



New Hampshire Department of
**BUSINESS AND
ECONOMIC AFFAIRS**

OFFICE OF WORKFORCE OPPORTUNITY

Request For Proposals

Workforce Innovation and Opportunity Act (WIOA)

Statewide Workforce Assessment

RFP # BEA 2022-15

Release Date: April 4, 2022

Submission Deadline: May 4, 2022

100 North Main Street, Suite 100

Concord, New Hampshire 03301

603.271.2341

visitnh.gov nheconomy.com choosenh.com

Table of Contents

SECTION 1 – Overview and Schedule	4
A. <i>Executive Summary.....</i>	<i>4</i>
B. <i>Schedule.....</i>	<i>4</i>
SECTION 2 – Description of Office Issuing the Request for Proposals.....	4
SECTION 3 – Proposed Scope of Work.....	5
SECTION 4 – Process for Submitting a Proposal	7
A. <i>Proposal Submission, Deadline, and Location Instructions.....</i>	<i>7</i>
B. <i>Proposal Inquiries.....</i>	<i>7</i>
C. <i>Restriction of Contact with Agency Employees.....</i>	<i>8</i>
D. <i>Validity of Proposal.....</i>	<i>8</i>
SECTION 5 – Content and Requirements for a Proposal	8
A. <i>Proposal Content Requirements</i>	<i>8</i>
B. <i>Proposal Format Requirements</i>	<i>9</i>
SECTION 6 – Evaluation of Proposals	9
A. <i>Criteria for Evaluation and Scoring</i>	<i>9</i>
B. <i>Planned Evaluations Process.....</i>	<i>11</i>
C. <i>Initial Screening.....</i>	<i>11</i>
D. <i>Proposal Review.....</i>	<i>11</i>
E. <i>Budget Proposal Review</i>	<i>11</i>
F. <i>Final Selection</i>	<i>11</i>
G. <i>Rights of the Agency in Accepting and Evaluating Proposals</i>	<i>12</i>
SECTION 7 – Terms and Conditions Related to the RFP Process	12
A. <i>RFP Addendum.....</i>	<i>12</i>
B. <i>Non-Collusion.....</i>	<i>12</i>
C. <i>Property of the Agency</i>	<i>12</i>
D. <i>Confidentiality of a Proposal.....</i>	<i>13</i>
E. <i>Public Disclosure</i>	<i>13</i>
F. <i>Non-Commitment</i>	<i>13</i>
G. <i>Proposal Preparation Cost</i>	<i>14</i>
H. <i>Ethical Requirements</i>	<i>14</i>

<i>I. Challenges on Form or Process of the RFP</i>	14
SECTION 8 – Contract Terms and Award	15
<i>A. Non-Exclusive Contract</i>	15
<i>B. Award</i>	15
<i>C. Standard Contract Terms</i>	15
SECTION 9 – Disclaimers and General Provisions	15
APPENDIX A - Proposal Cover Sheet	18
APPENDIX B – Contractor Data Sheet	19
APPENDIX C – Assurances & Certifications	22
APPENDIX D – WIOA Assurances & Certifications	23

SECTION 1 – Overview and Schedule

A. Executive Summary

The Department of Business and Economic Affairs, Office of Workforce Opportunity (BEA/OWO) is soliciting a Request for Proposals (RFP) on behalf of the State Workforce Innovation Board (SWIB) from vendors who can design and implement a statewide evaluation of the NH Works/American Job Centers (AJC) and the New Hampshire workforce development system.

The Office of Workforce Opportunity (OWO) is seeking vendors familiar with the federal Workforce Innovation and Opportunity Act (WIOA) expectations of the one-stop system/AJC to assist in the achievement of its mission, vision, and goals and result in identification of best practices and areas for improvement to increase the economic vitality of New Hampshire's economy.

In addition, the selected vendor will conduct an inventory of existing workforce development resources, identify gaps, and develop strategies and implementation for action.

The selected vendor will engage in working with OWO, NH Works partners, community stakeholders, businesses, and individuals to produce a comprehensive evaluation of the New Hampshire workforce development system.

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) totaling \$615,955 in Program Year 2020 Discretionary Funding; CFDA#s 17.258, 17.259, & 17.278.

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(Advertisement)	April 4, 2022	9:00 AM
Bidder Inquiry Period Ends	April 15, 2022	4:00 PM
Final Agency Responses to Vendor Inquiries	April 22, 2022	4:00 PM
Bidder Submit Proposals	May 4, 2022	4:00 PM
Estimated Notification of Selection and Begin Contract Negotiations	May 23, 2022	
Targeted Governor and Council Meeting	June 29, 2022	10:00 AM
Anticipated Contract Start Date	July 1, 2022	

SECTION 2 – Description of Office 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 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.

Priorities of our system as defined in our state plan (www.nhworks.org) include:

- **Vision:** Healthy and vibrant communities provide an innovative workforce to meet current and future industry needs and create a competitive economic advantage for New Hampshire.
- **Mission:** To promote and advocate for talent development by partnering with businesses, agencies, educational institutions, and organizations to support a unified and innovative workforce development system that meets the needs of businesses and individual customers.
 - The SWIB also identified a variety of values that would guide the NH Works system and the continuous improvement of NH's workforce system including:
 - Proactive Solutions
 - Flexibility
 - Life-long Learning
 - Collaboration
 - Social Mobility
 - Demand-driven System
 - Inclusion
 - Effective Technology
 - Efficiency
- **Statewide Focus:**
 - Career Awareness and Exploration
 - Advocacy and Policy Guidance
 - Talent Attraction and Retention
 - System Communication and Collaboration
 - Work-based Learning
 - Soft Skill Development

SECTION 3 – Proposed Scope of Work

The Office of Workforce Opportunity is committed to the vitality of the New Hampshire workforce system. OWO is the administrative and fiscal agent for Workforce Innovation and Opportunity Act (WIOA) funding as well as staff support to the SWIB. OWO partners with other state and community partners to ensure that a range of employment, education, training, and related services are available to help all job seekers in the State of New Hampshire secure employment while providing businesses access to skilled workers so that they can compete in the global economy. The NH Works/American Job Centers (AJC) provide services for job seekers to find employment, obtain skills training or additional education and seek other job-related services. NH Works also provides services to support employers in finding and retaining employees.

WIOA Title I funds are provided through the NH Works system through subrecipients administering Adult, Dislocated Worker and Youth programs. WIOA allows for workforce boards to enter into pay-for-performance contracts using adult and/or dislocated worker funds to address specific issues and target specific populations. NH has never

utilized a pay-for-performance contract before. Under 20 CFR Part 683 Subpart E, a feasibility study is required to determine whether the intervention is suitable. Given the changing workforce landscape, the selected vendor must complete a feasibility study on pay-for performance.

In addition to the above, the selected vendor must complete a workforce development system assessment including strategy and implementation plans. The COVID-19 pandemic has caused significant changes to the NH workforce system, including but not limited to: virtual job fairs, remote positions, online trainings, childcare shortages, increased starting wages, etc. Due to these and many other factors, an evaluation of the NH Workforce system is needed.

The selected vendor must design and implement the evaluation and feasibility study in coordination with BEA/OWO. Current WIOA service providers and NH Works Partners are not eligible to submit proposals in response to this RFP. Eligible entities may include:

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

The period of performance of the contract shall begin **(estimated) July 1, 2022 and end October 31, 2023**. The selected vendor will be responsible for each item listed below, as well as additional items at the bidder's discretion:

- Identify the strengths, weaknesses and gaps that may be present in the NH Works system and/or the service providers capacity to provide career and training services in accordance with Federal, State, and Local policies.
- Evaluate the current NH workforce system and identify the needs of both individuals and businesses as well as identify existing resources and gaps in the system.
- Develop and outline implementation for a feasibility study for pay-for-performance contracts as outlined in WIOA.
- Provide a set of practical recommendations that the SWIB can follow up on to improve the services that are provided through the NH Works system.
- Develop a strategy for implementation of action items identified.

The selected vendor(s)' deliverables include but are not limited to:

- The vendor will conduct focus groups with different state, local and community groups as well as individuals and businesses throughout New Hampshire to garner a better understanding of New Hampshire's current workforce system.
- The vendor will complete a feasibility study regarding pay-for-performance contracts as outlined in WIOA.
 - Note: New Hampshire is a Single State Local Area as defined in WIOA Sec. 106 (d).
- The vendor will develop and conduct an evaluation of the NH Works/AJC's as well as the New Hampshire workforce system.
- The vendor will complete the evaluation and provide the analysis of the NH Works/AJC's no later than August 31, 2023. This final written report will describe, among other things, the research methodology, findings, conclusion, and recommendations from the evaluation.

- The vendor will present to the SWIB at a Board Meeting (TBD) the progress towards meeting the objectives and deliverables. In addition, the vendor will also present the findings and recommendations of the final report to the SWIB at the October 2023 Board meeting (exact date TBD).

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 # BEA 2022-15
Statewide Workforce Assessment

Unless waived as a non-material deviation in accordance with Section 6C, late submissions will not be accepted. Delivery of the Proposals shall be at the bidder'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 unredacted copy of the Proposal and one copy with all Confidential Information fully redacted, if applicable, as provided for in Section 7E of this RFP.

Vendors 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. 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 Point 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 Bidder Inquiry Period (see Schedule of Events section). Inquiries received later than the conclusion of the Bidder 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. Bidders shall be responsible for reviewing the most updated information related to this RFP before submitting a proposal.

C. 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 Vendor, 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 Bidder Inquiries section. Agency employees have been directed not to hold conferences and/or discussions concerning this RFP with any potential bidder(s) during the selection process, unless otherwise authorized by the RFP Point of Contact. Bidders may be disqualified for violating this restriction on communications.

D. 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 Bidder’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	80 Point Total
A. Proposed Evaluation Strategy and Methods	Max. Six (6) Pages	Required	45 Points (of 80)
B. Demonstrated Ability / Past Performance – include 3 client references	Max. Three (3) Pages	Required	20 Points (of 80)
C. Timeline with Milestones	Max. Two (2) Pages	Required	10 Points (of 80)
D. Conflict of Interest	Max. One (1) Page	Required	5 Points (of 80)
4. Contractor Data Sheet	Appendix B	Required	
5. Proposal Budget		Required	20 Point Total
A. Budget Narrative	Max. Four (4) Pages	Required	
6. State Assurances and Certification	Appendix C	Required	
7. WIOA Assurances and Certification	Appendix D	Required	
8. Miscellaneous	Max. Three (3) Pages	Optional	

B. Proposal Format Requirements

- Font: 12 point – Times New Roman
Spacing: Optional (single spaced or greater)
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

Evaluation criteria and the associated points are listed below. The award will be made to the responsible Bidder whose proposal is determined to be the most advantageous to the State based on the evaluation criteria listed in this section.

The bidder must separate those portions of the proposal that it does not want to be disclosed as stated in Section 7- E. The bidder must justify in the Exceptions section why certain portions need to be withheld from disclosure to the public. The cost/budget part of the proposal will not be withheld.

The total number of points that a bidder can achieve is 100.

To achieve the highest possible points, the bidder should provide sufficient detail for each criterion in its proposal that will allow the evaluation committee to make a satisfactory judgment. The questions related to the criterion should be answered fully and completely.

Proposed Evaluation Strategy and Methods – Worth 45 Points (Max of 6 Pages)

Proposals should be as thorough and detailed as possible. Responses must be structured as outlined below. Please state the question/request before each answer to ensure reviewers can follow your responses.

- Specialized experience in conducting program evaluations. The bidder must describe in detail the extent of its experience in conducting program evaluations. What types of evaluations were conducted? How were evaluations designed and implemented? How was information including data sets collected, compiled, reviewed, analyzed, and reported?
- Specialized knowledge of workforce development. The bidder must describe in detail the extent of its knowledge of workforce development.
- Specialized knowledge of WIOA. The bidder must describe in detail the extent that it has evaluated WIOA programs and/or AJC's.
- Narrative proposal that describes how the bidder will carry out the scope of work to meet the project objectives. What types of evaluations will be used? How will the evaluations be designed and conducted? What resources (human, material and technological) will be used? The proposal must include a timeline of activities sufficient to complete all the elements discussed in this RFP.
- Capacity to carry out the evaluations in the State of New Hampshire. New Hampshire is a Single State Local Area with one statewide workforce board and as such the evaluations must be carried out on a statewide level.

- Proposals should be as thorough and detailed as possible so that the SWIB may properly evaluate the capabilities of the bidder to provide the required services.

Demonstrated Ability and Past Performance – Worth 20 Points (Max of 3 Pages)

Bidder(s) must describe demonstrated ability, clearly articulating years of experience, measurable outcomes and ability to meet deadlines.

Please state the question/request before each answer.

- Provide a detailed description of the bidder's experience in evaluating workforce systems particularly as they relate to economic development. Include the type and number of clients served as well as the size, scope and nature of the projects involved.
 - Provide three (3) client references for whom you have provided consulting services with at least two (2) relating to workforce development/workforce systems. These should be the same as those listed on Appendix B.
- Provide the qualifications for the individuals who may be assigned to provide the scope of work and designate the individual who will have primary responsibility for oversight.
- Explain previous contracted services provided to New Hampshire, if applicable, or previous same/similar services offered in another state.
- 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.

Timeline for Evaluation & Feasibility Study with Milestones – Worth 10 Points (Max of 2 Pages)

Please provide your detailed timeline outlining the timeframe for when each of the objectives shall be met.

- Provide a timeline to meet the objectives defined in this RFP for each deliverable.
 - Include specific milestones with dates.

Conflict Of Interest – Worth 5 Points (Max of 1 Page)

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.

- The bidder 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)]
- The bidder must have a conflict of interest policy which explains how conflicts are addressed.

Budget Section Requirements – Worth 20 Points (Max of 4 Pages)

The Budget Narrative is where the bidder provides an itemized budget breakdown and narrative for each budget category. The budget narrative must offer sufficient details to allow an assessment of cost reasonableness for costs identified below.

- Personnel costs, including estimated hours of effort and rates, by staff member/position.
- Travel costs and necessary reason for travel.
 - Mileage reimbursement may not exceed the current federal rate, which can be found at GSA.gov
- Supplies
- Overhead costs

- Other (if necessary)

The budget narrative must include the timeline with deliverable tasks and milestone payments.

Total Costs

- Sum total of direct costs and indirect costs (if applicable).
- Please provide total costs for the contract.

B. Planned Evaluations Process

The Agency plans to use the following process:

- Initial screening to ensure that the Proposals are in compliance with submission requirements;
- Evaluation of Technical Proposals and scoring;
- Review of Budget Proposals and final scoring; and
- Final Selection of the Vendor and beginning of contract negotiation.

C. Initial Screening

The Technical Review Team comprised of OWO program administrators will conduct an initial screening step to verify Bidder 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.

D. Proposal Review

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

E. Budget Proposal Review

Price proposals will be reviewed upon completion of the technical scoring of proposals. The Bidder's Budget Proposal will be allocated a maximum potential score of 20 points. Bidders 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 Bidder.

F. 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 vendor 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 vendor may not be able to fulfill service delivery expectations, OWO reserves the right to decide to not enter into a contract with the vendor, regardless of the ranking and/or approval of the vendor'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 vendors 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 vendor is subject to the NH Governor and Council final approval.

G. 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 Agency is unable to reach an agreement on Contract terms with the higher scoring Vendor(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 bidder'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 bidders/vendors 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 bidder. 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 bidder’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.

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.

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.

- This RFP does not commit BEA to award a 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 Vendor 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 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.

- 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.

APPENDICES

APPENDIX A - Proposal Cover Sheet

**RFP # BEA 2022-15
Statewide Workforce Assessment**

Organizations Name:	
Street Address:	
Mailing Address:	
Contact Person(s):	
Title of Contact Person(s):	
Telephone Number(s):	
Email Address(s):	

Check the box that most appropriately describes your organization:

<input type="checkbox"/> Unit of Local Government	<input type="checkbox"/> Private Non-Profit Organization
<input type="checkbox"/> For Profit Organization	<input type="checkbox"/> Business Association
<input type="checkbox"/> Other:	

CERTIFICATION: I certify that the information contained in this proposal, fairly represents the entity named above and its capacity to conduct the proposed scope of work as described herein. I acknowledge that I have read and understand the requirements of the RFP and that this entity is prepared to implement the proposed activities if selected for contract. I further certify, by my signature below, my authority to sign this proposal and any contractual agreement emanating there from on behalf of the entity submitting the proposal.

_____ / _____
(SIGNATURE of Authorized Official) Date

(Printed NAME and JOB TITLE of Authorized Official)

APPENDIX B – Contractor Data Sheet

CONTRACTOR DATA SHEET

(To be completed by Bidder)

1. Years in business: Indicate the length of time you have been in business providing this type of service:
 _____ years _____ months

2. References: Indicate below at least three (3) accounts for whom you have provided consultancy services, of which at least two (2) will be related to workforce development/workforce systems. Include the date services were furnished, and contacts.

Client	City / State	Dates of Service	Contact Name / Phone / E-mail

3. Are you a subsidiary firm? ____ yes ____ no

If yes, list the location of your parent affiliation:

Address: _____

City: _____ State _____

4. List total number of employees:

_____ Full-time _____ Part-time/other

Authorized Signature(s)

This form must be completed and signed by an officer of the company

Name of Firm: _____

Contact: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Fax: _____

Email: _____

Date of incorporation: _____

If not a corporation, state the type of business organization, names and addresses of the owners, address and phone of the principal place of business, date business began, and state in which organized.

I certify the accuracy of this information.

Signature: _____

Name and title (print or type): _____

Date: _____

APPENDIX C – Assurances & Certifications

I/we make the following certifications and assurances as a required element of the proposal to which it is attached, understanding that the truthfulness of the facts affirmed here and the continuing compliance with these requirements are conditions precedent to the award or continuation of the related Vendor(s):

1. I/we declare that all answers and statements made in the proposal are true and correct.
2. The prices and/or cost data have been determined independently, without consultation, communication, or agreement with others for restricting competition. However, I/we may freely join with other persons or organizations for presenting a single proposal.
3. The attached proposal is a firm offer for a period of 60 days following receipt, and it may be accepted by BEA without further negotiation (except where obviously required by lack of certainty in key terms) at any time within the 60-day period.
4. In preparing this proposal, I/we have not been assisted by any current or former employee of BEA whose duties relate (or did relate) to this proposal or prospective sub-award, and who was assisting in other than his or her official, public capacity.
5. I/we understand that BEA will not reimburse me/us for any costs incurred in the preparation of this proposal. All proposals become the property of BEA, and I/we claim no proprietary right to the ideas, writings, items, or samples, unless so stated in this proposal.
6. Unless otherwise required by law, the prices and/or cost data that have been submitted have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by him/her prior to opening, directly or indirectly to any other Bidder or to any competitor.
7. I/we agree that submission of the attached proposal constitutes acceptance of the solicitation conditions. If there are any exceptions to these terms, I/we have described those exceptions in detail on a page attached to this document.
8. No attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a proposal for restricting competition.
9. I/we grant BEA the right to contact references and others, who may have pertinent information regarding the Bidder's prior experience and ability to perform the services contemplated in this procurement.
10. I/we accept and will abide by State of New Hampshire's Code of Conduct and Conflict of Interest Policy

Signature of Authorized Representative

Title

Date

APPENDIX D – WIOA Assurances & Certifications

As an organization requesting WIOA funding, we assure and certify that our organization will comply with the following provisions:

- 1) Exclusive use of the statewide/regional brand name for the NH Works development system in lieu of traditional workforce development language and organizational names in the marketing and delivery of services and programs; furthermore, will ensure to credit as stated in Section 7-C of this RFP on all marketing and other collateral.
- 2) Consistently identify individual programs and activities in user-friendly terms.
- 3) Fully comply with the requirements of the WIOA; all Federal regulations issued pursuant to the Act; the NH WIOA State Plan and policies issued by the SWIB.
- 4) Administer the contract in full compliance with safeguards against fraud and abuse as set forth in the law and regulations.
- 5) Ensure that the bidder does not discriminate against, deny benefits or employment to, or exclude from participation any person on the grounds of race, color, national origin, religion, age, sex, disability, sexual orientation, or political affiliation, or any other non-relevant factor.
- 6) Operate the contract in full compliance with health and safety standards established under State and Federal law.
- 7) Ensure reports to the BEA or its staff will be provided in a timely fashion, as requested.
- 8) Ensure the total project costs will not exceed the amount awarded in the contract for services.
- 9) Ensure to, refrain from activities involving either actual or the appearance of conflict of interest according to Code of Conduct and Conflict of Interest.
- 10) Ensure will comply with Title VI of the Civil Rights Act of 1964 (PL 88-352).
- 11) Ensure will comply with the nepotism provisions as they relate to federally funded programs.
- 12) Confirm that the organization is not debarred, suspended, proposed for debarment, or declared ineligible from participation in this project.
- 13) Ensure does not use federal funds for lobbying purposes. If lobbying has occurred utilizing funds other than federal funds, the vendor agrees to file a disclosure report, if applicable.
- 14) That no WIOA funding will be used for sectarian activities and that employees paid from WIOA funds will not participate in sectarian religious activities in the execution of their job duties.
- 15) That no WIOA funds will be used to encourage or induce the relocation of a business.
- 16) That no WIOA funds will be used for foreign travel.
- 17) Ensure WIOA financial assistance is not provided to any program that involves political activities and the bidder agrees to comply with the provisions of the Hatch Act, which limits the political activity of certain state and local government employees and enrollees in federally funded programs.
- 18) The bidder will comply with New Hampshire statutes, which prohibits public officials and employees from having a personal interest in any vendor to which s/he is also a party in an official capacity.
- 19) The bidder assures and certifies that it will comply with applicable provisions of the following laws as they relate to employment and training procedures: The Drug Free Workplace Act, the Immigration Reform Act, the Davis-Bacon Act, and Child Labor Laws.

For more information on WIOA assurances visit <http://www.doleta.gov/WIOA>.

I/we certify I/we read, understand and addressed in our proposal submitted on behalf of our organization all specifications contained in the RFP. That the required format has been followed and that all of the information contained in this proposal is true and correct. I further certify that our organization will comply with all of the above assurances, and that the governing body of our organization has duly authorized this proposal.

Signature of Authorized Representative

Title

Date