

# Merced County Private Industry Training Department

---

Terry Smith Tatum, Director  
Andrea T. Baker, Assistant Director



1880 W. Wardrobe Avenue  
Merced CA 95340-6407  
(209) 385-7324 ● FAX: (209) 725-3592  
<http://www.co.merced.ca.us/pitd>

## MEMORANDUM

January 20, 2000

**To:** Fernanda Saude, Deputy County Counsel

**From:** Andrea Baker, PITD Assistant Director

**Subject:** WIB Conflict of Interest

Section 667.200 (a)(4)(i) of the WIA regulations states that “A State Board member or a Local Board member or Youth Council member must neither cast a vote on, nor participate in, any decision-making capacity on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his immediate family.”

The Youth Council, which is a subgroup of the Local Board (Workforce Investment Board), has several members who belong to organizations that historically have bid on JTPA youth projects in past years. Under the Workforce Investment Act, unlike JTPA, all youth programs must be competitively procured. It will be the responsibility of the Youth Council to provide input into, and to approve any procurement instrument pertaining to youth programs. PITD is concerned that the phrase ...nor participate in any decision-making capacity on the provision of services...could mean that a perceived conflict of interest would exist if members of the Youth Council participated in developing the procurement document, then bid on that document for funding for their organizations. There are many other organizations in the community who are potential bidders for youth funds and are not represented on the Youth Council.

A suggestion has been made that the safest course of action is to have Youth Council members whose organizations intend to compete for these funds remove themselves from any part of the procurement process.

PITD is requesting that your office review this scenario and advise how best to proceed.

If you have any questions please contact Ed McLaughlin, PITD Special Projects at 385-7324 extension 2008.

ATB/erh