

TO: WIB Executive Committee

DATE: 09/29/03

FROM: Finance Committee

For Action

For Information

For Discussion

SUBJECT: Recommendation of Sole Source Procurement Option for New Out-of-School Contract

PROPOSED MOTION(S): Recommend the use of the Sole Source (Non-competitive) Procurement Option to contract with a new provider for the Out-of-School Youth Program and forward same to BOS for final approval.

DISCUSSION: The closure of Jobs for California Graduates – Merced County, Inc. has left Merced County with no out-of-school youth program contractor. The partners who have been operating portions of the program have expressed the desire to continue the program. Rapid restoration of the out-of-school program is imperative. Sole source procurement is the quickest procurement option available to the WIB. Once a provider has been selected and the program re-established, a new Request for Proposal reflecting expected changes in WIA will be written. It is expected that that Proposal would result in a competitive process for 2004/2005.

A non-competitive proposal (sole source) is procurement through solicitation of a proposal from only one source. The Workforce Investment Area shall minimize the use of sole source procurement to the extent practicable, but in every case, the use of sole source procurement shall be justified and documented. Procurement by noncompetitive proposals may be used only when the award of contract is infeasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances apply:

- 1. The item or service is from only a single source;**
- 2. *The public exigency or emergency need for the item or service does not permit a delay resulting from competitive solicitation;***
- 3. The awarding agency authorizes noncompetitive proposals; awarding agency refers to the next higher tier entity;**
- 4. After solicitation of a number of sources, competition is determined inadequate.**

The use of the sole source contract is justified. At this time approximately 280 youth enrolled need continued service. Older youth funds not being spent endanger younger youth funding. The emergency need for older youth services does not permit the delay of the lengthy, 100+ day, Request for Proposal procurement process and satisfies the requirements of item 2 above.

ATTACHMENT(S): N/A