

**REQUEST FOR PROPOSAL
FOR
FISCAL AGENT SERVICES**

October 1, 2015 – September 30, 2016

Released by:

The TENCO Local Elected Official (LEO) Governing Board

August 3, 2015

Submit Proposals to:

Mark White, Deputy Commissioner

Education and Workforce Development Cabinet

500 Mero Street, 3rd floor

Frankfort, KY 40601

502-564-2812

BID AND CONTRACT TIMELINE

Request for Proposal Issued *August 3, 2015*

Proposal questions may be submitted via email to: flemingcountyjudge@gmail.com

Deadline for submission of questions: August 21, 2015 at 4:00 pm

Proposals due no later than *August 28, 2015* 4:00 pm

Successful bidder notified *September 15, 2015*

Contract to start *October 1, 2015*

All times are *Eastern Standard Time Zone*

REQUEST FOR PROPOSAL
FOR
TENCO WORKFORCE DEVELOPMENT AREA FISCAL AGENT SERVICES

The Board, in partnership with the Chief Local Elected Official (CLEO), has responsibility for the planning and oversight of workforce development services under Workforce Innovation and Opportunity Act (WIOA) in the 10 county TENCO Workforce Development Area (Area). The Area is comprised of Bath, Boyd, Bracken, Fleming, Greenup, Lewis, Mason, Montgomery, Robertson, and Rowan counties.

Date Issued	<i>August 3, 2015</i>
Scope of Services	The successful bidder will receive and disburse all funding at the direction of the TENCO Workforce Development Board.
Period	<i>October 1, 2015 – September 30, 2016</i> with two-year renewal option at Local Workforce Development Board (LWDB) and Governing Board's discretion.
Funds Available	Program Year (PY) 2016 allocations are not known at this time. Previous total TENCO WDB budgets in years past have ranged from 1.3 to 2 million. There are strict limits of 10% for administrative costs under the federal WIOA. The fiscal agent cost is only one of these administrative costs which include: reporting, supervision, contracting, auditing, etc. The Governing Board requires that all bidders include a breakdown of fiscal and administrative costs and how these funds will be allocated. The chosen bidder will be required to adhere to strict guidelines including quarterly approval of all expenditures.
Eligible Bidders	Any public or private for-profit or non-profit entity in or that is eligible to operate within the TENCO Workforce Development Area is eligible.
Limitations	This RFP does not commit the TENCO 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.
Project Responsibilities	Fiscal responsibilities for the operating budget of the TENCO Workforce Development Area. Funds may be federal, state, and/or local of approximately \$1.3 -2 million plus any carry over funds from previous fiscal year. Questions: Deadline for submission of written questions is August 21,2015 at 4:00 PM.

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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 Local Workforce Development Board (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 local 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.

The Board, in partnership with the CLEO, has responsibility for the planning and oversight of workforce development services under WIOA in the 10 county TENCO Workforce Development Area (Area). The Area is comprised of Bath, Boyd, Bracken, Fleming, Greenup, Lewis, Mason, Montgomery, Robertson, and Rowan counties.

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 local area. 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 Chief Local Elected Official (CLEO) with their objectives for the TENCO Workforce Development Area in conformity with WIOA Title 1 and regulations. The fiscal agent has no duties or responsibilities for the management or results of any program for which funds are disbursed other than to ensure that all disbursements comply with all corresponding regulations. The fiscal agent does not make decisions about who receives the money or approve budgets. 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. Manage accounts payable, receivables and reporting and performs fiscal monitoring annually of each LWDB contractor.
3. Must know WIOA, OMB Circulars and all LWDB policies and remain up to date on all changes in policies and procedures.
4. 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.
5. 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;
6. Respond to audit financial findings;
7. Maintain proper accounting records and adequate documentation;
8. Prepare financial reports; and
9. Provide technical assistance to contractors and vendors regarding fiscal issues.

Section III – Fiscal Agent Roles and Responsibilities

If awarded, the successful bidder will serve as the fiscal agent for the TENCO LWDA and will enter into a contract agreement with the TENCO Governing Board. The organization will receive and manage all formula WIOA funds for the Area 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 local 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 Office of Management and Budget (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 accounting software.
Applicants must state the accounting software that they will be using and their willingness to use another accounting software if the state changes their requirements.
- 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 local workforce development area 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 local workforce development area.
- 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 local 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 CLEO toward goals and objectives of the TENCO Workforce Development Area.
- 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) Monitoring

- a. The local fiscal agent shall cooperate with the governing board and all funders (federal, state, local, and/or other) in the monitoring and auditing of all LWDB funds.
- b. The governing board may appoint representatives to conduct routine monitoring reviews of fiscal agent activities.

8) Transition

TENCO currently has a contract with Buffalo Trace Area Development District (BTADD) to provide the fiscal agent functions in the TENCO Workforce Development Area. In the event that BTADD does not bid and/or does not win the bid:

- a. TENCO 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 Area 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 the LWDB or the fiscal agent.

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 governing board anticipates that there will be some back-and-forth negotiation with the successful bidder on the 10% maximum for administrative costs and fiscal agent services.

The chart below represents the PY 15 WIOA formula funds allocated to the TENCO Workforce Development Area. PY16 funding is not known at this time but is expected to be similar to PY15.

Allocations for PY 15 and Administration Funds (July 1, 2015 through June 30, 2016)

Workforce Innovation and Opportunity Act	TENCO Workforce Development Area Allocation
Adult	\$568,867
Dislocated Worker	\$501,329
Youth	\$537,305
Administration	Not more than 10% (\$160,750)
TOTAL	\$1,607,501

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 and brief history of bidder.

2. 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.
3. Summarize past performance and external customer satisfaction for related services.
4. 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?
5. Additional supporting documentation that will be considered for this section (An individual authorized to sign on behalf of the bidder must sign and date all forms).
 - Proposal Cover Sheet- Appendix A;
 - Appendices C-F: Administrative and Financial Management Survey and Certification; Assurances, Debarment Certification; and Non-Collusion Affidavit
 - ATTACHMENT 1: 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. Indicate what the roles/titles will be of the staff assigned to this contract.
2. Plan for staffing redundancy to ensure uninterrupted fiscal representation.
3. Supporting Documentation (ATTACHMENT 2):
 - 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 position for the fiscal agent may not be shown as vacant since these positions are too important to the selection of the contractor.
 - 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:
 - accounting or finance degrees and accounting certifications;
 - experience with automated reporting systems;
 - experience in budgeting, accounting and fiscal oversight;
 - experience in working with fund accounting;
 - identify specific accounting and reporting experience with WIA in Kentucky/or other state/federal agencies and/or private sector entities;
 - experience with fund accounting software;
 - experience in grant management; and
 - experience in providing financial services for federal and state workforce programs.
5. 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. Subcontractor performance is the responsibility of winning bidder and winning bidder/primary contractor is liable for all actions and/or lack of action on the part of all subcontractors. Where the use of an established subcontractor(s) is proposed an original letter from each subcontractor attesting to their agreement to all terms of the proposal and any resulting contract will need to be included (ATTACHMENT 3)

B. Bidder's Fiscal Integrity

Describe the fiscal 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.

1. Summarize policies and procedures regarding internal controls, including separation of duties.
2. 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.

Supporting Documentation of the bidder's background including (ATTACHMENT 6):

- One copy of the two most recent audit reports and/or financial statements for the organization.
- 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.
- 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.
- Provide a copy of the conflict of interest policy (ATTACHMENT 4) 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.

C. Plan of Work

Using the Scope of Work in this RFP as guidance, describe the fiscal 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 items noted:

1. Accounting of LWDB Funds (including control, disbursement and recovery)
2. Applicants must state the accounting software that they will be using and their willingness to use another accounting software if the state changes their requirements.
3. Financial and Grant Reporting; including deliverables.
4. Disbursement of Funds;
5. Transition from fiscal year to fiscal year.

D. Cost

While PY16 funding is not known, previous total TENCO WDB budgets in years past have ranged from 1.3 to 2 million. 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. There are strict limits of 10% for administrative costs under the federal WIOA. The fiscal agent cost is only one of these administrative costs which include: reporting, supervision, contracting, auditing, etc. The Governing Board requires that all bidders include a breakdown of fiscal and administrative costs and how these funds will be allocated. The winning bidder will be required to adhere to strict guidelines and quarterly approval of all expenditures.

Budget Narrative

For the purposes of this proposal, please submit a budget for the 2016 fiscal year (October 1, 2015- September 30, 2016). Bidders are required to submit a detailed itemized budget discussing fiscal agent services that will be provided and a line item by line item rationale for each service/cost listed.

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, 2016 for fiscal agent functions. The contract may be extended two years for satisfactory performance.

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

B. Contract Renewal

The option for contract renewal will be based on performance, monitoring reviews, and availability of funds. The process for contract renewal will require the submission of the following documents by August 30, 2016:

1. Copy of state certified auditors' report
2. Narrative describing any changes in scope or activities
3. Budget narrative for FY 2016-2017.
4. Other relevant items requested by the governing board.

C. Proposal Deadline

- The deadline for receipt of proposals is **4:00 pm, Aug 28, 2015**. Proposals must be officially received by this deadline to be considered.
- All proposals must be sealed.
- 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:

Mark White, Deputy Commissioner
Education and Workforce Development Cabinet
500 Mero Street, 3rd floor
Frankfort, KY 40601

- All proposals will be time and date stamped upon receipt. Proposals received after the deadline will be considered non-responsive and will not be reviewed.

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 12 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 25 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 4 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 their 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 Kentucky Workforce Investment Board web page at kwib.ky.gov.
4. **Additional information:** about the WDB may be obtained at the Kentucky Workforce Investment Board’s web page at <http://www.kwib.ky.gov/links.htm>.
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. Subcontractor performance is the responsibility of winning bidder and winning bidder/primary contractor is liable for all actions and/or lack of action on the part of all subcontractors.

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.

Evaluation process:

A review panel 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 Department of Workforce Investment 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.

Evaluation Criteria:

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

	Possible Points
A. Demonstrated Experience of Quality Service Delivery 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.	20
B. Fiscal Integrity 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.	35
C. Plan of Work 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.	20
D. Cost Score is based on reasonableness of pricing consistent with the plan of work proposed, and the qualifications of bidder.	25
Total	100

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, Kentucky 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, KCC 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

Applicants are required to adhere to the technical specifications and order as presented in Appendix B. Please include this checklist as part of the application package.

APPENDIX A – Proposal Cover Sheet

<p align="center">Mark White, Deputy Commissioner Education and Workforce Development Cabinet 500 Mero Street, 3rd floor Frankfort, KY 40601</p>	<p align="center">FOR INTERNAL USE ONLY</p> <p>Rec'd by _____</p> <p>Date _____ Time _____</p> <p>Rating _____</p> <p>Meets Technical Requirements Y/N _____</p>
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Fiscal Agent Request for Proposal

Name of Bidder	Federal Employer ID
Address – Administrative	Address – Other
Contact Person	Telephone
Fax Number	Email address

Type of Organization Private Nonprofit Corporation
 Private for Profit Corporation
 Other Specify: _____

Bidder Statement of Certification

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.

<p>_____</p> <p>Authorized Signer's Name Typed</p>	<p>_____</p> <p>Authorized Signature</p>
<p>_____</p> <p>Authorized Signer's Title</p>	<p>_____</p> <p>Date Signed</p>

APPENDIX A – Proposal Cover Sheet Page 2

<p>This organization is registered to conduct business in the Commonwealth of Kentucky. () Yes () No</p>	<p>Website address:</p>
<p>Number of years in business:</p>	<p>What percentage of the overall organization's work would be represented by this contract?</p>
<p>List of similar contracts the bidder has previously entered into, including type of contracting entity, location of the work, and general types of services provided:</p>	
<p>Provide a list of any legal action taken against your organization, including lawsuits, injunctions or court orders (<i>Provide a comprehensive summary of all legal actions and resulting rulings in ATTACHMENT 5.</i>):</p>	
<p>If your organization has a board, please identify your board members (this may be expressed as a link to a website that identifies board members).</p>	

APPENDIX B - Proposal Checklist and Submission Order

Proposal Content	Page Number
<input type="checkbox"/> Appendix A: Proposal Cover Sheet	1
<input type="checkbox"/> Appendix B: Proposal Checklist	
<input type="checkbox"/> Proposal Content (<i>Maximum of 25 pages</i>) <ul style="list-style-type: none"> <input type="checkbox"/> Bidder's Demonstrated Experience of Quality Service Delivery <input type="checkbox"/> Bidder's Fiscal Integrity <input type="checkbox"/> Plan of Work <input type="checkbox"/> Cost/Budget Narrative 	
<input type="checkbox"/> Appendix C: Administrative and Financial Management Survey and Certification submitted and signed	
<input type="checkbox"/> Appendix D: Assurances submitted and signed	
<input type="checkbox"/> Appendix E: Debarment Certification	
<input type="checkbox"/> Appendix F: Non-Collusion Affidavit	
Supporting Documentation	
<input type="checkbox"/> Attachment 1: At least three (3) References	
<input type="checkbox"/> Attachment 2: Organizational Chart and Bios or Resumes of Assigned Staff	
<input type="checkbox"/> Attachment 3: 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	
<input type="checkbox"/> Attachment 4: Conflict of Interest Policy	
<input type="checkbox"/> Attachment 5: Legal Action History	
<input type="checkbox"/> Attachment 6: Two (2) Most Recent Audit Reports and/or Financial Statements (<i>one copy; additional copies NOT Required</i>)	

- Typewritten on 8 ½ by 11 unruled paper, single sided
- Font size no smaller than 12 point
- 1 inch side, top and bottom margins
- Pages numbered consecutively at the bottom of the page (page _of _)
- The original proposal and all signature forms are signed by the bidder's authorized signatory authority.
- Sealed bid includes 4 copies in addition to the original.

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:

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.

12) Scope of Work Transition

TENCO currently has a contract with Buffalo Trace Area Development District which carries out the fiscal agent functions in the TENCO Workforce Development Area. In the event that Buffalo Trace Area Development District does not bid and/or does not win the bid:

- d. All parties 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 Area to successfully carry out the fiscal agent functions.
- e. The fiscal agent will budget and establish a plan with reasonable staff time to successfully transition the functions from the incumbent fiscal agent.
- f. The selected bidder will be required to participate in transition training for a new fiscal agent if the contract is ended by either the LWDB or the fiscal agent.

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.

Name and Title of Authorized Representative

Signature

Date

Name of Applicant Organization

Appendix E – Debarment Certification

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

Applicant Organization

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 principles:
 - 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.

Name and Title of Authorized Representative

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 TENCO Workforce Development Board 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 _____

Notary Public

County of

Commission Expiration Date