

SAN DIEGO  
**WORKFORCE**  

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**PARTNERSHIP**<sup>®</sup>

*advancing careers, enriching lives*

**REQUEST FOR PROPOSAL**

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**FOR**

**THE MANAGEMENT AND DEVELOPMENT OF ON-THE-JOB  
TRAINING OPPORTUNITIES FOR IN-DEMAND  
INDUSTRIES  
ISSUED JULY 1, 2013**

**Proposal must be received no later than 3:00 P.M.  
Pacific Daylight Time (PDT)  
Thursday, July 25, 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**  
**THE MANAGEMENT AND DEVELOPMENT OF ON-THE-JOB TRAINING**  
**OPPORTUNITIES FOR IN-DEMAND INDUSTRIES**

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**SAN DIEGO WORKFORCE PARTNERSHIP  
NOTIFICATION OF REQUEST FOR PROPOSALS  
FOR  
THE MANAGEMENT AND DEVELOPMENT OF ON-THE-JOB TRAINING  
OPPORTUNITIES FOR IN-DEMAND INDUSTRIES  
JULY 1, 2013**

**1.0 REQUEST FOR PROPOSALS INTRODUCTION**

The San Diego Workforce Partnership, Inc. (SDWP) is issuing this Request for Proposals (RFP) to interested applicants with experience or related experience in managing and developing On-the-Job Training (OJT) agreements where there is a career pathway with wage progression for in-demand industry clusters. The purpose of this request is to procure a qualified provider or providers to enter into a twenty-one (21) month contract beginning October 1, 2013 and ending June 30, 2015 for the management and development of OJT opportunities for in-demand industries throughout San Diego City and County.

OJT is one of the 4 pillars of training offered under the Workforce Investment Act (WIA). OJT's are specifically designed to meet the needs of local employers and jobseekers. Jobseekers have the opportunity to earn wages during training while businesses are reimbursed up to 50 percent of the jobseekers wages with providing the training.

For the purpose of this RFP, SDWP is interested in funding OJT opportunities for in-demand industry clusters. Respondents must demonstrate the following:

- An understanding of the regions employment needs;
- Utilization of funding to create demand driven employment opportunities for WIA eligible participants;
- Use of economic and industry forecast data including recently released reports by SDWP (San Diego Maritime Industry Report) and the San Diego Association of Governments (SANDAG) (Traded Industry Clusters in the San Diego Region).

This RFP is being issued to identify respondents with experience in developing business/industry partnerships that result in OJT agreements designed to train and place jobseekers into employment opportunities. This RFP will provide potential respondents with background information and describes the desired services, guidelines for proposals, and the contractor selection process. The purpose of this request is to procure qualified respondents, with innovative program designs.

**Instructions:**

- Read this RFP carefully;
- Submit a "Notice of Intent to Submit a Proposal" by no later than Thursday, July 18, 2013;
- Submit Request for Qualifications (RFQUALS) by no later than Thursday, July 18, 2013;
- Ask questions or seek technical assistance on points or concepts that are unclear by Thursday, July 18, 2013; and
- Submit proposals with all necessary information by no later than 3:00 P.M., PDT, Thursday, July 25, 2013.

## 1.1 Solicitation

SDWP hereby solicits proposals using a competitive bid process to broker OJT opportunities for jobseekers throughout the County of San Diego with a focus on successful partnerships with business/industry, results, and measurable outcomes with in-demand occupations throughout San Diego City and County from:

- For-profit organizations;
- Non-profit organizations;
- Public agencies;
- One-Stop Career Center Operators; and/or
- A collaboration of these organizations.

A consortium, joint venture, or collaboration of organizations with complementary skills and experience is 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 respondent to furnish efficient quality for SDWP.

The RFP does not commit SDWP to accept any proposal submitted, nor is SDWP responsible for any costs incurred by the respondents 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 Respondent after the proposal is reviewed, if such action is deemed to be in the best interest of SDWP.

In addition, SDWP procures grants and/or receives funding for special projects and initiatives that successful respondents will be required to deliver services. Respondents are encouraged to view SDWP's current funded partners at [www.workforce.org/career-centers](http://www.workforce.org/career-centers) to learn more about current special projects and initiatives.

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 & Target Industry or Industries) Proposal" no later than Thursday, July 25, 2013, at 3:00 P.M. PDT. Submit one (1) proposal with original signatures, seven (7) copies, and one (1) electronic PDF copy on a CD to:

Evelyn Ramirez, Procurement Advisor  
SDWP  
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 respondents send their proposals via U.S. Postal Service, UPS, or any other type of delivery service, respondents are responsible for requesting proof of delivery date and time from their chosen carrier.

## 1.3 RFP Schedule and Timeline

Beginning July 1, 2013, the RFP will be available to download from SDWP's website [www.workforce.org/rfps-open](http://www.workforce.org/rfps-open). If you are unable to download the RFP please contact:

Jacqueline S. Collins, Adult Programs Team Manager  
SDWP  
3910 University Ave., Suite #400  
San Diego, CA 92105  
619-228-2944  
Email: [OJTREFP@workforce.org](mailto:OJTREFP@workforce.org)

**Timeline:**

<u>Activity</u>	<u>Date</u>
Issue RFP	July 1, 2013
Respondents' Orientation	July 8, 2013
Required Notice of Intent to Bid Submission (by 5:00 P.M. (PDT))	July 18, 2013
Required Request for Qualification Submission (by 5:00 P.M. (PDT))	July 18, 2013
Last Day to Submit Questions	July 18, 2013
Last Day Answers Posted on Website	July 24, 2013
Proposals Due by 3:00 P.M. (PDT)	July 25, 2013
Evaluation Completion	August 9, 2013
Adult Programs Committee	August 15, 2013
Workforce Investment Board Approval	September 19, 2013
San Diego Consortium Policy Board Approval	September 27, 2013
Effective Date of Contract(s)	October 1, 2013

**1.4 Respondents' Orientation**

SDWP will provide a respondents' orientation to present the RFP requirements and address questions. All questions posed during the respondent's orientation will be compiled and posted on SDWP's website within 3 business days. No other communication besides Q & A is allowable as per section 1.7 RFP Questions. In addition to the respondents' orientation, staff will provided technical assistance on items such as program design, budget preparation, and WIA eligibility. The combined respondents' orientation and technical assistance session will be held on Monday, July 8, 2013 from 10:00 AM to 12:00 P.M. (PDT) at the SDWP office located at 3910 University Avenue, San Diego, CA 92105, on the third floor in the Julie Benedict Community Room.

**1.5 Notice of Intent to Submit a Proposal**

A **Notice of Intent to Submit a Proposal - Attachment A** is required of all organizations planning to submit for the Management and Development of the On-the-Job Training Opportunities for In-Demand Industries. This is a **required** step in the process and will be used to create the list of potential respondents.

Organizations that do not submit a Notice of Intent to Submit will not be eligible to submit a proposal in response to this request. However, submitting a Notice of Intent to Submit does not commit the respondent to submit a proposal.

All Notices of Intent to Submit are due **no later than 5:00 P.M. (PDT), Thursday, July 18, 2013** to:

Jacqueline S. Collins, Adult Programs Team Manager,  
SDWP  
3910 University Avenue, Suite 400  
San Diego, CA 92105  
Or email: [OJTRFP@workforce.org](mailto:OJTRFP@workforce.org)

The Notice of Intent to Submit form is attached and will be available at the Respondents' Orientation. **The filing of a Notice of Intent to Submit is required. If a respondent has not filed a Notice of Intent to Submit by 5:00 P.M. (PDT) on July 18, 2013 the proposal(s) will be rejected.**

## 1.6 Request for Qualifications

SDWP is using a Request for Qualifications (RFQUAL) to establish a respondent's qualifications to bid for workforce development funds. The RFQUAL expects organizations to submit a Statement of Qualifications (SOQ) to establish their capacity to administer funds. The SOQ places organizations on the Qualified Agencies List which allows the organization to be eligible to respond to RFP's and to contract with SDWP. The SOQ must be updated annually and filed with SDWP. This is a **required** step in the process.

SDWP encourages the participation of respondents who are certified as small businesses, minority-owned firms, and women's business enterprises whenever possible. Such certification shall be documented in their SOQ.

One (1) **original** and one (1) **copy** of all RFQUAL documents are due **no later than 5:00 P.M. (PDT), Thursday, July 18, 2013** to:

Attn: Evelyn Ramirez, Procurement Advisor  
SDWP  
3910 University Avenue, Suite 400  
San Diego, CA 92105

Detailed information and the necessary forms are available for download from SDWP's website [www.workforce.org/funding-qualifications](http://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](mailto:evelyn@workforce.org).

## 1.7 RFP Questions

To ensure a fair and objective evaluation, questions related to the RFP that arise after the respondents' orientation must be submitted via e-mail to: [OJTRFP@workforce.org](mailto:OJTRFP@workforce.org). Written questions will be accepted through Thursday, July 18, 2013. Questions received after the July 18, 2013 deadline will not be answered.

Written responses to questions received by SDWP will be posted on the website [www.workforce.org](http://www.workforce.org) within three (3) business days of day the question was submitted. **It is the respondent'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 respondents' 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.

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

**Respondents are strictly prohibited from contacting members of SDWP (Corporate Board), Workforce Investment Board (WIB), San Diego Consortium Policy Board (Policy Board), Adult Programs Committee (APC), San Diego Youth Council (Youth Council) or SDWP staff other than as stated in Section 5.7.1 – Ex-Parte Communication Conflict of Interest Disclosure Form – Attachment N.**

## **1.8 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 SDWP's website, [www.workforce.org/rfps-open](http://www.workforce.org/rfps-open).

Respondents 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.

## **1.9 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 respondent's 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 respondent 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 the San Diego region. 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 region'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 the San Diego region 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](http://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. The terms and conditions of this RFP may change based on the new legislation. Respondents 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](http://www.doleta.gov). In addition, respondents 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](http://www.calworkforce.org). Respondents should also make themselves familiar with California State Directives that set state policy (accessible at [www.edd.ca.gov](http://www.edd.ca.gov)) and local policy (available on SDWP's website at [www.workforce.org](http://www.workforce.org)). In addition, a list of reference materials to aid respondents is available in **Reference Materials - Attachment B**, as well as a glossary of terms available in **Glossary of Terms - Attachment C**.

## 2.4 SDWP Partnership Governance

SDWP, under the leadership of the Corporate Board, WIB, and the 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 APC, also a sub-committee of the WIB, is responsible for oversight of the Adult and Dislocated Worker programs. The APC oversees the operations and performance of the One-Stop Career Center Network.

For more information on SDWP and its boards please visit SDWP website at [www.workforce.org/boards](http://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;
- Maintain local data management system for use by Contractor, with linkage to the State of California's reporting system; and
- 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;
- SDWP's governing boards adopt local direction and procedures.

## 2.6 Roles and Responsibilities of the Contractor

Roles and responsibilities of the contractor include:

- The provision of all required WIA services to participants which include but are not limited to:
  - Intake/Eligibility;
  - Enrollment;
  - Assessment;
  - Case Management;
  - Individual Employment Plan (IEP) and
  - Supportive Services. (For detailed list of required WIA funded services see the glossary)
- Work with employers to develop training plans that will be achieved through OJT;
- Develop OJT agreements/contracts with employers;
- Recruitment of business and jobseekers;
- Document client training activities in SDWP's data collection system;
- Monitor OJT contracts for appropriate training and for employer reimbursements based on wages paid; and
- Manage fiscal responsibilities associated with payment of the OJT agreements/contracts.

## 2.7 One-Stop Career Center

SDWP oversees the operation of a network of six uniquely designed One-Stop Career Centers and six branch sites located throughout San Diego County. The One-Stop Career Center Network provides employment services to the general public, including career assessment, job training, and placement for San Diego City and County residents whether unemployed or employed. The network also provides placement services for businesses looking to hire skilled, pre-qualified workers, as well as planning services for businesses facing layoffs or plant closures.

## 2.8 On the Job Training (OJT)

OJT, as defined by **20 CFR 663.700** is:

*“(i.) On-the-job training (OJT) is defined at WIA section 101(31). OJT is provided by an employer in the public, private non-profit, or private sector. A contract may be developed between the employer and the local program that provides occupational training for the WIA participant in exchange for the reimbursement of up to 50 percent of the wage rate to compensate for the employer's extraordinary costs. (WIA section 101(31)(B))*

*(ii.) The local program must not contract with an employer who has previously exhibited a pattern of failing to provide OJT participants with continued long-term employment with wages, benefits, and working conditions that are equal to those provided to regular employees who have worked a similar length of time and are doing the same type of work. (WIA section 195(4))*

*(iii.) An OJT contract must be limited to the period of time required for a participant to become proficient in the occupation for which the training is being provided. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the occupation, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan. (WIA section 101(31)(C))”*

## Guidelines, Requirements and Restrictions for OJT:

- The project must not cause displacement of current regular employees or reduce the number of work hours or earnings of current employees;
- The company must be financially stable and have the intent and capability to retain the OJT employee in long-term employment at the successful conclusion of training;
- Training must be related to the skills necessary for the job;
- OJT must be provided through a written contract stating the job skills to be learned and the length of training;
- OJT wages must be at least \$14.00 per hour or \$12.00 per hour if employer paid benefits are provided. Wages may be less if there is a demonstrated career pathway with wage progression;
- Contracted employers cannot be involved in a current labor dispute;
- Sign off for the new hire training must be approved by any labor organization that has officially organized with that business; and
- The OJT contract between employer and respondent shall identify skills and length of training period in accordance with the following chart:

### Specific Vocational Preparation Chart

SVP Level	Maximum Training Time	Minimum Training Time
2	240	200
3	520	360
4	1040	720

**Specific Vocational Preparation** (as defined by the Department of Labor) is the amount of time required to learn the techniques, acquire information, and develop the facility needed for average performance in a specific job-worker situation. The average training time will be adjusted as appropriate for each participant's experience and needs. Average length of training may be reduced for a contract to reflect an individual's previous work experience and/or educational preparation. Average length of training may be increased to assist an individual with special needs, limited work experience, and/or significant barriers to employment.

In regard to the various levels of specific vocational preparation, Level two (2) includes anything beyond short demonstration up to and including 30 days; Level three (3) includes over 30 days up to and including three (3) months; and Level four (4), over three (3) months up to and including six (6) months. **SDWP will consider trainings that fall within levels two (2) through four (4). All OJT's must be a minimum of 200 hours but may not exceed 1040 hours.** Additional information on these specific training levels can be obtained at <http://online.onetcenter.org/help/online/svp>.

Note: You may view a sample of **SDWP's OJT Policy- Attachment D** located on our website [www.workforce.org](http://www.workforce.org) in the SDWP Operations Manual, Chapter IV.

## 2.9 Estimated Funding

SDWP is looking for respondents that are committed to serving the needs of jobseekers by developing OJT agreements with businesses for in-demand industries. Primary funding, in the amount of \$2,000,000, is available through WIA formula funding. This funding is divided into two distinctive streams; WIA Adult and Dislocated Worker. **For purposes of this RFP, a minimum of 60% of each funding stream must be allocated to participant costs.**

The following chart represents the breakdown of funds:

<b>WIA Title I Population</b>	<b>Total Available Funding</b>
WIA Title I Adult	\$926,800
WIA Title I Dislocated Worker	\$1,073,200
<b>Overall Funding Total</b>	<b>\$2,000,000</b>

## 2.10 Geographic Distribution of Enrollments

The City and County of San Diego entered into a Joint Powers Agreement for the purpose of administering the legislatively appropriated funds allocated to San Diego County for workforce development activities. This data is based on jobseekers to be served and should not be confused with businesses served.

The chart below outlines the percent of funds allocated for each region and will be used to distribute the number of jobseekers you propose to serve:

	<b>North Region</b>	<b>East County</b>	<b>Metro Region</b>	<b>South County</b>	<b>Total</b>
<b>WIA Title I Adult</b> Distribution Percentage	19.80%	14.70%	44.50%	21.00%	<b>100%</b>
<b>WIA Title I Dislocated Worker</b> Distribution Percentage	22.40%	16.00%	43.80%	17.80%	<b>100%</b>

Note: SDWP reserves the right to modify the geographic distribution of enrollments at any time.

## 2.11 WIA Eligibility and Enrollment

Under the WIA legislation all jobseekers must meet WIA eligibility requirements for Adult or Dislocated Worker funding. Certification of eligibility for any WIA funded program must be completed prior to program enrollment. Respondents should be very aware of the eligibility requirements for each funding stream and the recruitment impact this may have in developing their program designs.

Eligibility for Adult programs includes meeting general eligibility criteria, including being at least 18 years of age, having the right to work in the United States, Selective Service registration having occurred for males born after December 31, 1959 within 30 days of their 18<sup>th</sup> birthday and up to, but not including their 26<sup>th</sup> birthday.

Dislocated Worker eligibility consists of meeting the general eligibility criteria, above, and being included in one of the following categories:

1. Terminated or Laid Off or received a notice of termination or lay off **and**
  - a. Is eligible for or has exhausted entitlement to unemployment compensation; or has been employed for a duration sufficient to demonstrate 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.
2. Self-Employed - Self employed, including farmers, ranchers and fishermen and who are unemployed because of general economic conditions in the community in which they reside or because of natural disasters.
3. Substantial Layoff or Public or Permanent Closure
4. Displaced Homemaker
5. Voluntarily terminated employment; or

## 6. Unemployment Insurance (UI) Profiling

Note: *Veterans Priority* – The Jobs for Veterans Act (Pub. L. 107-288) provides 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 Department of Labor. In circumstances where a One-Stop Career Center operator must choose between two equally qualified candidates for training, one of whom is a veteran, the Jobs for Veterans Act requires that the operator give the veteran priority of service by admitting him or her into the program. Please note that to obtain priority of service; a veteran must meet the program’s eligibility requirements. ETA training and Employment Guidance Letter (TEGL) No. 5-03 (September 16, 2003) provides general guidance on the scope of the Jobs for Veterans Act and its effect on current employment and training programs. TEGL No. 5-03, along with additional guidance, is available at “Jobs for Veterans Priority of Service” web site: <http://www.doleta.gov/programs/vets>.

For detailed information on eligibility please see SDWP’s Operation’s Manual – Chapter VII WIA Eligibility Certification. SDWP will provide technical assistance on the certification process to determine eligibility

## 2.12 Targeted Industries

SDWP analyzed a number of industries important to San Diego’s economic and workforce development based on information gathered from the San Diego Regional Economic Development Corporation (SDREDC), San Diego Association of Governments (SANDAG), and SDWP. These industries have been identified to be in high-growth, in-demand, projecting skills shortages, and vital to the regional economy.

SDWP consolidated and grouped the industries each organization found to be important into “sectors” or industry clusters. The finalized list of sectors are divided into three categories—Largest Growth, Rapidly Growing, and Emerging <sup>[1]</sup>. See **Occupational List by Sector - Attachment E** for a list of occupations within these industry clusters or sectors. Note: Occupation-specific labor market information is not available for all of the emerging industries at this time:

1. Largest Growth
  - Entertainment and Hospitality
  - Green Jobs
  - Health Care
2. Rapidly Growing
  - Life Sciences
  - Information Communication Technology (ICT)
  - Aerospace, Navigation, and Maritime Technologies
3. Emerging
  - Advanced Precision Manufacturing
  - Specialty Foods and Microbreweries
  - Sports Innovation and Manufacturing

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<sup>[1]</sup> View "Sector Definitions (2012-2018).xls" for NAICS code definitions, number of job openings and average annual wages for the industries in each sector.

## Largest Growth

Sectors with the largest growth are expected to add the largest number of jobs in San Diego. As the economy recovers, these industries are projected to gain momentum with a significant amount of employment. Entertainment and Hospitality, Green Jobs, and Health Care sectors are projected to have 19,237, 18,587, and 19,163 job openings, respectively, by 2018<sup>[2]</sup>—greater than any of the other two categories.

Analysis of the Green Jobs occupational cluster indicates that mature industries such as construction have been transformed by technology and innovation, providing new employment opportunities in the region. For instance, in streetlight retrofitting, the San Diego Street Light Working Group in collaboration with 13 of the San Diego County's 18 municipalities has retrofitted 55,000 streetlights with newer LED technology, saving taxpayers and cities up to \$3 million. Furthermore, this project generated more than \$25 million in local job creation for electrical contractors, suppliers, and lighting manufacturers<sup>[3]</sup>.

The Green Jobs occupational cluster also has significant jobs, earnings, and sales multipliers of 3.95, 2.13, and 1.74, respectively<sup>[4]</sup>. The jobs multiplier measures the total number of jobs added to the region as a result of adding one job to a certain sector<sup>[5]</sup>. In this case, every one job added to Green Jobs adds 2.95 direct, indirect, and induced jobs in San Diego. Similar calculations can be made with earnings<sup>[6]</sup> and sales<sup>[7]</sup> multipliers in direct, indirect, and induced output. Every \$1 earned in Green Jobs yields \$1.21, and every \$1 of new sales in the region generates \$0.74 in total sales for the region.

## Rapidly Growing

Rapidly growing sectors are driven by technology and innovation that require new skill sets for workers. These sectors have a significant economic impact and multiplier effect on the overall economy. For instance, within just the ICT sector, one job added to the telecommunications and information technology (T&IT) industries yields three additional jobs in the region. Furthermore, these industries generate about approximately 179,020 jobs and \$48.11 billion annually in direct and indirect economic output<sup>[8]</sup>. Similarly, the Life Sciences sector is characterized with a jobs multiplier of 7.00<sup>[9]</sup>. This suggests that with each job added to the Life Sciences, 6 jobs result as the direct, indirect, and induced employment output.

These are also sectors most likely to hire to match their rapidly growing pace. Over the next twelve months, 48% of T&IT employers expect to hire, adding about 5,000 new jobs to the San

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[2] Economic Modeling Specialists International (EMSI) - Analyst. Data taken from California Labor Market Information Department. Source: QCEW Employees, Non-QCEW Employees & Self-Employed – EMSI 2013.2 Class of Worker (2012-2018). Data pulled June 2013.

[3] *The San Diego Regional Quality of Life Dashboard*. Equinox Center. February 2013.

[4] Economic Modeling Specialists International - Analyst. Data from the Bureau of Economic Analysis (BEA). Data pulled June 2013.

[5] The total jobs added to the region as a result of a single job added. This number includes the yield and the initial job addition. In other words, a jobs multiplier of 1.82 is made up of the initial job added (1.0) and the further yield (0.82). Source: EMSI's model, incorporating data from the Bureau of Economic Analysis (BEA). June 2013.

[6] The total earnings created in a region as a result of a single dollar of new earnings. This number includes the yield and the initial dollar addition. In other words, an earnings multiplier of 1.82 is made up of the initial dollar added (1.0) and the further yield (0.82). Source: EMSI's model, incorporating data from the Bureau of Economic Analysis (BEA). June 2013.

[7] The total sales created in the region as a result of a single dollar of new sales. This number includes the yield and the initial dollar addition. In other words, a sales multiplier of 1.82 is made up of the initial dollar added (1.0) and the further yield (0.82). Source: EMSI's model, incorporating data from the Bureau of Economic Analysis (BEA). June 2013.

[8] Telecommunications and Information Technology Report: The Economic Impact of Qualcomm, Driving San Diego's Technology Growth. San Diego Workforce Partnership. January 2013.

[9] Economic Modeling Specialists International - Analyst. Data from the Bureau of Economic Analysis (BEA). Data pulled June 2013.

Diego County<sup>[10]</sup>. However, employers in these rapidly growing industries indicate that they have difficulty hiring qualified applicants. These sectors require new skill sets from the workforce that are difficult to meet employers' expectations. More specifically, about two out of five (44%) T&IT employers indicated difficulty finding qualified applicants for entry-level jobs, and about 3 out of 5 (58%) T&IT employers indicated difficulty finding qualified applicants for non-entry level jobs. According to the employers surveyed by SDWP, the development of the workforce rests on the following skills: a commitment to higher learning, digital literacy, the ability to understand and communicate effectively about technology and its role in the industry, and initiative and flexibility<sup>[11]</sup>. Understanding employers' needs in qualified applicants drives SDWP to fund job training programs that develop the skills necessary in these growing sectors.

### Emerging

Emerging sectors do not have much of a critical mass as the other previous two categories in terms of economic and employment impact, but are new and expected to grow in the region. To get a sense of the robustness and growth expectations of these sectors, craft brewing in the Specialty Foods and Microbreweries sector grew 11 percent by volume and 12 percent by dollars the same time that overall beer sales in the United States declined 1.0 percent by volume<sup>[12]</sup>.

Because they are new and emerging, these sectors are still being defined. SANDAG defines Advanced Precision Manufacturing as a newly established sector that supports the metalworking and machine manufacturing operations of technology clusters such as ICT and Aerospace, Navigation and Maritime Technologies. This sector received \$23.5 million in federal government procurement contracts in 2010, double the amount from 2008<sup>[13]</sup>.

## **2.13 Performance Management**

The respondent must demonstrate in their project narrative how performance will be tracked and met. SDWP will monitor the following performance areas:

- Number of OJT opportunities developed;
- Number of Enrollments into OJT;
- Target OJT wage must be at least \$14.00 per hour or \$12.00 per hour if employer paid benefits are provided. Wage may be less if there is a demonstrated career pathway with wage progression.
- Number of clients who complete OJT;
- Percent of those who are employed at exit;
- Percent of those who are employed in training related occupations; and
- Employed at 1<sup>st</sup> Quarter after Exit: Of the clients that were employed at exit, the percentage of those who are employed 1<sup>st</sup> quarter after Exit.

Contractors are required to submit monthly performance reports to the assigned Program Specialist by the 20<sup>th</sup> of each month. Technical assistance and training on the required performance accountability measurements and data management will be provided to the successful respondent(s).

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<sup>[10]</sup> San Diego Workforce Partnership. *Telecommunications and Information Technology Report: The Economic Impact of Qualcomm, Driving San Diego's Technology Growth*. January 2013.

<sup>[11]</sup> Ibid.

<sup>[12]</sup> San Diego Association of Governments (SANDAG). *Traded Industry Clusters in the San Diego Region*. December 2012.

<sup>[13]</sup> Ibid.

## 2.14 Customer Tracking

Successful respondents will be required to utilize the data management system selected by SDWP. This includes the entry of individual participant data such as eligibility determination, demographics, activities, and case notes and outcomes data. Timely data entry is required and must be entered within three (3) days after the date of any individual activity. SDWP Program Specialists will conduct on-going monitoring to evaluate the contractor's use of the data system. Failure to comply with the required use will result in corrective action and may result in the contract being terminated. SDWP will provide technical assistance on the data system to successful respondents.

## 2.15 Technology Systems Requirements

SDWP has technology system requirements with which the successful Respondent must comply. At a minimum, contractors must have the following:

- Internet connectivity;
- Individual e-mail accounts for staff working on the proposed project; and
- Workstations capable of running the latest version of Microsoft Internet Explorer web browser with at least a 56K modem.

**Technology System Requirements - Attachment F** provides additional technology systems recommendations.

# 3.0 PROPOSAL REQUIREMENTS

Respondents must submit their proposal in a format suitable for ease of review with a minimum of repetitious material. The proposal should clearly demonstrate the Respondent'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

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

- Title Page
- Table of Contents
- Executive Summary – 2 pages
- Proposal Content – 20 pages
- Financial Requirements – 3 pages
- **Financial Management Structure - Attachment J** – 6 pages
- **Budget Narrative - Attachment L** – 9 pages
- All other attachments – 15 pages (total)

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:

Respondents 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 Title Page

The title page shall include the:

- Company name, address, phone number, and federal tax identification number;
- Target Industry or Industries proposed to serve;
- 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.

### 3.4 Executive Summary

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

- A summary of the respondent's understanding of OJT;
- A summary of the respondent's understanding of business/industry demands for unfilled jobs;
- A summary of the respondent's approach to the development of OJT agreements; and
- An overview of the proposed scope of work.

### 3.5 Past Performance

The respondent must provide at least three (3) complete references from organizations/agencies the respondent 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 respondents that have had contracts with SDWP within the past three years must include SDWP as one of the three references.

Each of the respondent's references must be completed and emailed or mailed, by the referring organization, directly to SDWP. Past performance questionnaires delivered by the respondent will not be accepted. **Past Performance Questionnaire - Attachment G** must be received by the proposal due date. Past Performance Questionnaires received after the proposal due date will not be accepted. References shall be advised to mail the questionnaire to:

Jacqueline S. Collins, Adult Programs Team Manager  
SDWP  
3910 University Avenue, Suite 400  
San Diego, CA 92105  
or email [OJTRFP@workforce.org](mailto:OJTRFP@workforce.org)

### 3.6 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.

### **3.7 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 Respondent must provide an overview of its organization and qualifications to develop OJT agreements/contracts.

The Respondent must describe its business and how it relates to workforce development; provide a description indicating the strengths of the organization that uniquely qualify it for the management of the OJT 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**

Respondents shall describe in detail their knowledge, expertise, and experience working within the workforce development industry, and/or the non-profit sector as it pertains to job development, placement, and retention.

Respondents are expected to demonstrate their understanding of businesses' workforce development needs and their ability to broker relationships with employers.

#### **3.7.3 Organization's Objectives**

Respondents 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 an OJT program.

#### **3.7.4 Management and Organization**

Respondents are to provide an organization chart of intended operations, including a staffing plan and resumes for all key positions. Respondents 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 respondent shall describe its plan 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 H**, Section 29.0, Procurement and Purchases and Section 42.0, Subcontracting for additional information. 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 OJT Program Design**

SDWP's goal is to fund one (1) or two (2) contractors to develop OJT opportunities with businesses for in-demand industries.

Respondents should have an extensive background in developing employment opportunities that target the in-demand industries identified in section 2.12, *Targeted Industries*. Respondents should also have a thorough understanding of the jobseeker demographic available

throughout San Diego County. Both the business and jobseekers customers are equally important and should be considered in developing the program design.

Respondents shall respond to the criteria below in detail:

- How they will develop a program design that demonstrates their ability to provide services to jobseekers and develop meaningful OJT opportunities in the targeted industries.
- The jobseeker and employer outreach and recruitment strategy for this project based on the industry or industries you propose to serve.
- How the project will ensure all jobseekers receive Core B/Intensive services prior to entering into an OJT. Include a list of the types of services respondents will provide.
- List the specific assessment tools to be used in determining the jobseekers occupational interests, aptitudes, and their suitability for specific OJT industries/occupations, other than employer specific needs.
- Plan for the provision of supportive services this plan should include the implementation strategy.
- The industry or industries they will target and the occupations for which OJT opportunities will be developed.
- How businesses will be served. Indicate the staff position(s) responsible for OJT development.
- How OJT agreements will be developed with the business community and jobseekers so that they are mutually beneficial.
- How they will monitor OJT contracts developed with businesses and ensure the policies of the SDWP, State, and Federal government are adhered to.
- The type of employer support and follow-up needed to ensure successful OJT outcomes, and how that will be provided.
- How the jobseekers progress in the OJT will be monitored through regularly scheduled worksite visits, including level of coordination with employers.
- How jobseekers will be transitioned into unsubsidized employment upon completion of training.
- How participants who are enrolled, but not participating in an OJT, or, who did participate in an OJT, but did not successfully complete, will be placed into unsubsidized employment.

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

- A flow chart demonstrating how jobseekers will be recruited and referred to employment opportunities;
- The relationship the respondent has with the business community and, to the extent possible, include information on businesses with which the respondent currently partners on projects of similar scope;
- A project plan that includes a timeline for the development of OJT contracts;
- A Project Operating Plan defining how many customers will be enrolled in training, length of training, projected number of those who will successfully complete the training, number who will be placed in unsubsidized employment, and retention at first quarter after exit. The time line should include the dates (month/year) customers will reach each benchmark;
- A staffing plan and information on key staff that will be charged with carrying out the responsibilities of this program;
- How jobseekers and businesses will be engaged and encouraged to give regular feedback to improve service delivery; and
- An expenditure plan demonstrating fiscal accountability in the payment of the OJT agreements with businesses.

Note: SDWP's policy on the provision of supportive services, **Attachment I** must be adhered to.

## **4.0 FINANCIAL REQUIREMENTS**

### **4.1 In-Kind and Cash Match Resources**

In order to efficiently use Title I WIA Adult and Dislocated Worker funding and deliver OJT services to residents and businesses within San Diego County, it becomes increasingly important to leverage a wide-range of public and private resources to support OJT services. Respondents 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 respondents to be used specifically for program activities. Respondents 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**

Respondents are required to describe their financial management structure by completing the form included in the **Financial Management Structure -Attachment J**. The responses included in this document will serve to evaluate the respondent'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 twenty-one (21) months beginning October 1, 2013 and ending June 30, 2015.

Respondents are required to submit a **Standard Budget Shell - Attachment K**, (e.g., personnel, non-personnel, contracts, indirect, profit) that covers the entire 21 month contract period, a related budget narrative by line-item, and a cost allocation plan. Estimated funding amounts are listed in Section 2.9. No respondent should exceed the estimated funding amounts for Adult and Dislocated Workers. The overall line-item detail budget should provide a high-level snapshot of the respondent'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 21 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. Successful respondent's subcontracts funded with WIA must be reviewed and approved by SDWP prior to executing.

The respondent 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 (see section 4.4).

Each respondent is required to submit a **Budget Narrative - Attachment L** and a cost allocation plan that corresponds to its line-item budget detail. This narrative should justify the need for all costs built into the line-item detail, the methodology used to derive each cost, and the methodology used to allocate the line-item cost across the two funding streams (WIA Adult and Dislocated Worker). This narrative should not exceed nine (9) pages.

The total of the separate indirect and negotiated profit line items (when calculated in aggregate) should not exceed 15 percent of a respondent's budget. For-Profit organizations' negotiated profit line item will not be negotiated at a rate higher than 10 percent of a respondent'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 respondent 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 respondent 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 respondent 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 M.**

#### 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. Respondents 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 respondents should follow this rule when classifying budget costs as program support or program costs. SDWP encourages respondents to use in-kind or other revenue streams other than WIA funding to pay for program support costs. The extent to which a respondent 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 review panel will score and rank all proposals using the criteria described within the RFP, and specifically developed to examine the competence of the respondents and suitability of their proposals. Scoring will be given to the following sections:

<b>Proposal Section</b>	<b>Point Value</b>
3.0 Proposal Requirements	
Past Performance Section 3.5	10
Sections 3.7.1 – 3.7.5	20
Program Design Section 3.7.6	50
<b>Total</b>	<b>80</b>
4.0 Financial Requirements	20
<b>Total</b>	<b>100</b>

***Respondents must have a total average score of 85 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 respondent the organization whose proposal is determined to best meet the needs of SDWP, based on the evaluation criteria discussed above.

The determination of the successful respondent will be based upon information supplied by the respondent in response to this RFP and upon other information that will be obtained by the review panel as is deemed necessary. The budget structure will be an important factor in the selection of the successful proposal.

SDWP reserves the right to negotiate with any respondent after proposals are opened, if such action is deemed to be in the best interest of 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, as described in **SDWP General Provisions- Attachment H**, 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 respondents.

The appeals process shall consist of the following steps:

- A written letter of appeal shall be delivered to 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 SDWP's 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 August 15, 2013 APC shall be posted no later than 8:00 a.m. Monday, August 12, 2013 at: <http://workforce.org/boards/adult-programs-committee>
- 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.

### **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 APC at its meeting on August 15, 2013. The APC's recommendation will be presented at the WIB meeting on September 19, 2013 and at the Policy Board meeting on September 27, 2013.

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

Respondents 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 Policy Board will make the final selection of the successful respondent(s) on September 27, 2013, with contract negotiations and contract signing to follow. These target dates are subject to revision.

### **5.6.1 Negotiation/Contract**

All respondents 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 respondent and its subcontractors, if any. SDWP reserves the right to negotiate the final terms of the contract agreements with the successful respondent(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 Ex-Parte Communication**

It is the policy of SDWP to prohibit ex-parte communication with any board member (Policy Board, WIB, APC, Youth Council, or Corporate Board), SDWP staff, consultants or other persons serving as an evaluator during the procurement process. Respondents 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 respondents 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 N** to ensure that these types of arrangements do not place respondents in jeopardy. Any respondent 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 respondent. All such individuals will be asked to sign the "Conflict of Interest Certification for Request for Proposal" stating they have not collaborated with any respondent.

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

### **5.7.2 Cooling Off Period**

SDWP, the WIB and the 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 twelve (12) 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 12 shall apply to any procurement issued or contract executed within that twelve-month period. The San Diego Consortium Policy Board may, upon a showing of special circumstances that would justify the approval of such a contract, waive this prohibition.

## **5.8 Insurance**

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

## **5.9 Contract Terms and Litigation Warranty**

SDWP will negotiate contract agreements with the successful respondent(s). SDWP's standard contract terms are included in the **Contract General Provisions - Attachment H**. 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 respondent's response shall also become part of the contract agreement between SDWP and the respondent. SDWP is not responsible for oversights in this RFP that are not brought to the attention of SDWP prior to starting contract negotiations. The respondent shall indicate in its proposal any exceptions that the respondent takes to the terms and conditions in **Contract General Provisions - Attachment H**, or to any of the contents of this RFP. Contract terms required by the respondent must be included or attached to the respondent's proposal.

Respondents, 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 respondents 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 respondents; 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 SDWP.

## **5.10 Funding Warranty**

Respondents, 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**

Respondent agrees that all intellectual properties created by the respondent in the course of performance of respondent'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 respondent pursuant to the contract, the respondent hereby irrevocably assigns to SDWP, on behalf of the State and DOL, in perpetuity, all of the respondent’s rights, title, and interest in and to all copyrights, patents, know-how, and other forms of intellectual property created by the respondent in the course of performance of respondent’s duties under a contract with SDWP.

Respondent 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 respondent must be clearly marked and identified by respondent 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 respondent does not mark information as confidential or proprietary, SDWP will assume that respondent 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 respondent 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. Respondents 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 respondent of requests for release of information or that SDWP released data unless SDWP receives a request for information previously marked and identified by respondent as confidential or proprietary. If SDWP receives a request for release of such previously marked and identified confidential or proprietary information, SDWP will notify respondent of such request to allow respondent to challenge such request consistent with applicable law.

Respondent, 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 respondent in the event a court of competent jurisdiction compels the disclosure of these materials.

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

## **6.0 ATTACHMENTS**

Attachments are separate documents to this RFP and maybe downloaded from SDWP's website [www.workforce.org](http://www.workforce.org).

- Attachment A - Notice of Intent to Submit a Proposal**
- Attachment B - Reference Material**
- Attachment C - Glossary of Terms**
- Attachment D - SDWP OJT Policy**
- Attachment E - Industry Occupation List**
- Attachment F - Technology System Requirements**
- Attachment G - Past Performance Questionnaire**
- Attachment H - Contract General Provisions**
- Attachment I - SDWP Supportive Services Policy**
- Attachment J - Financial Management Structure**
- Attachment K - Standard Budget Shell**
- Attachment L - Budget Narrative**
- Attachment M - Budget Instructions**
- Attachment N - Conflict of Interest Disclosure**