

TO: Merced Youth Council

DATE: 1/5/01

FROM: Youth Council Staff

For Action

For Information

Meeting Notes

SUBJECT: Procurement of Youth Providers

PROPOSED MOTION(S): None

DISCUSSION: At the Youth Council meeting on December 8, 2000, considerable discussion took place regarding the procurement and awarding of grants and contracts to providers of youth services.

Section 117(d) (2) (B) of the Workforce Investment Act states as follows:

*Selection of Youth Providers - Consistent with Section 123, the local board shall identify eligible providers of youth activities in the local area by awarding grants or contracts on a competitive basis, based on the recommendations of the Youth Council.*

Section 117(h) (4) (B) (i) of the Workforce Investment Act when describing the duties of the Youth Council states in part: *"Recommending eligible providers of youth activities to be awarded grants or contracts on a competitive basis. . . ."*

Section 123 of the Act, Titled "Identification of eligible providers of youth activities" states in part:

*The local board shall identify eligible providers of youth activities by awarding grants or contracts on a competitive basis, based on the recommendations of the youth council.*

On page 49352 of the Preamble to the Final Rule, Subpart E - a reference is made to the competitive requirement for youth activities. This section states in part, *"It (the Act) does require that providers of the ten required youth program elements be competitively selected. The competitive selection requirement effectively precludes the use of ITA's . . . ."*

These are the only references to procurement of youth services found in the act or regulations.

**While there seems to be no flexibility in procuring WIA Title I youth activities outside the competitive process, WIA Directive # WIA D00-2 Subject: Procurement; allows for sole source procurement under limited conditions.**

**The noncompetitive process outlined in Merced County's Workforce Investment Area Plan that has received approval from the State does give the WIB and the Youth Council some flexibility in limited cases. Page 37, Section VII, para B.6, of the plan reads as follows:**

**Noncompetitive Process: The County will ensure that it will use the noncompetitive process for grant and contract activities under Title I, only when the competitive process is unfeasible due to one or more of the following:**

- The item or service is available only from a single source;**
- The public exigency or emergency need for the item or service does not permit a delay resulting from a competitive solicitation;**
- After solicitation of a number of sources, competition is determined to be inadequate.**

**The sole source process should only be used when the competitive process is unfeasible. When a need is identified by the Youth Council that falls outside the criteria in para B.6, of the competitive process as required in Section 117 and 123 of the Act must be used.**

**Staff proposes sole source as part of any consortium or collaborative project that meets the sole source criteria.**

**ATTACHMENT(S):**

**Page 37 - Local Workforce Investment Area Plan  
WIA Directive WIA D00-2; Subject: Procurement**