

**REQUEST FOR PROPOSAL  
FOR  
FISCAL AGENT SERVICES**

**October 1, 2015 –September 30, 2017**

**Released by:**

**The KentuckianaWorks Local Workforce Development Area  
Local Elected Official (LEO) Governing Board**

***July 6, 2015***

**Submit Proposals to:**

Department of Workforce Investment

Attn: Fiscal Agent Services RFP – KentuckianaWorks Local Workforce Development Area

500 Mero Street, 3<sup>rd</sup> Floor

Frankfort KY 40601

502.564.0372

**BID AND CONTRACT TIMELINE**

Request for Proposal Issued: July 6, 2015

Deadline for submission of written questions: 3:00 p.m., July 20, 2015

Proposals due no later than: 3:00 p.m., August 5, 2015

Successful bidder notified: August, 2015

Contract to start: October 1, 2015

All times are prevailing Frankfort Time

**REQUEST FOR PROPOSAL**  
**FOR**  
**KENTUCKIANAWORKS LOCAL WORKFORCE DEVELOPMENT AREA**  
**FISCAL AGENT SERVICES**

**Date Issued** July 6, 2015

**Due Date** Proposals must be RECEIVED no later than 3:00 pm, August 5, 2015. Deliver proposals to:

Department of Workforce Investment  
Attn: Fiscal Agent Services RFP – KentuckianaWorks Local Workforce Development Area  
500 Mero Street, 3rd Floor  
Frankfort KY 40601  
502.564.0372

**Scope of Services** The successful bidder will receive and disburse all funding at the direction of the KentuckianaWorks Local Workforce Development Board, Inc. (LWDB).

**Period** October 1, 2015 – September 30, 2017 (with two year renewal option at LWDB and chief local elected officials’ (CLEOs) discretion)

**Funds Available** Program Year (PY) 2016 allocations are not known at this time. For PY 2015, LWDB’s Adult, Youth and Dislocated Worker formula allocation was \$5,953,561.05. Bids should not exceed 10% of the projected allocation.

**Eligible Bidders** Any public or private for-profit or non-profit entity in or that is eligible to operate within the KentuckianaWorks Local Workforce Development Area (LWDA) is eligible.

**Limitations** This RFP does not commit the KentuckianaWorks Local Workforce Development Area LEO Governing Board (the LEO Governing Board) to award a contract, to pay any costs incurred in the preparation of a proposal to this request, or to procure or contract for services.

**Questions** Deadline for submission of written questions is 3:00 p.m., July 20, 2015.

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## Section I – Introduction

This is a Request for Proposal (RFP) for an organization to serve as the fiscal agent for the management and disbursement of Workforce Innovation and Opportunity Act (WIOA) funds to provide services to adults, dislocated workers, and youth; and other state and federal funds awarded to the LWDA. The successful bidder will receive, disburse, and account for said funding at the direction of the LWDB. The successful bidder will prepare and submit all reports required by the Commonwealth of Kentucky and the LWDB.

According to WIOA § 107(d)(12)(B)(II), in order to assist in the administration of the grant funds, the chief elected official...may designate an entity to serve as a local grant subrecipient for such funds or as a fiscal agent. In March, 2015, the Kentucky Workforce Investment Board (KWIB) issued an Interlocal Agreement policy that defines the procurement and designation of the fiscal agent or local grant subrecipient by stating that the Local Elected Official (LEO) Governing Board shall carry out a competitive procurement process conducted by the Department of Workforce Investment (DWI) for fiscal agent or local grant subrecipient services including a Request for Proposals (RFP) that has been reviewed and approved by the DWI. Furthermore, the policy provides that proposals will be evaluated and ranked based upon criteria including but not limited to quality of services, demonstrated experience of quality service delivery, cost, conflict of interest policies, and history of fiscal integrity.

For the current PY15, the LWDB's budget is approximately \$6.0 million. The PY15 formula allocation is \$5,953,561.05, which for the Adult and Dislocated Worker Funds, consist of a PY allocation amount received in July of each year, and FY allocation amount received in October of each year. The Youth PY funding is received in April of each year. Allocations and carry-forward funds from the prior year have varied each year. The LWDB contracts with ResCare, Inc., as the One-Stop Operator.

The LWDB, in partnership with the CLEOs, has responsibility for the planning and oversight of workforce development services under WIOA in the seven county LWDA.

The intent of WIOA Title 1 is to provide training opportunities for residents that match the existing and future workforce needs of employers. The focus of service delivery is to provide eligible adults, dislocated workers and youth with access to career information, career assessment and, as needed, training and other career preparation that will increase opportunities for employment. Employer services include assistance with identifying individuals to fill job openings, re-employment of laid-off workers, and provision of other services and information to help employers recruit, retain, and develop their workforce.

The LEO Governing Board will maintain all proposals received in response to this RFP on file for at least three (3) years in the event negotiations with the selected organization cannot be finalized or in the event an organization is not able to perform. The LEO Governing Board reserves the right to reopen the RFP at any time.

## **Section II**

### **Role of the Fiscal Agent**

The selected organization will serve as the fiscal agent for WIOA Title 1 and other workforce development funds that are allocated to the LWDA. The fiscal agent shall be generally responsible for the acceptance and maintenance, disbursement, accounting, and reporting of WIOA Title 1 and other funding during the period of the contract. The fiscal agent duties and responsibilities shall be performed for the direct benefit of the LWDB in the disbursement of funds and performed in accordance with, and governed by, applicable provisions of WIOA Title 1 and regulations, applicable Federal Office of Management and Budget (OMB) circulars and state policies and law. The fiscal agent disbursement of funds shall be performed in accordance with LWDB policies and procedures.

The fiscal agent shall cooperate with and assist the LWDB and the CLEOs with their objectives for the LWDA in conformity with WIOA Title 1 and regulations. The fiscal agent does not make decisions about who receives the money or approve budgets. The fiscal agent manages accounts payable, receivables and reporting and performs fiscal monitoring annually of each LWDB contractor. The fiscal agent disburses the funds at the direction of the LWDB, as long as those directives do not violate any provision of WIOA, OMB Circulars, or state law or policies. The LWDB funds will pass through the fiscal agent. The fiscal agent requests cash (drawn down process) as needed from the Office of Employment and Training (OET).

In general the fiscal agent is responsible for the following functions:

1. Receive funds;
2. Ensure sustained fiscal integrity and accountability for expenditures of funds in accordance with OMB circulars, WIOA, corresponding Federal Regulations and State policies and requirements of funding sources, as appropriate;
3. Respond to audit financial findings;
4. Maintain proper accounting records and adequate documentation;
5. Prepare financial reports; and
6. Provide technical assistance to contractors and vendors regarding fiscal issues.

Additionally, at the direction of the LWDB, the fiscal agent may have the following additional functions:

1. Procure contracts or obtain written agreements;
2. Conduct financial monitoring of service providers; and
3. Ensure independent audit of all employment and training programs.

Recognizing local organizations often function simultaneously in a variety of roles, including fiscal agent, LWDB staff, one-stop operator, and direct provider of career services or training services, any organization that has been elected or otherwise designated to perform more than one of these functions must develop a written agreement with the LWDB and the CLEOs to clarify how the organization will carry out its responsibilities while demonstrating compliance with WIOA Title 1 and corresponding regulations, relevant OMB circulars and the state's conflict of interest policy.

## **Section III – Scope of Work**

The successful bidder will serve as the fiscal agent for the LWDA. The successful bidder will enter into a contract agreement with the Leo Governing Board. The organization will receive and manage all formula WIOA funds for the LWDA including but not limited to: Adult, Dislocated Worker, and Youth and other private, federal or state funds. The organization will provide services related to grants management, general accounting and financial services, oversight for fund integrity, annual fiscal monitoring of LWDB contractors, and technical assistance. The fiscal agent will work closely with the Direct Service Provider and/or One-Stop Operator throughout the period of the contract. The fiscal agent shall comply with all relevant federal and state confidentiality laws.

### **A. Detailed Scope of Work**

#### **1) Control of LWDB Funds**

- a. The fiscal agent shall project cash needs and request cash to coincide with timely payment to LWDB contractors.
- b. The fiscal agent will receive and manage all funds in compliance with applicable state, federal, and LWDB policy and fund-specific regulations; and ensure internal controls to maintain fiscal integrity.
- c. The fiscal agent shall conduct annual fiscal monitoring of Direct Service Provider and/or One-Stop Operator as well as other contractors designated by the LWDB.

#### **2) Disbursement of Funds**

- a. The fiscal agent shall disburse LWDA funds in accordance with the WIOA, the WIOA Final Regulations and Commonwealth grant specific requirements.
- b. Disbursements shall be made by the fiscal agent from available funds at the direction of the LWDB within a reasonable time following receipt of complete and accurate requests for reimbursement.
- c. The fiscal agent will adhere to the applicable cost principles found in the OMB circulars. The OMB circulars are incorporated herein by reference and are further specified in program regulations at 29 CFR 95.27 and 29 CFR 97.22
- d. The fiscal agent shall disburse funds based upon invoices reviewed and approved as designated by the LWDB.

#### **3) Accounting of Funds**

- a. The fiscal agent will maintain an accounting of all revenue, expenditures, program income, and applicable credits associated with all funds by funding stream for the duration of the term of its services.

- b. The fiscal agent will ensure that all financial procedures are in compliance with Generally Accepted Accounting Procedures (GAAP), OMB policies, Code of Federal Regulations (CFR), Federal Acquisition Regulations (FAR), and any other federal or state regulatory requirements.
- c. The fiscal agent will limit the risk of questioned or disallowed costs.
- d. The fiscal agent will implement any invoicing system, or procedures deemed necessary by the LWDB, Commonwealth and the fiscal agent in order to comply with its duties and responsibilities.
- e. The fiscal agent will maintain an accounting of expenditures by expense type and service provider/vendor.
- f. The fiscal agent will establish as necessary and maintain appropriate ledgers to manage obligations and expenditures of funds using Abila MIP Fund Accounting.
- g. The fiscal agent will establish procedures and processes to ensure that all amounts payable to contractors, and/or vendors, are paid from existing funds and that proper documentation for each claim is maintained for monitoring and audit purposes.
- h. The fiscal agent will establish procedures and processes to ensure that all amounts receivable or due to the LWDA are collected and recorded on a timely basis.
- i. The fiscal agent will maintain a record of all financial transactions for WIOA and other funds allocated and expended in the LWDA.
- j. The fiscal agent will assist with processes and procedures for invoicing, proper documentation, and reporting from contractors to the LWDB.
- k. The fiscal agent will prepare the cost allocation plan for the LWDA.
- l. The fiscal agent will establish a procedure to record and report all costs and matching funds (cash and in-kind).
- m. As requested, the fiscal agent will provide training and technical assistance to LWDB contractors on fiscal matters.

#### **4) Financial & Grant Reporting**

- a. To support the oversight role of the LWDB, the fiscal agent will prepare and disseminate financial reports on a monthly basis in formats prescribed by the LWDB to identify revenues, expenditures, accounts payable, accounts receivable, and balances and obligations, by funding stream, and contractors.
- b. The fiscal agent will work with the LWDB and develop and provide standard financial reports as needed by the LWDB, LEO Governing Board, Commonwealth or Direct Service Provider and/or One-Stop Operator.
- c. The fiscal agent will report on an accrual basis in accordance with the US Department of Labor and OET requirements and systems.
- d. The fiscal agent will report total obligations by funding stream as required by OET.
- e. The fiscal agent will prepare required federal and state financial reports associated with management of grant funds.

- f. The fiscal agent will provide reports and other assistance to the LWDB to monitor fiscal performance of all contractors and budgets.
- g. The fiscal agent will be required to prepare financial reports and grant closeouts annually.
- h. The fiscal agent will assist the Direct Service Provider and/or One-Stop Operator with the preparation of grant and contract budgets.
- i. The fiscal agent will provide local allocation, expenditure and budget spreadsheets for LWDB *and* Direct Service Provider and/or One-Stop Operator review on a monthly/year-to-date (YTD) basis.

## **5) Recovery/Reimbursement**

- a. The fiscal agent shall assist the LWDB, LEOs and/or Commonwealth with the recovery of funds paid to contractor or vendor subsequently disallowed.
- b. The fiscal agent shall reimburse the LWDB and/or Commonwealth for any funds paid to a contractor and subsequently disallowed, to the extent that such disallowed funds are recovered from the contractor.
- c. The fiscal agent will not be responsible for funds disallowed at the contractor level.
- d. The fiscal agent will be responsible for any theft or misappropriation of LWDA funds and is required to carry at its own cost commercial liability and a fidelity bond that meets LWDA requirements.

## **6) Deliverables**

The fiscal agent shall be responsible for:

- a. Timely processing of invoices;
- b. Accounting of grant funds by funding stream;
- c. Cash management and cash requests to OET as necessary;
- d. Monthly financial reports;
- e. Cooperation with the LWDB, Direct Service Provider and/or One-Stop Operator, LEO Governing Board, and the CLEOs toward goals and objectives of the LWDA.
- f. The selected bidder must participate in Direct Service Provider and/or One-Stop Operator meetings as required and attend LWDB meetings and other meetings called by the LWDB and the DWI as appropriate. The selected organization will be expected to participate in Statewide Fiscal Officers meetings.

## **7) Current Contracts and Staffing**

- a. The current fiscal agent has only the contract to carry the fiscal agent functions in the LWDA. The PY and FY allocations associated with that contract are described in Section IV, below.
- b. The current staffing for the fiscal group consists of five employees. The five employees consist of a chief fiscal officer, deputy fiscal officer, one business

accountant II and two business accountant I. The total estimated annual cost of salary/fringe for the fiscal group is \$290,000.

- c. The fiscal agent has processed approximately 2750 voucher/vendor payments this year related to WIA. The fiscal agent currently oversees the following contracts:

Service Provider Contracts/ITPS

At work solutions – IT services

Goodwill

JCPS

Rescare

First Choice Commercial Service – custodial service

Doug Panke – custodial service

Universal Protection – security service

Strothman and Company – audit services

Peritus – PR services

Lease Contracts

Stiver's Land Company

Sawyer and Lerner Building

Titan

FBM Properties

Flynn Group

OET KY – 6<sup>th</sup> & Cedar one-stop

OET – Shelbyville location

**8) Scope of Work Transition**

The Greater Louisville Workforce Investment Board, Inc., a/k/a KentuckianaWorks (KentuckianaWorks) currently carries out the fiscal agent functions in the LWDA. In the event that KentuckianaWorks does not bid and/or does not win the bid:

- a. KentuckianaWorks will work with the winning bidder for no less than 60 days from October 1, 2015 to transition the systems, processes and procedures established in the LWDA to successfully carry out the fiscal agent functions.
- b. The fiscal agent will budget and establish a plan with reasonable staff time to successfully transition the functions from the incumbent fiscal agent.
- c. The selected bidder will be required to participate in transition training for a new fiscal agent if the contract is ended by either party to the contract.

**Section IV. Available Funds**

There are strict limits of 10% for administrative costs under the federal WIOA. The fiscal agent cost is only one of those administrative costs. The chart below represents the PY and FY15 WIOA formula funds allocated to the LWDA. PY and FY16 funding is not known at this time but is expected to be similar to PY and FY15.

**Allocations for PY AND FY15 and Administration Funds  
(July 1, 2015 through June 30, 2016)**

Workforce Innovation and Opportunity Act	LWDA Allocation
Adult	2,092,001.61
Dislocated Worker	1,848,245.63
Youth	2,013,313.81
Administration	10%
OTHER	
TOTAL	5,953,561.05

**V. PROPOSAL CONTENT**

**A. Bidder's Demonstrated Experience of Quality Service Delivery**

Background, Performance, and Organizational Stability

Describe the bidder's background including:

1. Description of business.
2. Legal Status.
3. Must be registered to conduct business in the Commonwealth of Kentucky.
4. Website address or statement that the organization has no website.
5. Number of years in business and brief history of the bidder.
6. Examples of types of contracts the bidder has previously entered into, including type of contracting entity, location of the work, and general types of services provided.
7. Provide evidence of past performance and external customer satisfaction for related services.
8. Describe internal or external evaluations conducted on your organization and/or operations during the past two (2) years. Who conducted the evaluations? What were the results? What was the purpose of the evaluations?

9. Provide a list of any legal action taken against your organization, including lawsuits, injunctions or court orders.
10. If the entity has a board, identification of board members (this may be expressed as a link to a website that identifies board members).
11. Estimate what percentage of the overall organization's work would be represented by this contract.
12. Review and complete all forms including: Proposal Cover Sheet; Administrative and Financial Management Survey and Certification; Assurances, Debarment Certification; and Non-Collusion Affidavit. An individual authorized to sign on behalf of the bidder must sign and date all forms.
13. Provide three references and how these contacts are familiar with the bidder's organization and the nature of the work performed.

#### Bidder's Qualifications and Staffing

Identify the staff that will be assigned to this contract.

1. Provide an organizational chart that shows how each fits into the overall organization. If a current position(s) is vacant, describe the qualifications that will be sought to fill the position and timetable for hiring. Note: The lead positions for the organization may not be shown as vacant since these positions are too important to the selection of the contractor.
2. Indicate what the roles/titles will be of the staff assigned to this contract.
3. Provide bios or resumes of the assigned staff. Bios or resumes should include the following as appropriate to each person's planned duties under this contract:
  - a. accounting or finance degrees and accounting certifications;
  - b. experience with automated reporting systems;
  - c. experience in budgeting, accounting, administrative and fiscal oversight;
  - d. experience in working with fund accounting and administrative services;
  - e. identify specific accounting and reporting experience with WIA in Kentucky/or other state/federal agencies and/or private sector entities;
  - f. experience with fund accounting software; and
  - g. experience in grant management.
4. Identify functions that may or will be subcontracted and if the subcontractor has been identified provide the background, qualifications and staffing information for the subcontractor. If a subcontractor is not identified yet, describe the qualifications that will be sought to fill the function. The LEO Governing Board discourages subcontracting key positions but will consider such plans. Bidders are cautioned that subcontracting may reduce the chances of a successful bid.
5. The bidder will be responsible for staffing redundancy to ensure uninterrupted fiscal representation.

## **B. Bidder's Fiscal Integrity**

Describe the bidder's background including:

1. Provide one copy of the two most recent audit reports and/or financial statements for the organization.
2. If the entity has previously acted as fiscal agent for WIA funds, provide a copy of the two most recent fiscal monitoring reports for your organization and any Auditor of Public Accounts (APA) Audits or Examinations.
3. Provide one copy of any corrective action plans initiated in response to monitoring and/or audit findings and the final status report on the completion of the corrective actions.
4. Provide one copy of the conflict of interest policy that addresses whether any LWDB member or One Stop staff or family members have a financial interest in the facilities, assets or providers of services that could be perceived as a conflict of interest.
5. Summarize policies and procedures regarding internal controls, including separation of duties.
6. Provide information about fundamental financial practices including:
  - a. budgeting practices including obligation and expenditure target and reviews, the process for budget modifications, and the tracking of commitments not yet recorded in the accounting system;
  - b. accounting system usage and review;
  - c. cash management practices – bank statement reconciliation, cash and credit card disbursement requirement
  - d. the processing of accounts payable including invoice review and reconciliation;
  - e. financial reporting processes;
  - f. cost allocation including the use of an approved indirect cost rate, the use of actual costs as the basis of allocations and the allocation of staff wages based on a time distribution system.
  - g. personnel cost tracking and management;
  - h. travel expense review and reconciliation;
  - i. Individual Training Account (ITA) protocols, if applicable;
  - j. financial oversight of subcontracted program services; AND
  - k. the use of other administrative systems as prescribed within 29 CFR Part 97.

## **C. Plan of Work**

**Using the Scope of Work in this RFP as guidance**, describe the fiscal agent services to be provided that will ensure compliance with all federal and state statutes, regulations, and policies and generally accepted accounting principles. Describe methods and processes and provide a project plan including reference to all eight items noted:

1. Control of LWDB Funds;
2. Disbursement of Funds;
3. Accounting of Funds;
4. Financial & Grant Reporting;
5. Recovery/Reimbursement;
6. Deliverables; and

## 7. Transition.

### **D. Cost**

Provide a detailed budget for delivery of the required scope of work, including personnel, operating and administrative costs.

Please note that while PY 16 funding is not known, PY 15 funding levels have been provided. This funding can vary significantly based on federal allotments to the states and state allocations to the regions. In addition, other grants and awards to the regions from DWI, the U.S. Department of Labor, and other public and private entities can further change the amount of funding that falls under the responsibility of the fiscal agent.

#### **Administrative Cost Limitations:**

There are strict limits for administrative costs under the federal WIOA. The fiscal agent cost is only one of those administrative costs. The LWDB will not exceed these cost limitations. The LEO Governing Board reserves the right to withdraw this RFP if, in its opinion, the fiscal agent cost is excessive in relationship to the allowable administrative costs.

## **Section VI – Proposal Instructions and Information**

### **A. Contracting**

The initial Scope of Work will be for the period beginning no sooner than October 1, 2015 and ending September 30, 2017 for fiscal agent functions. The contract may be extended two years for satisfactory performance.

In the event that there are any reallocations or rescissions of the federal funds, a modified budget would have to be approved by the LWDB and the LEO Governing Board.

### **B. Proposal Deadline**

- The deadline for receipt of proposals is 3:00 p.m., August 5, 2015. Proposals must be officially received by this deadline to be considered.
- A receipt will be furnished, upon written request, to bidders who submit a proposal by mail.
- Proposals delivered by hand will be provided a receipt at the time of delivery.
- Proposals may be mailed via regular mail, express delivery, or hand-delivered to the following address:

Department of Workforce Investment  
Attn: Fiscal Agent Services RFP - Greater Louisville Workforce Dev. Area  
500 Mero Street, 3rd Floor  
Frankfort KY 40601

Proposals received after the deadline will be considered non-responsive and will not be reviewed.

### C. Procurement Timeline

The timeline for soliciting proposals, review, selection, and negotiation is presented below. The dates are tentative and may be changed at the LEO Governing Board's discretion. All times referenced in the RFP are local Frankfort times.

RFP released	July 6, 2015
Deadline for submission of questions	3:00 p.m., July 20, 2015
<b>Proposal Due Date</b>	<b>3:00 p.m., August 5, 2015</b>
Bidders oral presentations, if necessary	To Be Determined
Successful Bidder selected and notified	August, 2015
Fiscal agent contract start date	October 1, 2015

### D. Proposal Requirements

1. **Format:** Proposals must be typed, may be single-spaced, and must be submitted on 8 ½ by 11-inch plain white paper. Font size no smaller than 11 with 1 inch margins, side, top and bottom. Each page of the proposal should be numbered as "page \_\_\_ of \_\_\_", with the name of the bidder on each page. The Submission Order must be followed.
2. **Page Limit:** The proposal narrative must be no more than 20 pages. This page limitation does not include required attachments or the audit report.
3. **Number of copies: One complete original**, with original signatures of the authorized signatory, plus six complete copies. Any proposal lacking sufficient copies may be considered non-responsive. Completeness of all copies is the sole responsibility of the bidder. You will need to submit only one copy of your most recent audit report with the original proposal.
4. **Responsiveness:** Bidders that fail to follow the requirements set forth in this document regarding page limits, number of copies and format may be considered non-responsive. The LEO Governing Board reserves the right to reject any or all proposals at its sole discretion.
5. **Contact Information:** Bidders will be required to provide contact information for the individual who can respond to questions regarding the proposal. The contact person should be the individual who is knowledgeable of the proposal and who is authorized to provide information on behalf of the bidder.
6. **Proposal Narrative and Project Plan:** All information required to develop the Proposal Narrative and Project Plan is contained in the Role of the Fiscal Agent, Scope of Work and Proposal Content sections of this document.

### E. Qualifications of Bidders

1. **Eligible Bidders:** Private and public, for-profit and not-for-profit entities are eligible to respond to this RFP. The LEO Governing Board is prohibited from awarding a contract to a party "excluded from Federal procurement or non-procurement programs" by the U.S. General Services Administration or the U.S. Department of Labor Secretary.
2. **Bidder Competency:** Bidders must be knowledgeable of the WIOA and implementing statutes, regulations, rules and policies for the federal funds. A copy of the WIOA and

proposed regulations may be found on the U.S. Department of Labor web page at <http://www.doleta.gov/WIOA/>

3. **Workforce Policies:** Copies of other pertinent workforce policies and regulations may be found through the KWIB web page at [kwib.ky.gov](http://kwib.ky.gov).
4. The LWDB will provide an orientation on any LWDB-specific documents, policies and procedures, as necessary, to the successful bidder. Additional information about the LWDB may be obtained at the LWDB's web page at [www.kentuckianaworks.org](http://www.kentuckianaworks.org).
5. **Authorized Signatory Authority:** The bidder's authorized signatory authority must sign all signature documents in the proposal. This individual should typically be the director, president or chief executive officer of the organization or any individual who has the authority to negotiate and enter into and sign contracts on behalf of the bidder's organization.
6. **Subcontracting:** Intent to subcontract must be clearly identified in the proposal narrative and approval must be provided by the LEO Governing Board prior to contract execution. If the bidder currently subcontracts certain functions or activities and intends to do so as part of this proposal, the subcontractor must be identified and an original signed letter from the subcontractor attesting to agreement to the terms of the proposal and any resulting contract must be included in the proposal.

## F. Proposal Evaluation

The proposal criteria identified herein is a guideline for Bidders and reviewers; however, the final decision for contract award rests with the LEO Governing Board. The LEO Governing Board is not required to contract with the entity receiving the highest ranking as a result of the proposal review process. Proposals that do not meet minimum standards will be considered non-responsive.

### 1. Minimum standards:

- a. The proposal must be received by 3:00 p.m., August 5, 2015 via regular mail, express mail or hand-delivery.
- b. One original and six copies of the Proposal Narrative and one copy of your two most recent audit reports.
- c. Proposals must meet the requirements contained in Section VI.E Proposal Requirements.
- d. Bidders must be eligible entities as described in Qualifications of Bidders, Section VI.F.1. Eligible Bidders.
- e. The proposal and all signature forms contained therein must be signed by the bidder's authorized signatory authority.
- f. Bidders who intend to use established subcontractor(s) to provide services must include original letters from each subcontractor attesting to their agreement to all terms of the proposal and any resulting contract along with a copy of all documentation required in this RFP to substantiate the proposed subcontractor's

qualifications. Subcontracts are not encouraged and may hurt your chances of a successful bid. The LEO Governing Board must approve any subcontract arrangements.

**2. Evaluation process:**

The DWI will conduct the preliminary review and qualifying. That information will be shared with a review panel who will independently evaluate each proposal. The scores will be aggregated with the average score recorded. The review panel may request additional information for clarification and consideration. It is possible that the LEO Governing Board will request that bidders make an oral presentation to the representatives of the review panel and others. If the LEO Governing Board elects to request oral presentations, bidders will be notified of date, time and place. The DWI will then rank the proposals based on the review panel's recommendation. Bidders should note that the LEO Governing Board may award a contract with or without price negotiation

**3. Evaluation criteria:**

The proposal will be evaluated based on the bidder's responses to the information requested in Section VI.

	Possible Points
<p><b>A. Demonstrated Experience of Quality Service Delivery</b> Background, performance and organizational stability - whether bidder adequately addressed all the response items and appears to be a solid organization and extent bidder demonstrated evidence of ability to perform the functions described in its project plan; AND Qualifications and Staffing - completeness of response to the items in the instructions, quality of response, strength of experience, and demonstrated achievements/results.</p>	250
<p><b>B. Fiscal Integrity</b> Score is based on demonstrated past fiscal integrity through compliance and accountability for expenditures of funds in accordance with OMB circulars, WIA or WIOA and the corresponding federal regulations and state policies and ensured internal controls to maintain fiscal integrity. The bidder must have responded positively with corrective action to any audit financial findings; proper procurement process must have been followed; and, appropriate use, management, and investment of funds to maximize performance outcomes must have been followed. Appropriate conflict of interest policies must have been followed.</p>	300
<p><b>C. Plan of Work</b> Score is based on adequacy of response to all items in the instructions, strength of approach and processes, and understanding of the work and timetables necessary to achieve compliance, performance and integrity.</p>	150

<b>D. Cost</b> Score is based on reasonableness of pricing consistent with the plan of work proposed, and the qualifications of bidder.	<b>300</b>
<b>Total</b>	<b>1,000</b>

**G. Governing Provisions and Limitations**

1. The LEO Governing Board is not liable for any cost associated with responding to this RFP and will not authorize such costs as part of the contract with the selected organization.
2. The LEO Governing Board reserves the right to accept or reject any or all proposals received, to cancel or to reissue this RFP in part, or its entirety.
3. The LEO Governing Board reserves the right to award a contract for any items/services solicited via this RFP in any quantity the LEO Governing Board determines is in its best interest.
4. The LEO Governing Board reserves the right to correct any error(s) and/or make changes to this solicitation as it deems necessary.
5. The LEO Governing Board reserves the right to negotiate the final terms of any and all contracts or agreements with bidders selected and any such terms negotiated as a result of this RFP may be renegotiated and/or amended in order to successfully meet the needs of the workforce development area.
6. The LEO Governing Board reserves the right to contact any individual, organization, employer or grantees listed in the proposal, to contact others who may have experience and/or knowledge of the bidder's relevant performance and/or qualifications, and to request additional information from any and all bidders.
7. The LEO Governing Board reserves the right to withdraw or reduce the amount of an award or to cancel any contract or agreement resulting from this procurement if adequate funding is not available or received from the U.S. Department of Labor, DWI or other funding sources or due to legislative changes.
8. The contents of a successful proposal may become a contractual obligation if selected for award of a contract. Failure of the bidder to accept this obligation may result in cancellation of the award. No plea of error or mistake shall be available to the successful bidder as a basis for the release of proposed services at the stated price/cost.
9. A contract with the selected bidder may be withheld, at the LEO Governing Board's sole discretion, if issues of contract or questions of non-compliance, until such issues are satisfactorily resolved. The LEO Governing Board may withdraw award of a contract if the resolution is not satisfactory to the LEO Governing Board.

**Violation of any of the following provisions may cause a proposal to be rejected:**

1. Bidders shall not under penalty of law, offer or provide any gratuities, favors, or anything of monetary value to any officer, member, employee, or agent of the LEO Governing Board or LWDB for the purpose of having an influencing effect toward their own proposal or any other proposal submitted hereunder.
2. No employee, officer, or agent of the LEO Governing Board or LWDB shall participate in the selection, award or administration of a contract supported by workforce development funds, if a conflict of interest, or potential conflict, would be involved.
3. Bidders shall not engage in any activity that will restrict or eliminate competition. Violation of this provision may cause a bidder's bid to be rejected.
4. Bidders are prohibited from contacting or soliciting support from LEO Governing Board members, LWDB members, or regional elected officials regarding their intent to bid on this work. Such contacts will result in immediate disqualification and rejection of your bid.

**H. Administrative Requirements and Procedures**

**The following administrative requirements and procedures should be carefully reviewed prior to development of a proposal.**

1. It is the LEO Governing Board's intent to award only one (1) contract under this RFP.
2. The successful bidder will be required to maintain automated and paper records for fiscal management, property, procurement, plans, policies and procedures, monitoring results, internal and external evaluations, and audits. In the event the contract is not renewed or is terminated, the current contractor agrees to provide all of the identified records to the LWDB.
3. The successful bidder agrees to comply with the LWDB and Commonwealth of Kentucky policies related to information technology.
4. The successful bidder agrees to comply with all applicable federal and state confidentiality laws and to keep and hold all Proprietary Information disclosed by the LEO Governing Board, LWDB, Kentucky Career Center partners, affiliates, customers, or vendors of the LWDB in strict confidence and trust. Proprietary Information being that information of a confidential or secret nature, which includes, but is not limited to, marketing plans, product plans, business strategies, financial information, forecasts, human resource information, and customer lists.
5. The successful bidder acknowledges that for any product and/or deliverable provided as part of the contract, the successful bidder warrants that it created said product/deliverable and that the successful bidder has full power and authority to transfer ownership of same without the consent of any other party and that any product and/or deliverable is delivered free of any rightful claim of any third party by way of

infringement or otherwise, arising from or related to the claimed rights in any product and/or deliverable.

## **I. Submission Order**

The proposal should be submitted in the order listed below. A proposal checklist is included as **Appendix B** to assist Bidders in submitting a complete proposal; however, the order listed here should be followed, if there are variations from the checklist. The cover page and any required attachments do not count toward your proposal's 20 page limit.

### **Proposal Cover Sheet – Appendix A**

### **Proposal Checklist – Appendix B**

#### **Part A: Proposal Narrative**

1. Bidder's Demonstrated Experience of Quality Service Delivery
2. Bidder's Fiscal Integrity
3. Plan of Work
4. Cost
5. References – minimum of 3

## **Demonstrated Experience of Quality Service Delivery**

### **Part B: Assurances**

1. Administrative and Financial Management Survey and Certification (Appendix C)
2. Assurances (Appendix D)
3. Debarment Certification (Appendix E)
4. Non-Collusion Affidavit (Appendix F)

Interested parties may obtain additional information about WIOA, including the law, proposed regulations, policies and other documents and resources through the following websites:

<http://www.doleta.gov/WIOA/>  
[www.whitehouse.gov/omb/](http://www.whitehouse.gov/omb/)  
[www.nawb.org](http://www.nawb.org)  
[http://kwib.ky.gov/wioa\\_planning.htm](http://kwib.ky.gov/wioa_planning.htm)

## APPENDIX A – Proposal Cover Sheet

The KentuckianaWorks Local Workforce Development Area Local Elected Official Governing Board,  c/o Department of Workforce Investment 500 Mero Street, 3 <sup>rd</sup> Floor, Frankfort, KY 40601  (502) 564-0372	<b>FOR INTERNAL USE ONLY</b>  Rec'd by _____  Date _____ Time _____  Rating _____  Meets Technical Requirements Y/N _____
<b>Fiscal Agent Request for Proposal</b>	
Name of Bidder	Federal Employer ID
Address – Administrative	Address – Other
Contact Person	Telephone
Fax Number	Email address
Type of Organization <input type="checkbox"/> Private Nonprofit Corporation <input type="checkbox"/> Private for Profit Corporation <input type="checkbox"/> Other Specify _____	
<b>Bidder Statement of Certification</b>	
This proposal was prepared independently without consultation, agreement or cooperation with any other bidder or party to determine a competitive cost for the services offered. This proposal has been duly authorized by the governing body of the bidder.	
_____ Authorized Signer's Name Typed	_____ Authorized Signature
_____ Authorized Signer's Title	_____ Date Signed

## APPENDIX B - Proposal Checklist

All proposals must meet the following technical specifications. Use this as a guide for assembling your proposal. Do not submit this with your proposal. A technical review will be performed by DWI to determine compliance before the evaluation committee reads and rates the proposals.

- Typewritten on 8 ½ by 11 unruled paper, single sided
- Font size no smaller than 11 point
- 1 inch side, top and bottom margins
- Pages numbered consecutively at the bottom of the page (page \_of \_)
- Proposal Cover Sheet – Appendix A
- Proposal Checklist – Appendix B
- Proposal Content
  - Bidder's Demonstrated Experience of Quality Service Delivery
  - Bidder's Fiscal Integrity
  - Plan of Work
  - Cost
  - References – minimum of 3
- Audits or financial statements are provided
- The audit was not qualified and references have indicated that there were no fiscal concerns
- Internal and external evaluations, audits and examinations for current and prior two years
- Legal action history against organization for current and prior two years
- Administrative and Financial Management Survey and Certification submitted and signed – Appendix C
- Assurances submitted and signed – Appendix D
- Debarment Certification - Appendix E
- Non-Collusion Affidavit – Appendix F
- The original proposal and all signature forms are signed by the bidder's authorized signatory authority and six copies in addition to the original.
- One copy of most recent two audit reports
- Where the use of an established subcontractor(s) is proposed, original letter from each subcontractor attesting to their agreement to all terms of the proposal and any resulting contract
- Proposal submitted by the deadline

**APPENDIX C - Administrative and Financial Management Survey and Certification**

- The bidder has demonstrated that it has the necessary administrative capability and fiscal responsibility needed to provide Fiscal Agent Services.
- The bidder understands and has the capacity to deliver the services proposed until reimbursement or payment has been made. The LWDB will not provide advances.
- The bidder understands and has the fiscal capacity to pay for non-approved costs and for audit disallowances.
- The bidder understands that pricing is subject to negotiation as a part of the contracting process.
- Has the proposing organization ever filed a petition in bankruptcy? No Yes If yes, provide explanatory information.
- Has the proposing organization ever had to pay back funds to a funding source or the federal government? No Yes If yes, please explain.
- Does the proposing organization have the facilities to maintain the records for a minimum of 5 years? No Yes
- Does the proposing organization have other funding sources? No Yes If yes, please explain.
- What is the proposing organization’s main source of income?  
Corporate Information:
  - Is bidder a corporation? No Yes If yes, what is the corporation’s state of incorporation?
  - Is the corporation registered to do business in the Commonwealth of Kentucky? No Yes
  - Is the corporation a subsidiary or wholly owned corporation of another corporation?
  - If the corporation is a wholly owned or subsidiary corporation has the information provided regarding the corporations fiscal references been provided for the corporation applying for funding? No Yes
  - Has the subsidiary/wholly owned corporation provided a copy of their annual financial statement? No Yes
  - How long has the subsidiary or wholly owned corporation been in business?
  - Have any of bidder’s officers been indicted or convicted of a crime involving fraud, embezzlement, theft, or conversion? No Yes If yes, please explain.

The undersigned certifies that no representative of the corporation has exerted any undue influence on the procurement process, or violated any federal or state procurement, conflict of interests or ethics law in seeking funding under this Request for Proposals:

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Signature	Name and Title of Authorized Representative	Date
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Name of Applicant Organization

## **APPENDIX D – Assurances**

The bidder hereby assures and certifies compliance with each of the requirements where applicable.

I recognize that I must give assurance for each item below. If I cannot, this proposal will be automatically rejected. The assurances are:

- 1) The bidder is authorized by its Board of Directors, Trustees, other legally qualified office or as the owner of this agency or business to submit this proposal.
- 2) The bidder organization is not currently on any federal, Commonwealth of Kentucky, or local Debarment List.
- 3) The bidder organization will provide records to show that it is fiscally solvent and will provide any other information and/or accept an appointment for interview, if needed.
- 4) The bidder has, or will have, all of the fiscal control and accounting procedures needed to ensure that WIOA funds will be used as required by law and contract.
- 5) The bidder will abide by all fiscal and program requirement as provided in the WIOA and federal regulations.
- 6) The bidder will abide by record retention requirements contained in 29 CFR 95.53 or 29 CFR 97.42 and any applicable state retention schedules.
- 7) The bidder will abide by the policy on debarment and suspension regulations as established in accordance with 29 CFR Part 98.
- 8) The bidder will abide by Equal Employment Opportunity – All Contractors shall contain a provision requiring compliance with E.O. 11246, "Equal Employment Opportunity," as amended by E.O. 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity" and E.O. 13672, as supplemented by regulations at 41 CFR Part 60, "Office of Federal Agreement Compliance Programs, and Equal Employment Opportunity Department of Labor."
- 9) The bidder will abide by The Copeland "Anti-Kickback" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each Contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which one is otherwise entitled. The recipient shall report all suspected or reported violations to the federal awarding agency.
- 10) The bidder will abide by The Davis-Bacon Act as supplemented by US Department of Labor regulations (29 CFR Part 5, "Labor Standards Provision Applicable to Contracts Governing Federally Financed and Assisted Construction"). Under this Act, Contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wages specified in a wage determination made by the Secretary of Labor. In addition, Contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of

an Agreement shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the federal awarding agency.

- 11) Proprietary Information. During both the Agreement timeframe and after its completion, the Contractor agrees to keep and hold all Proprietary Information disclosed by the LEO Governing Board, LWDB, partnering entities, affiliates, customers, or vendors of the local workforce development area in strict confidence and trust. Proprietary Information being that information of a confidential or secret nature, which includes, but is not limited to, marketing plans, product plans, business strategies, financial information, forecasts, personnel information, and customer lists.

**The bidder will meet all applicable federal, state, and local compliance requirements. These include, but are not limited to:**

- Maintaining records that accurately reflect fiscal accounts;
- Maintaining record confidentiality, as required;
- Reporting financial data, as required;
- Permitting and cooperating with federal investigations undertaken in accordance with the WIOA;
- Complying with federal and state non-discrimination provisions;
- Meeting requirements of Section 504 of the Rehabilitation Act of 1973;
- Meeting all applicable labor laws, including Child Labor Law standards; and
- Accepting funding for and working within the guidelines of other funding opportunities provided the LWDB.

**The bidder will not:**

- Use WIOA funds to assist, promote, or deter union organizing;
- Use WIOA funds to employ or train persons in sectarian activities; or
- Use WIOA funds for lobbying.

The undersigned hereby assures and certifies that if selected the bidder's organization is in compliance with all of the Assurances and Certifications where applicable.

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Name and Title of Authorized Representative

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Signature

Date

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Name of Applicant Organization

**APPENDIX E – Debarment Certification**

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters  
Primary Covered Transactions**

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**Applicant Organization**

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**Applicant Organization Address**

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 29 CFR Part 98, Section 98.510, Participants' Responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211).

- 1) The prospective primary participant (i.e. fiscal agent) certifies to the best of its knowledge and belief, that it and its principals:
  - a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by a federal department or agency;
  - b. have not within a three-year period preceding this renewal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making also statements, or receiving stolen property;
  - c. are not presently indicted for or otherwise criminally or civilly charged by a government entity (federal, state or local) with commission of the offenses enumerated in paragraph (1)(b) of this certification; and
  - d. have not within three-year period preceding this application/renewal had one or public transactions (federal, state or local) terminated for cause or default.
- 2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this application/renewal package.

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Name and Title of Authorized Representative

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Signature

Date

**APPENDIX F**

**Non-Collusion Affidavit**

Commonwealth of Kentucky

County of \_\_\_\_\_

The respondent is hereby giving oath that it has not, in any way, directly or indirectly, entered into any arrangement or agreement with any other respondent or with any officer of the LWDB or LEO Governing Board whereby it has paid or will pay to such other respondent or officer or employee any sum of money or anything of real value whatever; and has not, directly or indirectly, entered into any arrangement or agreement with any other respondent or respondents which tends to or does lessen or destroy free competition in the letting of the agreement sought for by the attached response; that no inducement of any form or character other than that which appears on the face of the response will be suggested, offered, paid, or delivered to any person whomsoever to influence the acceptance of the said response or awarding of the agreement, nor has this respondent any agreement or understanding of any kind whatsoever, with any person whomsoever, to pay, deliver to, or share with any other person in any way or manner any of the proceeds of the agreement sought by this response.

\_\_\_\_\_  
Signature of Authorized Representative

\_\_\_\_\_  
Print or Type Name

Subscribed and sworn to me this \_\_\_\_ day of \_\_\_\_\_, 2015

Notary Public: \_\_\_\_\_

County of: \_\_\_\_\_

Commission Expiration Date: \_\_\_\_\_