 CFR Regulations part 401.14 and CFR 97.34 where it is the property of DOL, as indicated in the WIA Subgrant Agreement, provision 19.

In the event the contract does not qualify as a "work for hire" agreement, in partial consideration for the compensation paid to the bidder pursuant to the contract, the bidder hereby irrevocably assigns to SDWP, on behalf of the State and DOL, in perpetuity, all of the bidder's rights, title, and interest in and to all copyrights, patents, know-how, and other forms of intellectual property created by the bidder in the course of performance of bidder's duties under a contract with the SDWP.

Bidder agrees to execute any forms of assignment or transfer reasonably requested by SDWP during or following the term of this Contract in order to evidence the foregoing agreement of the parties.

5.12 Restriction on Disclosure

Confidential Information: Any information deemed confidential or proprietary by bidder must be clearly marked and identified by bidder as such and include an explanation of why such information is exempt from disclosure under applicable law. Such clearly marked and identified confidential or proprietary information will be protected and treated with confidentiality only to the extent permitted by law. Information not protected from disclosure by law will be considered a public record.

If bidder does not mark information as confidential or proprietary, SDWP will assume that bidder believes such unmarked data should be released to the public.

Bids submitted in response to a Request for Proposals (RFP), amounts actually paid by the government under a contract, and cost and pricing data incorporated into a contractual document such as line item prices, contract award prices, and modifications are released. Explanatory material and headings associated with costs and pricing data are normally released unless bidder can justify their deletion.

Proposals will be received, maintained, and disclosed to the public consistent with the California Public Records Act and the Freedom of Information Act. In general, proposals will be exempt from disclosure until the evaluation and selection process has been completed. Bidders should be aware that SDWP is required by law to make its records available for public inspection and copying, with certain exceptions (see California Public Records Act, California Government code Section 6250 et.seq. and the Freedom of Information Act - 5 U.S.C. Sec. 552).

SDWP will not notify bidder of requests for release of information or SDWP released data unless SDWP receives a request for information previously marked and identified by bidder as confidential or proprietary. If SDWP receives a request for release of such previously marked and identified confidential or proprietary information, SDWP will notify bidder of such request to allow bidder to challenge such request consistent with applicable law.

Bidder, by submission of materials marked confidential or proprietary, expressly acknowledges and agrees that neither SDWP nor the City or County of San Diego will have any obligation or liability to the bidder in the event a court of competent jurisdiction compels the disclosure of these materials.

Any data to be returned should be so marked by bidder and will be returned if not essential to the proposal or contract record.

6.0 ATTACHMENTS

Attachments are separate documents to this RFP may be downloaded from the SDWP website www.workforce.org.

- Attachment A – RFP Checklist**
- Attachment B – Reference Materials**
- Attachment C – NAICS Codes of In-Demand Sectors**
- Attachment D – RFP Cover Page Template**
- Attachment E – Contract General Provisions**
- Attachment F – Financial Management Structure**
- Attachment G – Rapid Response Budget Shell**
- Attachment H – Budget Instructions**
- Attachment I – Conflict of Interest Disclosure**