

REQUEST FOR PROPOSALS

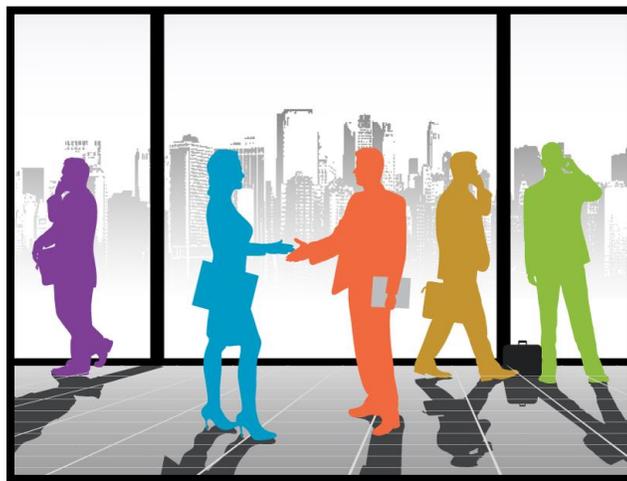
ISSUED BY:



For One-Stop Operator (OSO) and
Direct Service Provider (DSP)

for the

Bluegrass Local Workforce Area and
Kentucky Career Center – Bluegrass



RFP No: 01-0417

Release Date: April 15, 2017

Anticipated Contract Start Date: June 21, 2017

Proposals Due: May 15, 2017

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1.0 INTRODUCTION

The Bluegrass Workforce Innovation Board (BGWIB) with the agreement of the Governing Board of Local Elected Officials (Governing Board) is issuing this Request for Proposals (RFP) to solicit proposals from private non-profit organizations, for-profit organizations, public agencies, social enterprise agencies, public or private institutions of education, and consortia of these organizations, to be the One-Stop Operator (OSO) and Direct Service Provider (DSP) for the Kentucky Career Center - Bluegrass (KCC-B) and also to deliver, employer services, WIOA Adult/Dislocated Worker (ADW) and Youth programs, including Rapid Response and Trade services in these Centers. Funded proposals may also be awarded Rapid Response and other workforce funds. KCC-Bs will coordinate with other WIOA partners and will serve as an all-inclusive access point to education and training programs that provide demand-driven skills attainment, especially for individuals with barriers to employment.

2.0 PROGRAM SERVICES

2.1 Outline of Services

If awarded a contract, proposing organizations will be required to perform **all** the following duties at **each and every** KCC-B Center in the Bluegrass Local Workforce Area: 1) be the Center's OSO, coordinating workforce services delivered by WIOA partner agencies; 2) be the Center's DSP, delivering all WIOA adult and dislocated worker services; 3) deliver all WIOA youth services; 4) deliver employer services and 5) deliver Rapid Response, Trade and other workforce services for which the Bluegrass Local Workforce Area receives funding.

By **June 14, 2017** the Bluegrass Workforce Innovation Board (BGWIB) and the Governing Board of Local Elected Officials (Governing Board) expect to have completed KCC-B designation. Centers will be recertified from time to time.

Services to be delivered must comply with WIOA (Public Law 112-128); the WIOA Final Rule (CFR 20 603-688); Department of Labor (DOL) Employment and Training Administration (ETA) Training and Employment Guidance Letters (TEGL) No. 15-16, 16-16 and 17-16; current and future Commonwealth of Kentucky directives; and all other applicable Federal, Commonwealth and local laws, regulations, policies and other requirements.

Federal laws, regulations, guidance and other information on WIOA can be found here: <https://www.doleta.gov/WIOA/>

The Office of Management and Budget's (OMB's) Guidance for Grants and Agreements can be viewed here: http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

2.2 Funding Availability

Funds for delivery of One-Stop Operator and Direct Services Provider will be awarded to the successful service provider responding to this RFP. The amount awarded will not include costs associated with rent, leases, participant training services or business services, which will be covered by the BG Administrator.

For the purposes of responding to this proposal, Proposers should develop a line-item budget (Attachment A) showing all expected costs associated with delivering the proposed services.

Proposers shall be aware that funding for these programs is contingent upon the availability of Federal, State and local funds, and the resulting contract may be recommended for additional or reduced funding dependent on the estimated amount. The BGWIB and Governing Board may, through their authorized fiscal agent, negotiate modifications to ensure that all necessary requirements are met.

2.3 Grant Period

If awarded a contract, the initial contract term shall be from June 21, 2017 through June 30, 2018. The BGWIB and Governing Board reserve the right to continue contracting with the service provider for up to three additional years or through June 30, 2021. **Any entity failing to submit a proposal may not have another chance to compete for funding through June 30, 2021.**

2.4 The Bluegrass Workforce Area

Geographically, the Bluegrass Region is one of ten WIB regions in Kentucky. It contains seventeen counties in Central Kentucky, including: Anderson, Bourbon, Boyle, Clark, Estill, Fayette, Franklin, Garrard, Harrison, Jessamine, Lincoln, Madison, Mercer, Nicholas, Powell, Scott and Woodford counties. The map below illustrates the size relative and location of these seventeen counties.



2.5 Operating Sites

Proposers are not required to have building(s) identified in their proposal. Funding allocations for rents and leases are not included in this RFP. The Bluegrass Local Workforce Area's fiscal agent (BG Administrator) will separately fund the cost of rent and leases.

2.6 Performance Based/Cost Reimbursement Contracts

The BG Administrator, acting with the approval of the BGWIB and Governing Board, shall enter into performance based or cost reimbursement contracts with the successful proposer at its option.

3.0 PROPOSER'S MINIMUM QUALIFICATIONS (Pass/Fail)

3.1 Proposers must establish how they will successfully provide all the services outlined in this RFP.

3.2 Proposers must meet specific criteria with regard to organizational capacity and have experience in providing workforce development services. Determining whether a Proposer satisfies these qualifications shall be at the discretion of the BGWIB and the Governing Board.

3.3 Proposers **must** have a minimum of three years of experience within the past five (5) years delivering workforce services specifically designed for either adults, dislocated workers or youth.

3.4. Proposer shall provide the status of any costs that have been disallowed by any state and/or federal agency within the last three (3) years. The Proposer must provide the name of the agency, the amount of the disallowed costs that are in dispute, the proposer's position as to the disputed disallowed costs, and the current status of any new review process and/or corrective action plan.

3.5 Proposer shall provide description of their customer service experience and evaluations on their efficacy and system for dealing with complaints and/or customer concerns.

3.6 Proposer provides evidence that acceptable accounting systems are in place.

4.0 OPTION TO REJECT PROPOSALS

The BGWIB or Governing Board may, at their sole discretion, reject any or all proposals submitted in response to this RFP or may amend or cancel the RFP in its entirety. Neither the BGWIB nor the Governing Board shall be liable for any costs incurred by the Proposer in connection with the preparation and submission of any proposal.

5.0 RIGHT TO AMEND THE REQUEST FOR PROPOSALS

The BG Administrator, acting with the approval of the BGWIB and Governing Board, has the right to amend the RFP.

6.0 PROTEST/APPEAL PROCESS

- 6.1 Any Proposer may request review of a disqualification or of a proposed contract award under this RFP.
- 6.2 Appeals/Complaints: Applicants have the right to appeal any action or decision related to this RFP. Appeals will be reviewed and investigated by the BGWIB and Governing Board, in accordance with Board policy and by-laws. The decision of the BGWIB and Governing Board in such situations shall be final.

7.0 CONFLICT OF INTEREST

In accordance with 29 U.S.C.A. §3151(d)(4)(A)-(C), the local boards shall ensure that in carrying out activities under this title, One-Stop Operators—

- (A) disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other services providers;
- (B) do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training, and education services; and
- (C) comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

The BGWIB, with the agreement of the Governing Board via WIOA Policy Number 15-002, Section 3 is proceeding with the RFP process and will expect the selected provider to accommodate the implications of the federal regulatory advisories when released in final form.

8.0 TRUTH AND ACCURACY OF REPRESENTATIONS

False, misleading, incomplete, or deceptively unresponsive statements in connection with a proposal shall be sufficient cause for rejection of the proposal. All proposals shall be firm and final offers and may not be withdrawn for a period of one hundred eighty (180) days following the final proposal submission date.

9.0 RFP TIMETABLE

The timetable for this RFP is as follows:

Original release of RFP: **April 15, 2017**

Written Questions Due: **May 8, 2017**

Posting of Final Questions and Answers: **May 9, 2017**

Proposals due by: May 15, 2017

Evaluation Panel Review: **May 16 – May 31, 2017**

Notification of Contract Recommendation: **June 1 – June 8, 2017**

Contract and Services Begin: **June 26, 2017**

10.0 PROPOSER'S QUESTIONS

- 10.1 Proposers may submit questions regarding this RFP by e-mail to the individual identified below. All questions must be received by **May 8, 2017**. All questions, without identifying the submitting company, will be compiled with the

appropriate answers and posted under the Q&A Section of the Request for Proposal Page at www.bgwib.com no later than **May 9, 2017**.

10.2 When submitting questions, please specify: 1) RFP section number, 2) paragraph number, 3) page number and 4) quote the language that prompted the question. This will ensure that the section can be quickly found in the RFP.

10.3 All questions should be addressed to:

Mable Duke
Director of Workforce Services
Email: mduke@bgadd.org

11.0 PREPARING THE PROPOSAL IN RESPONSE TO THE RFP

11.1 Proposers shall submit:

11.1.1 An Executive Summary including a brief summary of the Proposer's vision, mission, approach, experience, and staffing.

11.1.2 A narrative detailing Proposer's qualifications and the proposed services and outcomes, to include a record of past performance(s) with WIOA (or similar program).

11.1.3 Documents establishing financial history, including documentation that proposer is up-to-date on taxes (income, annual state and federal, payroll tax, etc.), including a copy of two years of the most recent audited financial history and CPA review and the proposer's Comprehensive Annual Financial Report (CAFR).

11.1.4 A proposed budget (Attachment A) and narrative, which may include: personnel costs, operational expenses, direct expenses, and other estimated costs, but does not include lease costs, cost for participant training, or business services. Proposer's budget is adequate for the scope of work presented in the RFP.

11.1.5 A certificate of insurance for comprehensive general public liability insurance with combined single limit coverage of at least \$1,000,000 and Workers Compensation Insurance.

11.1.6 An indirect cost rate agreement or a cost allocation plan that has been approved by a federal or state cognizant agency, if applicable.

11.1.7 A DUNS number and a written statement that they have not been debarred from participation in government contracting.

11.1.8 Documentation of the Proposer's registration under either Kentucky or their respective state's Secretary of State's office.

- 11.2** One (1) original and four (4) complete and numbered copies shall be submitted plus one (1) thumb drive with the proposal in PDF format.
- 11.3** Proposals shall be typed (on 8 ½” by 11” paper), single-spaced between each line and double-spaced between paragraphs, with margins set at 1.0 inch on each side, and a standard twelve (11) point Arial font.

12.0 PROPOSAL FORMAT

Required proposal content is as follows:

- Cover Page
- Table of Contents
- Section A (Executive Summary)
- Section B (Proposer’s Qualifications)
- Section C (Service Delivery Plan)
- Section D (Quality Control Plan)
- Section E (Budget)

12.1 Executive Summary – Two (2) pages maximum

Executive summary shall contain: 1) mission/vision statement, 2) a brief history of the organization, indicate the number of years in operation and 3) indicate expertise in providing workforce services, include organization type (example: non-profit, for-profit or public/government).

12.2 Proposer’s Qualifications – Two (2) page maximum

Proposer shall demonstrate that it has the financial and administrative experience in managing multiple federal, state, and/or private funding sources. Provide references to substantiate qualifications. It is Proposer’s responsibility to ensure that the reference’s name, point of contact’s name, title phone number, and email address are accurate. The review panel reserves the option to contact references by telephone, mail, or e-mail to ascertain Proposer’s qualifications and accountability. Page maximum does not include two years of the most recent audited financial history and CPA review and the proposer’s Comprehensive Annual Financial Report (CAFR).

12.3 Proposer’s Service Delivery Plan - Twenty (20) pages maximum

12.3.1 Staffing: Proposer should identify a reasonable plan for staffing. Include resumes of current staff and/or titles with job descriptions for any new positions that will be filled.

- *The Proposer shall give first consideration to hiring staff who currently deliver adult, dislocated worker and youth services and whom are now employed by the BG Administrator. The Proposer shall, when feasible, provide comparable compensation to any*

staff now employed by the BG Administrator who currently deliver adult, dislocated worker and youth services that are offered employment. (A list of current locations and staff are available upon request.)

- 12.3.2 Organization:** Proposer must provide an organization chart that will show how One-Stop operations will be included. The chart should include whether current or newly hired staff will be providing the services and should be satisfactory to meet Kentucky Career Center-Bluegrass needs, including the logistics of workflow through the KCC-B.
- 12.3.3 Integrated Service Delivery:** Proposer should describe how integration with all required and other workforce partners will be done and include an explanation on the integrated service delivery model. Additional consideration will be given for work with partners who are electronically present in the career center. Additional consideration will be given for work with partners who are electronically present in the career center.
- 12.3.4 Staff Training:** Proposers should include a training outline showing a plan to ensure that staff members are well trained and prepared to implement integrated service delivery.
- 12.3.5 Oversight and Collaboration:** Proposer should describe technological methods and needs in order to assume operation oversight, as well as, how they will ensure all partner agencies are collaborating in the implementation of the partner programs, include information regarding knowledge of team-based case management as well as experience in developing and delivering technical assistance.
- 12.3.6 Leadership:** Description should also include how the proposer will take ownership/leadership in ensuring all partners are contributing to the KCC, both financially as well as through other resources and staff time. Describe in detail how you will meet all the requirements of the One-Stop Operator. Refer to USDOL TEGl 15-16.
- 12.3.7 Staff Training:** Proposer should provide a description on both training for the One-Stop Operator staff and cross-training for the partner-program staff. Capacity-building experience would be relevant to this description.
- 12.3.8 Method for Outreach:** Describe the methodology for partner programs that will be brought together to ensure adequate outreach of the KCC-B and demonstrate a thorough understanding of target populations (such as: such as veterans, displaced workers, individuals with disabilities, and TANF recipients, urban and rural individuals). Provide a complete overview of delivery from outreach to program exit. Responses should be complete, specific, and as quantifiable as possible. (Refer to USDOL TEGl 16-16.)

- 12.3.9 Delivery of Services:** Describe how workforce services will be delivered to jobseekers and businesses, including services provided to incumbent workers, and any plans or experiences in Rapid Response and Lay-off Aversion Services. Proposer's service delivery/program design model should include detailed information on how model correlates to proposed outcomes.
- 12.3.10 Target Sectors:** Describe how workforce services will target the following critical sectors: 1) Advanced Manufacturing, 2) Construction, 3) Healthcare, 4) Information Technology, 5) Transportation, Distribution, and Logistics.
- 12.3.11 Performance Objectives:** Describe how the Proposer intends to ensure that all performance objectives are met. Please include strategies to monitor progress on performance metrics, descriptions of types of reports to be used, and procedures for following up with participants.
- 12.3.12 Data and Validation:** Proposer should recommend outcome measures that effectively capture and evaluate their efficacy and system effectiveness. This response should also include proposed data collection and validation methodology as well as a proposed reporting method, ensuring that customer satisfaction is measured and evaluated.
- 12.3.13 Reporting Process:** Proposer should describe existing data and reporting system process, include how performance goals on a recurring basis will be tracked and evaluated. Proposer must demonstrate an ability to ensure and maintain data integrity.
- 12.3.14 Compliance:** Proposers should discuss how they will comply with all federal, state and local policies and regulations, as well as provide oversight to ensure that all partner agencies are in compliance.
- 12.3.15 Community Partners:** Describe the educational and community partnerships you will leverage to ensure you are reaching businesses, job seekers and youth.
- 12.3.16 Adaptability:** Proposer should discuss capacity to adapt to growth and expansion in cases of future service and/or serving additional populations, and the extent to which their experience demonstrates adaptability and flexibility as requirements change and new opportunities arise. Proposer should identify resources held that can be utilized to improve or expand on the workforce system.

12.3.17 Wagner-Peyser: Proposer describe how they will organize and meet the requirement of the provision at 20 CRF 678.630 stating: *“Continued use of State merit staff for the provision of Wagner-Peyser Act services or services from other programs with merit staffing requirements must be included in the competition for and final contract with the one-stop operator when Wagner-Peyser Act services or services from other programs with merit staffing requirements are being provided.”*

12.4 Proposer’s Quality Control Plan (Two (2) pages maximum)

12.4.1 Proposer should describe the Quality Control Plan to be utilized as a self-monitoring tool to ensure that services are provided in accordance with all requirements and to ensure that there is a “firewall” in place between the OSO function (service coordination across all workforce partners) and WIOA service delivery. Refer to USDOL TEGL 15-16.

12.4.2 Proposer should discuss how they will comply with all federal, state and local policies and regulations, as well

12.5 Budget (Attachment A)

The budget must contain cost detail and demonstrate that costs are realistic and allowable. The budget must include a narrative providing a clear explanation of each line item, including an explanation of the methods of allocating costs for any joint or shared budget item. All proposals must have a Personnel Schedule attached to the budget that clearly indicates the positions, salaries and fringe benefits to be charged to this grant. All budget proposals should include in total: 1) personnel costs, 2) operational costs, 3) direct expenses, 4) other estimated costs. Also include an organizational chart showing how top management connects with line staff and service delivery.

13.0 PROPOSAL SUBMISSION

It is the sole responsibility of the submitting Proposer to ensure that its proposal is received before the submission deadline. Submitting Proposers shall bear all risks associated with delays in delivery by any person or entity, including the U.S. Mail. Any proposals received after the scheduled closing date and time for receipt of proposals will not be accepted.

14.0 EVALUATION AND SELECTION

14.1 Evaluation Process:

14.1.1 Executive Summary - Five (5) points

The proposer will be evaluated on its mission statement, the number of years in operation, experience providing workforce services, and financial track record for federal and/or state grants that includes required information pertaining to any disallowed costs for the past three years.

14.1.2 Proposer’s Qualifications –Ten (10) points

The proposer will be evaluated on the verification of references provided and financial capabilities.

14.1.3 Proposer’s Service Delivery Plan – Fifty (50) points

The Proposer will be evaluated on the fourteen questions in section 12.3, above regarding the technical and programmatic capabilities and service delivery. Is the proposed service delivery model relevant to the mission and objectives of the Kentucky Career Center partner programs? Does the service delivery model correlate to the proposed outcomes?

14.1.4 Quality Control Plan - Ten (10) points

The proposer’s Quality Control Plan will be evaluated.

14.1.5 Budget Evaluation - Twenty-Five (25) points

Are the costs in the budget clear, realistic and allowable? Are the costs reasonable relative to the services promised in the rest of the proposal?

14.2 Selection Process

After proposals are scored, a recommendation will be submitted to the BGWIB. The BGWIB will then make a decision which is subject to review and approval by the Governing Board. Once the BGWIB and Governing Board have agreed upon contractor selection, the BG Administrator will negotiate and execute a contract as directed by the BGWIB and the Governing Board.

Attachment A

1. Line Item Budget

(Please complete one budget for Administrative Costs and one for Program Costs)

Administrative

Program

Line Item	Amount
Position Title: (Insert # List Title) to work approximately (list hours) hours for an estimated (list number of weeks) weeks	
Fringe @ approximately _____ %	
Position Title: (Insert # List title) to work approximately (list hours) hours for an estimated (list number of weeks) weeks	
Fringe @ approximately _____ %	
Sub Total	
Facility Maintenance	
Travel (Local)	
Staff Development	
Dues/Subscription	
Computer Software	
Office Supplies, Printing, and Copying	
Postage/Courier	
Audit	
Educational Materials	
Other	
Indirect Costs (Please provide CAP)	
Subtotal	
Program Performance Incentive _____ %	
Total (not to exceed \$1,500,000)	

2. Proposed Cash and/or In-kind Resources to this WIOA Program

Please include details and letters of support from organizations that are directly or indirectly committing funds, other resources, and/or services to proposed efforts

3. Proposed Program Budget Summary

	WIOA Funds	Non-WIOA Funds	In-Kind Funds	Other	Total Costs
Administrative Costs (see definitions)					
Program Costs (see definitions)					
Totals:					

Note: The Board seeks a provider who can coordinate One-Stop operations with minimal administrative cost to the budget.

4. Organizational Budget Breakdown

This proposal budget represents _____ % of organization's total budget.

All Board funds (e.g. this proposal budget plus any other Board funded contracts the organization has been awarded) represents _____ % of the organization's total budget.

Attachment B

Instructions for Completing Attachment A

1. Proposed Line Item Budget (Attachment A #1)

Complete the proposed Line Item Budget in Attachment A summarizing all One-Stop Career Center System costs and assigning them to either of the two cost categories: Administrative Costs or Program Costs. Please only include proposed cost to the Board.

- a. Complete the budget pages (A1) covering each of the cost categories.
- b. Be sure to complete one budget for proposed Admin costs and one budget for proposed Program costs.
- c. Refer to the Definitions provided in Attachment C describing the kinds of activities chargeable to each cost category and each line-item.
- d. Remember: reimbursement of Administrative costs is limited to no more than 5% of the total proposal budget.
- e. Under each of the cost categories, provide detail for projected costs of the proposed program. For example:
 - Line-item "Position Title": Salary of Food Preparation Instructor: apx. 35 hrs. /wk. x estimated 14 wks. Cost = \$4,655
 - Line-item "Rent": Food Preparation classroom space rental: 412 sq. ft. x \$7.50/sq. ft. per annum x 6 months = \$1,545.

2. Proposed Cash and/or In-Kind Resources (Attachment A #2)

Clearly describe any cash and/or in-kind resources the responding organization is proposing to supplement the costs of this program. Staff who will spend less than 25% of their time on this proposal may be included as in-kind. In-Kind Funds must be non-federal dollars in origin and can be resources such as staff, equipment, facilities, etc or cash.

If no cash and/or in-kind is being offered please type N/A in this space.

3. Proposed Program Budget Summary (Attachment A #3)

- Indicate in the column under "WIOA Funds" the costs (or portions of costs) to be reimbursed by the BGWIB in this proposal.
- Indicate in the column under "BGWIB Non-WIOA Funds" any costs (or portions of costs) to be covered by the responding organization with funds other than WIOA funds from the BGWIB.
- Indicate in the column under "In-Kind Funds" any costs (or portions of costs) to be covered by the responding organization as an In-Kind contribution.
- Indicate in the column under "Other" any costs (or portions of costs) to be covered in some other way. Please specify.
- Indicate in the column under "Total Costs" the totals of all rows. The final cell in the table should be the full costs of the proposed program including all shares.

4. Responding Organizations Budget Breakdown (Attachment A #4)

- Indicate on the first line the amount (by percentage) that this proposal represents of the responding organizations total organizational budget.
- Indicate on the second line the amount (by percentage) that all Board funds (this proposal plus any current Board contracts the responding organization may have) represent the responding organization's total I budget. Specifically identify, by name, all existing contracts with the Board.

Attachment C

Budget Line Item Definitions

1. Cost Category Definitions

Administrative Costs

The personnel and operating costs, direct and indirect, associated with overall management and administration of the Kentucky Career Center - Bluegrass, which are not directly related to the provision of services to participants or otherwise allocable to the cost category of Program. The Board seeks to identify a provider who can coordinate One-Stop operations with minimal administrative costs to the budget.

These costs include:

- Overall general administrative functions and coordination of those functions
- Accounting, budgeting, financial and cash management
- Procurement and purchasing
- Property management
- Personnel management
- Payroll
- Coordinating audit resolutions, reviews, investigations, and incident reports
- Audit
- Legal services pertinent to management and operations of the Kentucky Career Center – Bluegrass System
- Developing systems and procedures (including information systems) required for these functions
- Oversight and monitoring of administrative functions
- Goods and services required for administrative functions including rental, utilities, supplies, space, etc.
- Travel for official business to carry out administrative activities or overall management

Program Costs

All costs incurred for the provision of contract functions and activities are classified as program costs.

Program Costs include:

- The cost of staff who provide program services directly to customers and, where applicable, the first line supervisors and /or team leaders responsible for those staff;
- tracking or monitoring of customers or performance information;
- employment statistics information, including job listings, job skills and demand occupation information;
- outreach to and recruitment of applicants for services;
- dissemination of program information to prospective employers;
- follow-up services with eligible customers placed in unsubsidized employment;
- assessment of skill levels and service needs;
- counseling that involves occupational, educational, and career guidance to eligible customers while in training;
- case management services such as assessment, counseling, and job search assistance.

2. Budget Line Item Definitions

- **Position Title/Personnel** – Base salaries/wages associated with the individual job positions needed to perform the proposed service. Positions are to be defined within specifics of the job and how each function relates to this proposal.
- **Fringe Benefits** – The approximate percentage of position salary that it will cost to provide established company benefits such as health insurance, life, dental, vision, workers compensation, unemployment insurance, Medicare, Social Security, pension, 401K, etc. Benefits should be based upon the organizations' written personnel policy for all employees. Daily employee parking in a garage or lot where required is considered a fringe benefit and so should be included in this line item as well.
- **Facility Maintenance** – The cost of utilities, security, maintenance, etc.
- **Travel (Local)** – The cost of attending applicable meetings and activities away from the office locally using personal vehicles. Local travel is considered within a fifty mile radius of business location. Parking expenses incurred as a result should also be included in this line item. Please indicate a cost per mile.
- **Staff Development** – This line item is to be used to advance the knowledge of Program (i.e. Direct Services) employees that can benefit the attendee in his/her job performance as it relates to the proposed program. Examples include conference registrations and associated travel expenses. Please specify.
- **Dues/Subscriptions** – The cost of joining appropriate organizations and subscribing to periodicals/newspapers that would benefit the service for which the BGWIB is seeking proposals.
- **Computer software** – Specify the type(s) of computer software needed. This should NOT include the costs of computer hardware or case management software as the Board provides these.
- **Office Supplies, Printing, and Copying** – Those items to be purchased to be used in the course of performing day to day business activities such as ink pens, paper clips, etc. Also includes expense for printing program materials and the copying of documents/materials as needed.
- **Postage/Courier Service** – Expense for using USPS, Fed Ex, UPS, Courier Services, etc.
- **Audit** – The cost of an audit as it relates to the proposed service.
- **Educational Materials** – The cost for purchasing materials to be used in performing the services being proposed. Include the cost for Assessment Tools/Fees, as well as GED Attainment Fees and Instructional Materials.
- **Other** – Expenses not reported in other categories. Please specify.
- **Indirect Costs** – Those costs incurred for a common or joint purpose benefiting more than one cost objective and therefore cannot be identified readily and specifically with a particular objective or activity.

NOTE: Mileage and Travel reimbursement shall not exceed amount set by state policy. See 200 KAR 2:006 Employees' Reimbursement for Travel.

NOTE: Items that are related to the organizations corporate image or separate business entity are NOT to be included in the budget. The Board will not reimburse for these items. Examples of what would be considered "Corporate Expenses" are advertising for positions, annual report filing, business plan costs, business cards, graphic design services, legal services, HR and accounting consultants and staff assessments to name just a few.

SECTION VII

DOCUMENTS APPLICABLE TO KENTUCKY STATUTORY PURCHASING PREFERENCES

A. Statutory Requirements.

1. 45A.470 Preference to be given by governmental bodies and political subdivisions in purchasing commodities or services -- List of commodities and services -- Price range -- Negotiation for identical products and services.

(1) Notwithstanding any provision of this chapter to the contrary, all governmental bodies and political subdivisions of this state shall, when purchasing commodities or services, give first preference to the products made by the Department of Corrections, Division of Prison Industries, as required by KRS 197.210. Second preference shall be given to any products produced by Kentucky Industries for the Blind, Incorporated, or any other nonprofit corporation that furthers the purposes of KRS Chapter 163, and agencies of individuals with severe disabilities as described in KRS 45A.465.

(2) The Finance and Administration Cabinet shall make a list of commodities and services provided by these agencies and organizations available to all governmental bodies and political subdivisions. The list shall identify in detail the commodity or service the agency or organization may supply and the price.

(3) The Finance and Administration Cabinet shall annually determine the current price range for the commodities and services offered from its experience in purchasing these commodities or services on the open market. The prices quoted by these agencies or organizations shall not exceed the current price range.

(4) The Office for the Blind within the Education and Workforce Development Cabinet and qualified agencies for individuals with severe disabilities shall annually cause to be made available to the Finance and Administration Cabinet, lists of the products or services available.

(5) If two (2) or more of the agencies or qualified nonprofit organizations wish to supply identical commodities or services, the Finance and Administration Cabinet shall conduct negotiations with the parties to determine which shall be awarded the contract. The decision of the Finance and Administration Cabinet shall be based upon quality of the commodity or service and the ability of the respective agencies to supply the commodity or service within the requested delivery time.

2. KRS 45A.490 – 45A.494, Reciprocal Preference

a. KRS 45A.490 Definitions for KRS 45A.490 to 45A.494.

As used in KRS 45A.490 to 45A.494:

- (1) "Contract" means any agreement of a public agency, including grants and orders, for the purchase or disposal of supplies, services, construction, or any other item; and
- (2) "Public agency" has the same meaning as in KRS 61.805.

b. KRS 45A.492 Legislative declarations. The General Assembly declares:

- (1) A public purpose of the Commonwealth is served by providing preference to Kentucky residents in contracts by public agencies; and
- (2) Providing preference to Kentucky residents equalizes the competition with other states that provide preference to their residents.

c. KRS 45A.494 Reciprocal preference to be given by public agencies to resident bidders -- List of states -- Administrative regulations.

- (1) Prior to a contract being awarded to the lowest responsible and responsive bidder on a contract by a public agency, a resident bidder of the Commonwealth shall be given a preference against a nonresident bidder registered in any state that gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder.
- (2) A resident bidder is an individual, partnership, association, corporation, or other business entity that, on the date the contract is first advertised or announced as available for bidding:
 - (a) Is authorized to transact business in the Commonwealth; and
 - (b) Has for one (1) year prior to and through the date of the advertisement, filed Kentucky corporate income taxes, made payments to the Kentucky unemployment insurance fund established in KRS 341.490, and maintained a Kentucky workers' compensation policy in effect.
- (3) A nonresident bidder is an individual, partnership, association, corporation, or other business entity that does not meet the requirements of subsection (2) of this section.
- (4) If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
- (5) This section shall apply to all contracts funded or controlled in whole or in part by a public agency.
- (6) The Finance and Administration Cabinet shall maintain a list of states that give to or require a preference for their own resident bidders, including details of the preference given to such bidders, to be used by public agencies in determining resident bidder preferences. The cabinet shall also promulgate administrative regulations in accordance with KRS Chapter 13A establishing the procedure by which the preferences required by this section shall be given.
- (7) The preference for resident bidders shall not be given if the preference conflicts with federal law.
- (8) Any public agency soliciting or advertising for bids for contracts shall make KRS 45A.490 to 45A.494 part of the solicitation or advertisement for bids.

B. Administrative Requirements.

1. 200 KAR 5:400. Kentucky resident bidder reciprocal preference.

- a. RELATES TO: KRS 45A.050(7), 45A.070(1), 45A.090(2), 45A.180(1), 45A.182(1)(c), 45A.365, 45A.370, 45A.375, 45A.695, 45A.745, 45A.825, 45A.853, 160.303, 162.070, 164A.575, 164A.590, 176.010, 176.082. STATUTORY AUTHORITY: KRS 45A.494. NECESSITY, FUNCTION, AND

CONFORMITY: KRS 45A.494(6) requires that the Finance and Administration Cabinet promulgate administrative regulations to establish the procedure by which a reciprocal preference shall be given to Kentucky resident bidders. This administrative regulation establishes the procedures by which a reciprocal preference shall be given to Kentucky resident bidders.

- b. Section 1. Definitions.

- (1) "Contract" is defined by KRS 45A.490(1).
- (2) "Nonresident bidder" is defined by KRS 45A.494(3).
- (3) "Public Agency" is defined by KRS 45A.490(2).
- (4) "Resident bidder" is defined by KRS 45A.494(2).
- (5) "Response" means any bid or response submitted to a solicitation.
- (6) "Solicitation" means an invitation for bid, request for proposal, advertisement for bid, or another formal method of soliciting a contract issued by a public agency.

- c. Section 2. Claiming Resident Bidder Status.

(1) Any individual, partnership, association, corporation, or other business entity claiming resident bidder status shall submit along with its response a notarized affidavit that affirms that it meets the criteria to be considered a resident bidder as set forth in KRS 45A.494(2).

(2) If requested, failure to provide documentation to a public agency proving resident bidder status shall result in disqualification of the bidder or contract termination.

- d. Section 3. Determination of Residency for Nonresident Bidders.

- i. The state of residency for a nonresident bidder, for purposes of this administrative regulation, shall be its principal office as identified in the bidder's certificate of authority to transact business in Kentucky as filed with the Commonwealth of Kentucky, Secretary of State.
- ii. If the bidder is not required to obtain a certificate of authority to transact business in Kentucky, its state of residency shall be the mailing address provided in its bid.

- e. Section 4. Applying the Reciprocal Preference.

- i. Once all responsible and responsive bidders to a solicitation have been scored and ranked, the residency of each bidder shall be identified.
- ii. A preference equal to the preference given or required by the state of the highest evaluated nonresident bidders shall be given to all responsive and responsible resident bidders.
- iii. The responses shall then be rescored and re-ranked to account for any

- applicable preferences.
- iv. In awarding a contract, resident bidders shall only receive preference against nonresident bidders residing in a state that gives a preference to bidders from that state. This preference shall not be applied against nonresident bidders residing in states that do not give preference against Kentucky bidders.
 - v. If a procurement determination results in a tie between a resident bidder and a nonresident bidder, preference shall be given to the resident bidder.
 - vi. This administrative regulation shall not result in a nonresident bidder receiving a preference over another nonresident bidder. (37 Ky.R. 1109; Am. 1627; eff. 2-4-2011.)

2. 200 KAR 5:410. Preferences for purchases of commodities or services.

a. RELATES TO: KRS 45A.465, 45A.470 STATUTORY AUTHORITY: KRS 45A.470, 45A.045(2), 45A.055. NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to promulgate administrative regulations to govern purchasing by or for agencies. This administrative regulation establishes requirements setting forth the preference given to qualified entities identified in KRS 45A.470(1).

b. Section 1. Definitions.

(1) "Bidder" means any entity submitting a response to a solicitation.

(2) "Qualified bidder" means Kentucky Industries for the Blind, Incorporated; any nonprofit corporation that furthers the purposes of KRS Chapter 163; or a qualified nonprofit agency for individuals with severe disabilities as described in KRS 45A.465(3).

(3) "Solicitation" means any invitation for bids, request for proposals, advertisement for bid, or any other method of soliciting a contract issued by a public agency.

c. Section 2. Percentage Preference.

- i. Products made by the Department of Corrections, Division of Prison Industries, shall receive a preference equal to twenty (20) percent of the maximum points awarded to a bidder in a solicitation.
- ii. Products or services provided by a qualified bidder shall receive a preference equal to fifteen (15) percent of the maximum points awarded to a bidder in a solicitation.

d. Section 3. Claiming Qualified Bidder Status.

- i. Except for Kentucky Industries for the Blind, Incorporated, a bidder claiming qualified bidder status shall submit along with its response to a solicitation a notarized affidavit which affirms that it meets the requirements to be considered a qualified bidder.
- ii. If requested, failure to provide documentation to a public agency proving qualified bidder status may result in disqualification of the bidder or contract termination. (37 Ky.R. 1111; Am. 1411; eff. 1-3-2011.)

C. Required Affidavit for Bidders, Offerors and Contractors Claiming Qualified Bidder Status

Solicitation/Contract #: _____

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING QUALIFIED BIDDER STATUS

FOR BIDS AND CONTRACTS IN GENERAL:

I. The bidder or offeror swears and affirms under penalty of perjury that the entity bidding, and all subcontractors therein, meets the requirements to be considered a "qualified bidder" in accordance with [200 KAR 5:410\(3\)](#); and will continue to comply with such requirements for the duration of any contract awarded. Please identify below the particular "qualified bidder" status claimed by the bidding entity.

- A nonprofit corporation that furthers the purposes of KRS Chapter 163
- Per KRS 45A.465(3), a "Qualified nonprofit agency for individuals with severe disabilities" means an organization that:

- (a) Is organized and operated in the interest of individuals with severe disabilities; and
- (b) Complies with any applicable occupational health and safety law of the United States and the Commonwealth; and
- (c) In the manufacture or provision of products or services listed or purchased under KRS 45A.470, during the fiscal year employs individuals with severe disabilities for not less than seventy-five percent (75%) of the man hours of direct labor required for the manufacture or provision of the products or services; and
- (d) Is registered and in good standing as a nonprofit organization with the Secretary of State.

Bluegrass Workforce Innovation Board and/Governing Body reserves the right to request documentation supporting a bidder's claim of qualified bidder status. Failure to provide such documentation upon request may result in disqualification of the bidder or contract termination.

Signature Printed Name

Title Date

Company Name _____

Address _____

Subscribed and sworn before me by: _____ (Affiant) _____ (Title)

of _____ this day of _____, 20 _____.

Notary Republic [Seal of Notary]

Commission expires: _____

D. Required Affidavit for Bidders, Offerors, and Contractors Claiming Resident Bidder Status

Solicitation/Contract #: _____

REQUIRED AFFIDAVIT FOR BIDDERS, OFFERORS AND CONTRACTORS CLAIMING RESIDENT BIDDER STATUS

The bidder or offeror hereby swears and affirms under penalty of perjury that, in accordance with KRS 45A.494(2), the entity bidding is an individual, partnership, association, corporation, or other business entity that, on the date the contract was first advertised or announced as available for bidding:

1. Was authorized to transact business in the Commonwealth; and
2. Had for one year prior to and through the date of advertisement
 - a. Filed Kentucky corporate income taxes;
 - b. Made payments to the Kentucky unemployment insurance fund established in KRS 341.49; and
 - c. Maintained a Kentucky workers' compensation policy in effect.

The Bluegrass Workforce Innovation Board and/or the Governing Body reserves the right to request documentation supporting a bidder's claim of resident bidder status. Failure to provide such documentation upon request shall result in disqualification of the bidder or contract termination

Signature Printed Name

Title Date

Company Name _____

Address _____

Subscribed and sworn before me by: _____ (Affiant) _____ (Title)

of _____ this day of _____, 20 _____.

Notary Republic [Seal of Notary]

Commission expires: _____