

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF BUSINESS AND ECONOMIC AFFAIRS
The New Hampshire Vibrant, Inclusive and Prosperous (VIP) Workforce Program
RFP DBEA 2022-12**

Section 1 – Overview and Schedule

A. Executive Summary

The Department of Business and Economic Affairs, Office of Workforce Opportunity (BEA/OWO) is soliciting Request for Proposals (RFP) on behalf of the State Workforce Innovation Board (SWIB) for the NH Vibrant, Inclusive and Prosperous (VIP) Program. The RFP is an opportunity for applicants with applicable experience working with historically marginalized populations (further outlined in the RFP). Applicants are encouraged to submit proposals that will establish innovative workforce solutions to address workforce issues, gaps and needs in historically marginalized populations throughout the State of New Hampshire. We are seeking applicants who will bring new ideas, approaches and partnerships to the NH workforce system. Applicants should have direct experience working with historically marginalized populations. The anticipated period of performance is April 6, 2022, through June 30, 2024.

The qualified applicant(s) will provide outreach and referral in historically marginalized communities in New Hampshire. BEA/OWO is looking for applicant(s) to work directly in communities to engage historically marginalized individuals to refer potential participants to a single provider who will deliver services under the WIOA Adult program requirements statewide. They will be working in close coordination with other agencies to increase project visibility, increase program enrollments and employment outcomes for the VIP program. The VIP program is being funded with WIOA Adult program funding so applicants will need to be familiar with purpose of the program as well as the eligibility requirements.

The award of the contract is contingent on approval by Governor and Executive Council.

The proposed services will be 100% funded under the Workforce Innovation and Opportunity Act (WIOA) of 2014, P.L. 113-128, from part of an award from the U.S. Department of Labor (USDOL) Employment and Training Administration (ETA) for \$2,790,201 in Program Year 2021 Adult Funding; CFDA# 17.258.

B. Schedule

The following table provides a Schedule of Events for this RFP through contract finalization and approval. The Agency reserves the right to amend this Schedule at its sole discretion and at any time through a published Addendum.

EVENT	DATE	LOCAL TIME
RFP Released to Proposers (Advertisement)	January 10, 2022	9:00 AM
Vendor Conference	January 14, 2022	10:00 AM
Proposer Inquiry Period Ends	January 24, 2022	4:00 PM
Final Agency Responses to Proposer Inquiries	January 28, 2022	4:00 PM
Proposers Submit Proposals	February 18, 2022	4:00 PM

Estimated Notification of Selection and Begin Contract Negotiations	March 4, 2022	4:00 PM
Targeted Governor and Council Meeting	April 6, 2022, OR TBD	
Anticipated Contract Start Date	April 6, 2022	

Section 2 - Description of Agency/Program Issuing the Request for Proposals

The Department of Business and Economic Affairs is dedicated to enhancing the economic vitality of the State of New Hampshire while promoting it as a destination for domestic and international visitors. For more information visit www.nheconomy.com, www.choosenh.com, or www.nhworks.org.

The proposed services will be funded under Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014. WIOA supersedes the Workforce Investment Act (WIA) of 1998. WIOA was created to provide state and local areas the flexibility to collaborate across systems in an effort to address the employment and skill needs of current employees, job seekers, and employers. For more information on WIOA, visit <http://www.doleta.gov/WIOA>.

WIOA has six main purposes:

1. Increase access to and opportunities for employment, education, training, and support services for individuals, particularly those with barriers to employment
2. Support the alignment of workforce investment, education, and economic development systems in support of a comprehensive, accessible, and high-quality workforce development system.
3. Improve the quality and labor market relevance of workforce investment, education, and economic development efforts.
4. Promote improvement in the structure and delivery of services.
5. Increase the prosperity of workers and employers.
6. Provide workforce development activities that increase employment, retention, and earnings of participants and that increase post-secondary credential attainment and as a result, improves the quality of the workforce, reduces welfare dependency, increases economic self-sufficiency, meets skills requirement of employers, and enhances productivity and competitiveness of the nation.

Section 3 – Proposed Scope of Work

OWO and the State Workforce Innovation Board are dedicated to the development of a vibrant, inclusive, and prosperous workforce through education and training opportunities and case management that seek to meet the needs of New Hampshire employers and workers. It is our belief that serving all people, including those that have been historically marginalized will increase the economic vitality in the state. Historically marginalized populations are those who have been systemically excluded. For the purposes of this RFP, they consist of communities of color, New Americans including immigrants and refugees, caregivers, women, the LGBTQ+ community, homeless individuals, single parents, and Veterans. Due to the federal eligibility requirements associated with this funding stream, participants served must be 18 or older. Since there are numerous categories of individuals being targeted in this RFP, OWO will consider awarding contracts to multiple qualified applicants based on their experience working with one or more of the targeted populations listed.

The selected applicant(s) will promote and provide outreach to the targeted populations about the VIP program and the WIOA Adult Program. The applicant(s) will also refer potential participants to our already contracted provider of statewide WIOA Adult programming. The applicant(s) will screen potential participants to ensure that they are at least 18 or older and fall under one of the historically marginalized populations as listed above. If a potential participant meets the above minimum criteria, then the applicant(s) will refer them to the current WIOA Adult program provider for further eligibility determination and service provision. The applicant(s) will work closely with our current WIOA Adult Program provider to assist eligible participants in obtaining necessary documentation required for participation in the program. The applicant(s) will also be working in close coordination with other agencies to increase project visibility, increase program enrollments and employment outcomes for the VIP program.

In addition, the selected applicant(s) will work with New Hampshire businesses to increase workforce opportunities for individuals from the targeted populations and promote the VIP program to NH businesses that have workforce vacancies. Businesses with workforce vacancies will be targeted to see how the vacancies can be filled by individuals from targeted populations. The candidate(s) will work with businesses to identify the skills, abilities and training that is necessary for the vacant positions and provide this information to the current WIOA Adult program provider. The applicant(s) will also provide technical assistance, consultation, coordination of efforts and ensure that strategic communication is continuously being maintained to maximize the success of the VIP program.

The Department of Business and Economic Affairs, Office of Workforce Opportunity (BEA/OWO) is soliciting proposals from qualified organizations to direct federal Department of Labor (DOL) WIOA Title I funds towards the NH VIP Program. Eligible entities may include:

- Non-profit organizations
- Public agencies
- Business associations
- Private for-profit businesses

Using a **\$1,200,000** funding level, proposals must be based on a **27-month** period beginning (estimated) April 6, 2022 and ending June 30, 2024. Proposals must address each item listed below, as well as additional items at the bidder's discretion:

- 1) Proactive and innovative statewide workforce solutions focusing on historically marginalized groups as defined within this RFP.
- 2) Referring participants to the existing WIOA Adult program provider including the coordination of efforts between existing WIOA partners and programs.
- 3) Connecting participants to staff-assisted career and training services to comprehensively support employment and reemployment with the appropriate level of supportive services.
- 4) Organize and maintain strategic partnerships as well as contractual arrangements where appropriate, with community organizations or other entities to develop targeted efforts aimed at identifying and enrolling eligible participants from historically marginalized communities.
- 5) Providing a pipeline of workers to in-demand occupations within the State of New Hampshire.
- 6) Engage with New Hampshire employers to identify and help fill vacant workforce needs with historically marginalized populations.
- 7) Assist the New Hampshire Department of Business and Economic Development in responding to requests for assistance.

The selected vendor(s)' deliverables are:

- Develop, in consultation with OWO, an annual participant referral goal at the specified level of funding.
- Refer potential participants who meet the minimum criteria to the WIOA Adult program provider.
- A minimum of monthly meetings with WIOA Adult program provider Staff and/or OWO.
- Establish a program outreach and marketing plan for chosen historically marginalized group.
- Account and invoice for all staff time and expenses, on a monthly basis, related to VIP Program related activities.
- Provide a monthly update and report on measurable actions taken, developed in consultation with OWO.
- Provide a quarterly performance narrative and participant success stories.
- Develop a plan for long-term program continuation of participant referral services following the end of the award.

The selected applicant(s) of this award will be sub-recipient(s) of federal funds. A *sub-recipient* is a non-Federal entity that receives a sub-award from a pass-through entity to carry out all or part of a Federal program; but does not include an individual that is a beneficiary of such programs. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency. (2 CFR §200.1 Sub-recipient). A sub-recipient must comply with all applicable uniform administrative requirements, cost principles and audit requirements. In this situation, the pass-through agency of the funds has a responsibility to monitor the sub-recipient to ensure the grant funds are being used for authorized purposes and as required by the grant agreement and applicable regulations. The Selected applicant(s) will enter into a contract with BEA, who shall provide direct and ongoing guidance in the performance of services to ensure consistency of policy and procedures in accordance with BEA, One-Stop Operator Consortium and/or the State Workforce Innovation Board directives. For more information see: 2 CFR Part 200; 2 CFR Part 2900; and ESD Policy 5250 Sub-recipient/Contractor Pass-Through Entity Determination Requirements.

Section 4 – Process for Submitting a Proposal

A. Proposal Submission, Deadline, and Location Instructions

Proposals submitted in response to this RFP must be received by the Department of Business and Economic Affairs no later than the time and date specified in the Schedule section. Proposals must be submitted electronically. Proposals must be addressed to:

State of New Hampshire
Department of Business and Economic Affairs
Office of Workforce Opportunity
 c/o
Joseph A Doiron

Electronic proposals must be submitted to: Joseph.A.Doiron@livefree.nh.gov

Proposals must be clearly marked as follows:

STATE OF NEW HAMPSHIRE
RESPONSE TO RFP 2022-06
The New Hampshire Vibrant, Inclusive and Prosperous (VIP) Workforce Program

Unless waived as a non-material deviation in accordance with Section 6B, late submissions will not be accepted. Delivery of the Proposals shall be at the Proposer's expense. The time of receipt shall be considered when a Proposal has been officially documented by the Agency, in accordance with its established policies, as having been received at the location designated above.

All Proposals submitted in response to this RFP must consist of at least:

- a) One electronic copy of the Proposal with all Confidential Information fully redacted, as provided for in Section 7E of this RFP.

Proposers who are ineligible to bid on proposals, bids or quotes issued by the Department of Administrative Services, Division of Procurement and Support Services pursuant to the provisions of RSA 21-I:11-c shall not be considered eligible for an award under this proposal.

B. Vendor Conference

A vendor conference will be held virtually on January 10, 2022 at 10:00 AM via Microsoft Teams. Vendors will be able to ask questions and receive clarification on the request for proposal. Attendance at the conference is encouraged but not required.

Microsoft Teams meeting
Join on your computer or mobile app
[Click here to join the meeting](#)
Or call in (audio only)
[+1 603-931-4944,,552738102#](#) United States, Concord
Phone Conference ID: 552 738 102#

C. Proposal Inquiries

All inquiries concerning this RFP, including but not limited to, requests for clarifications, questions, and any changes to the RFP, shall be submitted via email to the following RFP designated Points of Contact:

TO: Joseph.A.Doiron@livefree.nh.gov

Inquiries must be received by the Agency's RFP Point of Contact no later than the conclusion of the Proposer Inquiry Period (see Schedule of Events section). Inquiries received later than the conclusion of the Proposer Inquiry Period shall not be considered properly submitted and may not be considered.

The Agency intends to issue official responses to properly submitted inquiries on or before the date specified in the Schedule section; however, this date is subject to change at the Agency's discretion. The Agency may consolidate and/or paraphrase questions for sufficiency and clarity. The Agency may, at its discretion, amend this RFP on its own initiative or in response to issues raised by inquiries, as it deems appropriate. Oral statements, representations, clarifications, or modifications concerning the RFP shall not be binding upon the Agency. Official responses by the Agency will be made only in writing by the process described above. Vendors shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

D. Restriction of Contact with Agency Employees

From the date of release of this RFP until an award is made and announced regarding the selection of a Proposer, all communication with personnel employed by or under contract with the Agency regarding this RFP is forbidden unless first approved by the RFP Point of Contact listed in the Proposal Inquiries section. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential applicant (s) during the selection process, unless otherwise authorized by the RFP Point of Contact. Proposers may be disqualified for violating this restriction on communications.

E. Validity of Proposal

Proposals must be valid for one hundred and eighty (180) days following the deadline for submission of Proposals in Schedule of Events, or until the Effective Date of any resulting Contract, whichever is later.

SECTION 5 - Content and Requirements for a Proposal

The items contained in this section must be included in the sub-recipient's proposal to meet the minimum requirements for evaluation. The sections must be in the order described and written in a straightforward and concise manner.

Respondents must carefully examine all requirements stipulated in this RFP and respond to each requirement in their proposal.

Letters of support are not required.

Please note that BEA/OWO cannot enter into contract negotiations with an organization that is not legally permitted to conduct business within the State of New Hampshire or is debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

a. Proposal Content Requirements

1. Proposal Cover Sheet	Appendix A	Required	
2. Table of Contents	with Page Numbers	Required	
			100 Point Total
3. Proposal Narrative		Required	60 Point Total
A. Proposed Program Services	Max. Eight (8) Pages	"	35 Points (of 60)
B. Demonstrated Ability / Past Performance	Max. Eight (8) Pages	"	20 Points (of 60)
C. Conflict of Interest	Max. Two (2) Pages	"	5 Points (of 60)
4. Contractor Cover Sheet	Appendix B	Requires	
5. Proposal Budget		Required	40 Point Total
A. Budget Narrative	Max. Four (4) Pages	"	
B. Budget Worksheet	Appendix C	Required	
6. Staff Job Descriptions	Appendix D	Required	
7. State Assurances and Certification	Appendix E	Required	
8. WIOA Assurances and Certification	Appendix F	Required	
9. Miscellaneous	Max. Five (5) Pages	Optional	

b. Proposal Format Requirements

- Font: 12 point – Times New Roman
Spacing: Optional (single spaced or greater)
All content in the proposal must be typed (with the exception of signatures)
Pages: Numbered (exclusive of title page, table of content and miscellaneous pages)
Margins: 1 inch
Email: PDF format – drop box and/or similar tools not allowed.

SECTION 6 – Evaluation of Proposals

A. Criteria for Evaluation and Scoring

Each responsive proposal will be evaluated and considered with regard to the following criteria:

Proposed Program Services – Worth 35 Points (Max of 8 Pages)

In detail, using the guidance below, describe the proposed plan for providing outreach as well as providing referrals to the chosen historically marginalized populations, including how the proposed services will lead to referrals that result in participants receiving Career and Training Services from the WIOA Adult program provider. Bidders are encouraged to utilize evidence-based, promising practices, best practices and/or research in developing their program design.

Please state the question/request before each answer to ensure reviewers can follow your responses.

Approach:

- Describe how your program design will provide comprehensive programmatic services for customers - include the progression from outreach, recruitment and referral to enrollment.
- Describe your programs unique and innovative approaches to working with the chosen historically marginalized populations that will benefit the customer and support the vision and goals set forth in NH's WIOA Combined State plan. In your response, please include your plan to collaborate with partners in providing services. Please list Memorandum of Understandings, contracts, or agreements with partner organizations, if applicable.
- Describe how you plan to provide outreach and referral services to the chosen historically marginalized populations as well as the priority groups identified in the OWO Priority of Service Policy. How will you ensure that those customers that are referred are able to gather and provide documentation so that they can receive services that address their barriers to employment?

Program Staffing and Case Management Strategy:

- Provide your program staffing structure from Leadership to front-line staff, the roles of each position, and the knowledge/education/experience of each staff member who will be engaged in this program.
- Describe how you will ensure that front-line staff will have sufficient time and support to provide the highest quality programmatic services.

- Describe how you will ensure that staff are trained in WIOA policy and procedure, the delivery of effective referral services and customer service training.
- Describe your agencies policy for salary increases, vacation and sick leave procedures. [Please note that federal grants do not pay out bonuses and/or cover costs for any vacation time not accrued during the grant period.]

Outreach:

- Describe how you will provide targeted outreach and engagement to eligible Adults within historically marginalized populations, including any initiatives to serve those mandated by WIOA to receive priority of service. Include methods to reach out to eligible individuals who lack a high school diploma or GED, individuals who are not English Language Proficient and other barriers to employment as described in WIOA Sec 3 (26).
- Describe how you will provide targeted outreach engagement to New Hampshire employers to help fill vacant workforce needs with historically marginalized populations.

Training and Work-Based Learning Activities:

- Describe your approach toward referring customers to a wide range of training services, such as occupational skills training, work-based learning and on-the- job training (OJT), which will result in positive outcomes. For work-based activities such as OJT, the applicant(s) will collaborate with the WIOA Adult program service provider to align and coordinate contact with employers, and to coordinate with community and technical colleges and other training organizations for advanced training and apprenticeships.

Performance Management:

- Describe the methods that will be employed to manage performance.
- Describe how you will ensure continuous quality improvement of your services and outcomes to meet referral goals; understanding that USDOL factors in NH's economic conditions and serving hard to serve populations when goals are set (i.e., the subrecipient is accountable for achieving performance).

Demonstrated Ability and Past Performance – Worth 20 Points (Max of 8 Pages)

Applicant (s) must describe demonstrated ability, clearly articulating years of experience, measurable outcomes and include the roles of specific partners that were involved in achieving program goals.

Please state the question/request before each answer.

- Summarize the relevant qualification, experience, and expertise of the proposing agency in managing federal funds and operating federally funded programs/activities.
- Please note that WIOA does require the use of accrual accounting; however, accrual reporting is required and accruals must be included on all invoices for reimbursement. Please describe your experience in managing accrual reports.
- Describe the organization's familiarity with federal financial management standards and discuss how the organization ensures compliance with those standards.

- Please provide a copy of your most recent audit report. If you do not have annual audits, attach a copy of your most recent financial statements.
- Describe your organization's mission, services provided, current customer base, funding sources, and funding stability. Describe how your proposal to serve WIOA eligible Adults within historically marginalized populations aligns with your organization's goals.
- If applicable, explain if you have operated and managed a workforce development program of similar size and scope to the one proposed and how you addressed customers' employment and training needs.
- Describe how you have collaborated and executed a project with multiple stakeholders. Include the distinct roles of each partner and the steps taken to achieve positive outcomes.
- If you have operated a WIOA Adult program, please give the performance measures outcomes (annual) for last two years. If not, provide similar performance information, if available.

Conflict Of Interest – Worth 5 Points (Max of 2 Pages)

Please explain your plan to comply with potential Conflict of Interest issues by specifically addressing the areas listed below as it relates to your organization.

- Each sub-recipient must maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WIOA funds.
- Sub-recipient must disclose any potential conflicts of interest arising from relationships with state leadership, SWIB members, training providers and other service providers. [WIOA Section 121 (d) (4)]
- Any organization that has been selected, or otherwise designated to perform more than one function related to any WIOA program (Titles I, II, III, IV or V) and/or similar federally funded workforce program must develop a written plan. The plan must clarify how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office of Management and Budget Uniform Guidance, and conflict of interest policy. This plan must limit conflict of interest or the appearance of conflict of interest, minimize fiscal risk, certify that WIOA funded staff will not be assigned to work outside of WIOA deliverables as defined under contract, and demonstrate that there are appropriate firewalls within that single entity performing multiple functions.

Budget Section Requirements – Worth 40 points

Part I: Budget Narrative

The Budget Narrative is where the bidder provides an itemized budget breakdown and narrative for each budget category listed on the Budget Worksheet. Describe any leveraged community and partner resources, if any and the source of funding.

In responding to this RFP, the bidder should plan for an annual (July 1 – June 30) budget cycle, with the exception of the first year which has an anticipated start date of April 6, 2022.

The budget narrative must offer sufficient details to allow an assessment of cost reasonableness for costs identified in the Budget Worksheet described below.

Personnel

- Provide the title and duties of each position to be compensated under this project and the importance of each position to the success of the project.
- Provide the salary for each position under this project.
- Provide the amount of time (such as hours or percentage of time) to be spent by each position on this project.
- Provide the basis for cost estimates or computations.
- How many direct service staff are included in your budget? (FTEs)
- How many non-direct service staff or administrative are included in your budget? (FTEs)

Fringe Benefits

- Give the fringe benefit percentages of all personnel included under Personnel.
- Provide the rate and base on which fringe benefits are calculated.
- Do not include fringe benefits for salaries and wages that are treated as part of the indirect cost.

Travel (In-State)

- Explain the purpose of travel explain how it aligns to the project goals and objectives and identify who will travel.
- Provide specifics on how travel expenses are calculated
- Provide information on allowed mileage reimbursement costs.
- Mileage reimbursement may not exceed the federal rate, which can be found at GSA.gov
- Travel for consultants should be included under Contractual (line 6).
- Out of state travel is restricted and requires prior approval from by OWO (most training opportunities are now available on-line).

Equipment

- In general equipment costs are not allowed for this program
- However, the State considers all purchases of \$250 or more to be treated as equipment that must be maintained on inventory and remain property of the program/state. Such purchases require prior approval from OWO.
- The provider shall return all equipment/furniture purchased with federal funds to OWO upon the termination of contract.

Supplies

- Supplies purchased with grant funds should directly benefit the project and be necessary for achieving project goals.
- Direct supplies and materials differ from equipment in that they are consumable, expendable, and of a relatively low unit cost. Provide an estimate of supplies by nature of expense or general category (e.g., instructional materials, office supplies, etc.).
- Explain anticipated need for supplies and how they relate to project success.
- Provide the basis for cost estimates or computations.

Facility Costs (not included in indirect costs)

- For facility cost, include estimated total square feet available and cost per square foot. *[Do not include costs for the NH Works MOU IFA/Space costs for staff located in a NH Works Office. OWO will manage those costs at the state level.]*

Contractual

- The selected Bidder shall not subcontract any responsibilities or duties assigned in the contractual agreement between the Bidder and BEA. However, if the bidder is proposing a service design that includes contractual agreements the following information must be provided.
 - Describe the products to be acquired, and/or the professional services to be provided.
 - Provide the purpose of the product(s) and/or services and their relation to project success.
 - Provide the projected cost per contractor and basis for cost estimates.
 - For professional services contracts, provide the amount of time to be devoted to the project, including the proposed costs to the grant award.

Construction

- Not applicable.

Other

- Provide the purpose for the expenditures and their relation to the proposed strategy during the project period.
- Costs associated with professional development, if applicable.

Total Direct Costs

- The sum total of all direct expenditures, per budget category.

Indirect Costs

- Describe your indirect costs rate – include the percentage and what is included in your base cost for determining your indirect cost rate. If the bidder does not have an approved indirect cost rate, they must use the 10% De Minimis rate.

Administration Costs

- Administration costs are limited to 10% of the contract award.
- Indirect costs are included in the administration costs.
- In general, most cost associated with this program will fall into the direct and indirect costs category.
- Please see WIOA guidance on the administrative cost definition for WIOA.

Total Costs

- Sum total of direct costs and indirect costs.
- Please provide total costs for the year.

Part II: Budget Worksheet

Bidder is required to submit a budget worksheet using Appendix C. All costs included must be reasonable, allowable, necessary, and allocable among the cost categories using cost principles from 2 CFR 200 and 2 CFR 2900, as appropriate.

The budget narrative provided must offer sufficient details to allow an assessment of cost reasonableness.

In addition, please use Appendix D for job description of WIOA funded staff included in the personal costs on the budget worksheet.

D. Planned Evaluations Process

The Agency plans to use the following process:

- Initial screening to ensure that the Proposals are in compliance with submission requirements;
- Preliminary evaluation of the Proposals;
- Final Evaluation of Technical Proposals and scoring;
- Review of Budget Proposals and final scoring; and
- Select the Proposer (s) and begin contract negotiation.

E. Initial Screening

The Technical Review Team comprised of OWO program administrators will conduct an initial screening step to verify Proposer compliance with the submission requirements set forth in the RFP and the content requirements set forth in Section 5 of this RFP. The Agency may waive or offer a limited opportunity to cure immaterial deviations from the RFP requirements if it is determined to be in the best interest of the State.

F. Proposal Review

Proposals passing the initial review will be forwarded to the Selection Committee for content evaluation and scoring. No less than three (3) SWIB members shall service as the Selection Committee for this RFP.

G. Budget Proposal Review

Price proposals will be reviewed upon completion of the final technical scoring of proposals. The Proposer's Budget Proposal will be allocated a maximum potential score of 40 points. Proposers are advised that this **is not a low bid award** and that the scoring of the price proposal will be combined with the scoring of the technical proposal to determine the overall highest scoring Proposer.

H. Final Selection

Proposals will be ranked based on the total score received from the Selection Committee. Rankings will be used as a guide for discussion and final selection.

- Formal notification to the selected bidder is subject to Review and Approval by the SWIB and OWO.
- If the results of the review indicate, in the opinion of OWO, that the bidder may not be able to fulfill service delivery expectations, OWO reserves the right to decide to not enter into a contract with the applicant, regardless of the ranking and/or approval of the applicant's proposal.
- OWO reserves the right not to fund part or the entire proposal, regardless of its score and/or rank. Such decisions will be made based on the opinion of OWO that the services proposed are not needed, the goals of the proposal do not align with goals of the SWIB, or the costs are higher than OWO finds reasonable in relation to the overall funds available.

- Additional funds received by OWO may be used to expand services with existing sub-recipients or to fund competitively rated proposals not initially funded under this RFP. These decisions shall be at the discretion of OWO.
- OWO will initiate and negotiate a contract award pending receipt of any additional documentation regarding administrative qualifications and/or any other areas of concern and/or the successful completion of contract negotiations.
- The final contract between OWO and the selected bidder is subject to the NH Governor and Council final approval.

I. Rights of the Agency in Accepting and Evaluating Proposals

The Agency reserves the right to:

- Make independent investigations in evaluating Proposals;
- Request additional information to clarify elements of a Proposal;
- Waive minor or immaterial deviations from the RFP requirements, if determined to be in the best interest of the State;
- Omit any planned evaluation step if, in the Agency's view, the step is not needed;
- At its sole discretion, reject any and all Proposals at any time; and
- Open contract discussions with the second highest scoring Proposer and so on, if the second highest scoring vendor and so on, if Agency is unable to reach an agreement on Contract terms with the higher scoring Proposer(s).

SECTION 7 – Terms and Conditions Related to the RFP Process

A. RFP Addendum

The Agency reserves the right to amend this RFP at its discretion, prior to the Proposal submission deadline. In the event of an addendum to this RFP, the Agency, at its sole discretion, may extend the Proposal submission deadline, as it deems appropriate.

B. Non-Collusion

The Proposer's signature on a Proposal submitted in response to this RFP guarantees that the prices, terms and conditions, and Work quoted have been established without collusion with other Proposers and without effort to preclude the Agency from obtaining the best possible competitive Proposal.

C. Property of the Agency

All material received in response to this RFP shall become the property of the State and will not be returned to the proposer. Upon Contract award, the State reserves the right to use any information presented in any Proposal.

Additionally, the funds authorized via this RFP are 100% federal funds, therefore upon contract award, the Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products

worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

“This workforce product was funded by a grant awarded by the U.S. Department of Labor’s Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it.”

D. Confidentiality of a Proposal

Unless necessary for the approval of a contract, the substance of a proposal must remain confidential until the Effective Date of any Contract resulting from this RFP. A Proposer’s disclosure or distribution of Proposals other than to the Agency will be grounds for disqualification.

E. Public Disclosure

Pursuant to RSA 21-G:37, all responses to this RFP shall be considered confidential until the award of a contract. At the time of receipt of proposals, the Agency will post the number of responses received with no further information. No later than five (5) business days prior to submission of a contract to the Department of Administrative Services pursuant to this RFP, the Agency will post the name, rank or score of each proposer. In the event that the contract does not require Governor & Executive Council approval, the Agency shall disclose the rank or score of the Proposals at least 5 business days before final approval of the contract.

The content of each Proposer’s Proposal shall become public information upon the award of any resulting Contract. Any information submitted as part of a response to this request for proposal (RFP) may be subject to public disclosure under RSA 91-A. In addition, in accordance with RSA 9-F:1, any contract entered into as a result of this RFP will be made accessible to the public online via the website Transparent NH (<http://www.nh.gov/transparentnh/>). However, business financial information and proprietary information such as trade secrets, business and financials models and forecasts, and proprietary formulas may be exempt from public disclosure under RSA 91-A:5, IV. If you believe any information being submitted in response to this request for proposal, bid or information should be kept confidential as financial or proprietary information; you must specifically identify that information in a letter to the agency, and must mark/stamp each page of the materials that you claim must be exempt from disclosure as “CONFIDENTIAL”. A designation by the Proposer of information it believes exempt does not have the effect of making such information exempt. The Agency will determine the information it believes is properly exempted from disclosure. Marking of the entire Proposal or entire sections of the Proposal (e.g., pricing) as confidential will neither be accepted nor honored. Notwithstanding any provision of this RFP to the contrary, Proposer pricing will be subject to disclosure upon approval of the contract. The Agency will endeavor to maintain the confidentiality of portions of the Proposal that are clearly and properly marked confidential.

If a request is made to the Agency to view portions of a Proposal that the Proposer has properly and clearly marked confidential, the Agency will notify the Proposer of the request and of the date the Agency plans to release the records. By submitting a Proposal, Proposers agree that unless the Proposer obtains a court order, at its sole expense, enjoining the release of the requested information, the Agency may release the requested information on the date specified in the Agency's notice without any liability to the Proposers.

F. Non-Commitment

Notwithstanding any other provision of this RFP, this RFP does not commit the Agency to award a Contract. The Agency reserves the right, at its sole discretion, to reject any and all Proposals, or any portions thereof, at any time; to cancel this RFP; and to solicit new Proposals under a new acquisition process.

G. Proposal Preparation Cost

By submitting a Proposal, a Proposer agrees that in no event shall the Agency be either responsible for or held liable for any costs incurred by a Proposer in the preparation of or in connection with the Proposal, or for Work performed prior to the Effective Date of a resulting Contract.

H. Ethical Requirements

From the time this RFP is published until a contract is awarded, no bidder shall offer or give, directly or indirectly, any gift, expense reimbursement, or honorarium, as defined by RSA 15-B, to any elected official, public official, public employee, constitutional official, or family member of any such official or employee who will or has selected, evaluated, or awarded an RFP, or similar submission. Any bidder that violates RSA 21-G:38 shall be subject to prosecution for an offense under RSA 640:2. Any bidder who has been convicted of an offense based on conduct in violation of this section, which has not been annulled, or who is subject to a pending criminal charge for such an offense, shall be disqualified from bidding on the RFP, or similar request for submission and every such bidder shall be disqualified from bidding on any RFP or similar request for submission issued by any state agency. A bidder that was disqualified under this section because of a pending criminal charge which is subsequently dismissed, results in an acquittal, or is annulled, may notify the department of administrative services, which shall note that information on the list maintained on the state's internal intranet system, except in the case of annulment, the information, shall be deleted from the list.

I. Challenges on Form or Process of the RFP

Any challenges regarding the validity or legality of the form and procedures of this RFP, including but not limited to the evaluation and scoring of Proposals, shall be brought to the attention of the Agency at least ten (10) business days prior to the Proposal Submission Deadline. By submitting a proposal, the Proposer is deemed to have waived any challenges to the agency's authority to conduct this procurement and the form and procedures of this RFP.

a. Debriefing of Unsuccessful Bidders

Unsuccessful bidders may request a debriefing conference. **A written request for a debriefing conference must be emailed to Joseph Doiron at Joseph.A.Doiron@livefree.nh.gov within three (3) business days after the Notification of Unsuccessful Proposal letter is e-mailed to the Bidder.** OWO will acknowledge receipt of debriefing request within three (3) business days.

Discussion will be limited to a critique of the requesting Bidder's proposal. Comparisons between proposals or evaluations of the other proposals will not be allowed. Debriefing conferences may be conducted in person or on the telephone and will be scheduled for a maximum of one hour.

b. Protest Procedure

A bidder questioning an agency's identification of the selected vendor may request that the agency review its selection process. Such request shall be made in writing and be received by the agency within 5 business days after the rank or score is posted on the agency website. The request shall specify all points on which the bidder believes the agency erred in its process and shall contain such argument in support of its position as the bidder seeks to present.

Upon receipt of a protest, a protest review will be held by the Chair of the SWIB or his/her designee who will review the process it followed for evaluating responses and, within 5 business days of receiving the request for review, issue a written response either affirming its initial selection of a vendor or canceling the bid. In its request for review, a bidder shall not submit, and an agency shall not accept nor consider, any substantive information that was not included by the bidder in its original bid response. No hearing shall be held in conjunction with a review. The outcome of the agency's review shall not be subject to appeal.

Protests shall be submitted by email to Joseph.A.Doiron@livefree.nh.gov

Section 8 – Contract Terms and Award

A. Non-Exclusive Contract

Any resulting Contract from this RFP will be a non-exclusive Contract. The State reserves the right, at its discretion, to retain other Contractors to provide any of the Services or Deliverables identified under this procurement or make an award by item, part or portion of an item, group of items, or total Proposal.

B. Award

If the State decides to award a contract as a result of this RFP process, any award is contingent upon approval of the Contract by Governor and Executive Council of the State of New Hampshire and upon continued appropriation of funding and availability of federal funds for the contract.

C. Standard Contract Terms

The Agency will require the successful bidder to execute a Not to Exceed Contract using the Standard Terms and Conditions of the State of New Hampshire which is attached as Attachment A.

To the extent that a Proposer believes that exceptions to the standard form contract will be necessary for the Proposer to enter into the Agreement, the Proposer should note those issues during the Proposer Inquiry Period. The Agency will review requested exceptions and accept, reject or note that it is open to negotiation of the proposed exception at its sole discretion. If the Agency accepts a Proposer's exception the Agency will, at the conclusion of the inquiry period, provide notice to all potential proposers of the exceptions which have been accepted and indicate that exception is available to all potential proposers. Any exceptions to the standard form contract that are not raised during the proposer inquiry period are waived. In no event is a Proposer to submit its own standard contract terms and conditions as a replacement for the State's terms in response to this solicitation.

Section 9 - Disclaimers and General Provisions

The following are disclaimers and general provisions under BEA and/or the SWIB. The Bidder shall review each statement below to ensure capacity for compliance before submitting a proposal for consideration. Items listed below may be repetitive of provisions cited earlier in this RFP.

- The RFP is effective for maximum of 27 months.
- This RFP does not commit BEA to award a sub-recipient contract.
- Funding provided through this RFP process does not allow for any expenses related to preparing a proposal under Workforce Innovation and Opportunity Act.
- BEA reserves the right to waive informalities and minor irregularities in offers received.
- The SWIB reserves the right to re-release this RFP in the absence of qualified proposals, and/or due to funding restrictions, reallocations, or any other funding/program-related issues at the state or federal level.
- The selected Bidder shall not subcontract any responsibilities or duties assigned in the contractual agreement between the Bidder and BEA
- All data, material, and documentation originated and prepared by the Bidder pursuant to the RFP shall belong exclusively to the BEA and be subjected to disclosure under the Freedom of Information Act.
- Any changes to the Workforce Innovation and Opportunity Act regulations and guidance, funding level or SWIB direction may result in a change in the sub-recipient contract. In such instances, BEA is not liable for what is in the Bidder's proposal or this RFP package.
- Proposals submitted for funding consideration must be consistent with, and if funded, operated according to, the federal Workforce Innovation and Opportunity Act legislation, all applicable federal regulations, State of New Hampshire policies and laws, and BEA policies and procedures.
- The Bidder selected for funding must also ensure compliance with the provisions referenced in 2 CFR 200.327 which are described in Appendix II to Part 200 and applicable sections of 20 CFR and 29 CFR.
- Post RFP, additional funds received by the BEA may be included in a contract with the selected Bidder to expand existing programs; or by consideration of proposals not initially funded under this RFP, if such proposals rated in the competitive range. These decisions shall be at the discretion of the BEA.
- BEA may decide not to fund part or all of a proposal even though it is in the competitive range.
- The Selection Committee is not required to award bids to the lowest Bidder or to the highest scoring proposal. The Committee may use discretion in considering all factors to select the best overall proposal. These factors include, but are not limited to, price, technical qualifications, and demonstrated experience.
- Any award may be contingent on the results of a pre-award site visit conducted by BEA. This site visit will establish, to BEA's satisfaction, whether the Bidder is capable of conducting and carrying out the provisions of the RFP. If the results of the site visit indicate, in the opinion of BEA, that the Bidder may not be able to fulfill service delivery expectations, BEA reserves the right to reject the proposal and to not enter into contract with the bidder.
- BEA is required to abide by all Workforce Innovation and Opportunity Act legislation and regulations. Therefore, the BEA reserves the right to modify or alter the requirements and standards set forth in this RFP based on program requirements mandated by state or federal agencies.
- The Bidder shall adhere to BEA procedures to collect and verify data and submit required monthly reports as well as invoices to BEA.
- All Bidders must ensure equal opportunity to all individuals. No individual shall be excluded from participation in, denied the benefits of, or subjected to discrimination under any Workforce Innovation and Opportunity Act funded program or activity because of race, color, religion, gender, national origin, age, disability, sexual preference, English proficiency, or political affiliation or belief.
- All Bidders must ensure access to individuals with disabilities pursuant to the Americans with Disabilities Act.

- Bidders must accept liability for all aspects of any Workforce Innovation and Opportunity Act program conducted under contract with BEA. Bidders will be liable for any disallowed costs or illegal expenditures of funds or program operations conducted.
- The funding awarded in a contract resulting from this solicitation are subject to a reduction at any time during the contracting period should a Bidder fail to meet expenditure, participant, and/or outcome goals specified in the contract or when anticipated funding is not forthcoming from federal or state governments.
- The bidder awarded a contract as a result of this RFP, will allow state and federal representatives access to all related records and financial statements, Workforce Innovation and Opportunity Act records, program materials, staff, and customers.
- The bidder awarded a contract (in response to this RFP), is required to maintain all Workforce Innovation and Opportunity Act records for three years, beginning on the last day of the program year. (2 CFR 200.333-337).
- The RFP period will not be final until BEA and the successful Bidder have executed a mutually satisfactory contractual agreement. BEA reserves the right to make an award without further discussion of the proposal submitted. No program activity may begin prior to final BEA approval of the award and execution of a contractual agreement between the successful Bidder and BEA.
- BEA reserves the right to cancel an award immediately if new state or federal regulations or policy makes it necessary to change the program purpose or content substantially, or to prohibit such a program.
- BEA reserves the right to determine both the number of participants to enroll and the funding level for the final contract. Such determination will depend upon overall fund availability and other factors arising during the proposal review process.
- The Review Team will reject any bid submitted that is over the maximum amount of WIOA Title I Adult funds specified for this RFP.
- Registration with the New Hampshire Secretary of State as a Vendor is required. Bidders must provide a current copy of such certification or a copy of the submitted application for certification. The bidder may contact the NH Secretary of State at 603-271-3262 or 3266 for information on vendor registration.