

**GREATER LINCOLN WORKFORCE DEVELOPMENT BOARD  
EXECUTIVE COMMITTEE MEETING  
June 1, 2016 at 10:00 a.m.**

**Vocational Rehabilitation Office  
3901 N. 27<sup>th</sup> Street, Lincoln, NE**

**Minutes**

Executive Committee members present: Tim Bornemeier, Randy Sterns, Carol Swigart, Gary Targoff, Sherri Wimes  
Members absent: Julie Panko Haberman, Cherisa Price-Wells

Other Board members present: Rich Marshall, Joanne Pickrel

Board Staff: Jan Norlander-Jensen

City of Lincoln Staff:  
Margaret Blatchford, City Attorney's Office  
Bob Walla, City & County Purchasing

Guests:  
LeAnn Fry, City of Lincoln Urban Development  
Bonn Khanthasene, City of Lincoln Urban Development  
Vicki Leech, City of Lincoln Urban Development

The meeting was called to order at 10:02 a.m. by Carol Swigart, Chairperson of the Greater Lincoln Workforce Development Board. She announced that the meeting was being conducted in accordance with the Nebraska Open Meetings Act. A copy of the Act was available in the meeting room.

**Approval of Minutes**

Minutes from the May 4, 2016 Executive Committee meeting of the Greater Lincoln Workforce Development Board were reviewed. Tim Bornemeier moved approval of the minutes; Randy Sterns seconded the motion; the motion passed unanimously by voice vote.

**Selection of a WIOA Youth Provider effective July 1, 2016**

Carol Swigart announced this agenda item and asked Margaret Blatchford and Bob Walla to take the lead on this. Margaret stated that as had been discussed at the full board meeting (May 17, 2016), RFP 16-086 for a WIOA Youth Provider was issued on March 11, 2016. Purchasing sent over 600 invitations through the ebid system. The deadline for submission for proposals was April 15, 2016 and there was one response to the Youth RFP which was the City of Lincoln Urban Development Department.

The Selection Committee comprised of Tim Bornemeier, Carol Swigart, and Doug Weinberg met with the City of Lincoln Urban Development Department on May 5, 2016. Margaret Blatchford stated it was her understanding that there would be a recommendation from the Selection Committee to the Executive Committee. Carol Swigart stated that there was a unanimous recommendation from the Selection Committee to go forward with the City of Lincoln as the WIOA Youth Provider. Margaret stated that it would be for one year from July 1, 2016 through June 30, 2017 with the option for a one year renewal based on mutual consent. Margaret stated that the idea would be that the Selection Committee would request the Executive Committee to give authority to the Purchasing Department, City Attorney and Carol Swigart to enter into negotiations with the City of Lincoln Urban Development Department (UDD) for a final contract with approval of the CEO (Chief Elected Official) which is the Mayor of Lincoln. At this time, Margaret referenced that there was language for a motion laid out.

Carol Swigart asked if there was any further discussion. Carol then proceeded to make a motion as a Selection Committee member to award the youth services provider contract pursuant to RFP to the City of Lincoln Urban Development Department for one year beginning July 1, 2016 with the option for a one year renewal. The Board gives authority to the Purchasing Department, City Attorney and Board chair Carol Swigart to enter into negotiations with the City of Lincoln UDD for a final contract with approval of the CEO, the Mayor of Lincoln. Tim Bornemeier seconded the motion.

Gary Targoff brought up concerns that have been discussed previously about outreach and performance and wanted the record to reflect that during negotiations those issues would be addressed. Carol Swigart answered yes. Tim Bornemeier added that during the interview process, the committee did press significantly on that piece that there needs to be accountability toward metrics of numbers toward driving enrollments. He stated they made that point and that getting to the end of the first year, there would have to be evaluation to see if there had been significant movement in those areas to warrant an award for the second year. Carol added that during negotiations all Executive Committee members would be considered partners in this conversation to make sure all points are covered.

Sherri Wimes called the roll call and the motion passed 5-0.

#### **Selection of a WIOA One Stop Operator Service Provider effective July 1, 2016**

Carol Swigart moved on to Agenda Item IV--Selection of a WIOA One Stop System Operator Service Provider effective July 1, 2016 and asked Margaret Blatchford to present the information. Margaret summarized that the One Stop Operator RFP was issued the same date as the Youth RFP and closed the same date, April 15, 2016. There were no responses. At a previous Executive Committee meeting, members had asked Bob Walla to make inquiries to the City, Goodwill, ResCare, Maximus, DESI and Center for People in Need. Some of those entities were the same ones that had responded to Omaha's RFPs and Mr. Walla had indicated that only the City had responded to the follow up inquiry. Margaret stated that there was some discussion at the full Board meeting about Goodwill and ResCare contacts and the inquiries to those entities and Bob can explain that those entities did receive the RFP.

Bob Walla presented information going back to March 2016 of the issuance of the RFPs, and that information was received from Margaret Blatchford and others as to who to invite. Purchasing also did their own investigations and Bob indicated his four page list shows every entity that received an email or a letter from the Purchasing Department that explained everything that was being done for both of the RFPs. A few letters were returned undeliverable, several of those were from Omaha, and Purchasing did double check some emails after the fact as far as responses back from Goodwill and ResCare in particular. Bob stated he did send out the follow up emails that he was requested to do and has since received notice back from ResCare, after a second email to them, and basically they gave a reason as to why they did not submit a response to the RFP. Other than that, Purchasing notified as many entities as possible. Bob said that recognizing that sometimes emails get blocked was the reason that letters were sent as well. So basically the only two responses to the follow-up were the City and ResCare.

Gary Targoff asked Bob Walla what the ResCare response was. Bob shared that ResCare stated that they were responding to a significant number of RFPs and largely due to the award amount, ResCare chose to decline the opportunity to submit a proposal for the One Stop RFP. That was sent on May 27, 2016.

Margaret Blatchford asked if everyone was aware of the City's response. Margaret read from the response sent to Bob Walla which contained many reasons: basically that City staff were working hard on their current responsibilities under Adult, Dislocated Worker and Youth grants; the time; that UDD Director Dave Landis thought that the prospect of another One Stop Operator would ameliorate the potential perception of favoritism and that the needs of the other partners would be under-recognized; and that in the hopes of a competitive selection process, a City presence might stifle competition. It was indicated that the City would do whatever it takes to make the effort successful including assuming the role or following another leader.

Margaret Blatchford stated that because there is a situation where there is no response to an RFP that the non-response was the reason that inquiries were made. Margaret stated that one option which has been shared with Carol Swigart is to move to a non-competitive procurement. Margaret stated that that would allow the Executive Committee to move forward with the City of Lincoln pursuant to procurement by non-competitive proposal, and for the Executive Committee to carry that out with City Purchasing. It would involve asking the City to provide a proposal in response to the RFP and agree to the terms of the RFP and that would go back to the Executive Committee and Carol and some members from the Executive Committee could assist in contract negotiations.

Tim Bornemeier asked if it was an option to not award it at all. Margaret Blatchford responded that she did not think so, because it is a requirement to have a One Stop Operator for the system. Margaret thought that could lead to problems with state and federal entities.

Gary Targoff asked if the question could go back to the Nebraska Department of Labor saying that due to no responses there are no alternatives and that while the City has indicated they are willing to operate the system, which seemed like an afterthought to Gary, that therefore maybe guidance should be sought from the state for other options that might be considered. Or if the City is taken at face value and will do the best job possible, but the concern is that if it's a one year contract with a one year extension, then will the Board face doing the same thing over and over with

what expectation for results? Unless the situation is figured out, presumably with the City, to come up with a different approach, the Board will constantly be in this same situation. Gary stated he did not want the City to feel put upon because they are the only option, but without competition, through no fault of the process, it's hard to feel like all options have been exhausted.

Tim Bornemeier added that given lack of performance has risen to the top of the conversation as much, having an entity that the Board would award that says that they can do the best that they can with what they've got, feels like the Board is right back in that same situation of it being a challenge to accomplish the goals. Tim said that that seems to him to be a big red flag that the Board would be re-creating an issue that is now in front of them as it is today. He supported Gary's recommendation to request guidance because it does feel like the Board is potentially re-creating the same situation.

Gary Targoff posed this question: Has there been or during the negotiation, can there be, some discussion with the City, not so much about this period but moving on, what might the Board consider, especially given the Mayor has certain decisions he can make such as including the Adult and Dislocated Worker funds in an RFP situation. Would that set the stage for a possible solution and he wondered when the appropriate time would be to discuss options.

Margaret Blatchford stated that she had contacted the state but had not received a response. She did notify NDOL that the Board may be going into a non-competitive process. She agreed that the Board can always ask for a conversation with the Mayor for the potential of having a future RFP that would be broader. Since the potential terms of the award are a one year with a possible one year option for renewal, the Board would have the capability to look at this as potentially a one year and then look at what could be fashioned that would work best. Margaret re-stated that time was short and she was reluctant to throw a line out there in hopes that someone would respond. The procurement process has been followed through RFP and that given this is a transition year, more will be known next year.

Bob Walla stated that in all his experience with federal grants, whether you reach a state or a federal contact, the response given is to follow the guidelines, which is what was done. Questions that fall in a gray area are answered by referral back to the standards in the appropriate CFR (Code of Federal Regulations). That is the standard answer. Bob stated if an interpretation is given, it is requested in writing by email for the file. It's difficult to interpret exactly the same so everyone does the best they can based on the information at hand. In this case, because of the timing and other factors, one option might be, if the concern remains about performance, to just make the contract a one year contract and then to do a new RFP next year. At that point, there's still a renewal year left on the Youth one, which might make the sequence off, leading to a possibility of doing an RFP each year for one or the other depending on what decisions have been made.

Gary Targoff commented that it's apparent that the process is not at fault here and that all guidelines were followed and should be in compliance.

Bob Walla offered that the one thing in the RFP that might be looked at the next time it's done is the funding part. Maybe there is an opportunity to put this out without the funding piece and let bidders tell the Board what it's going to cost to do the job. Bob said it's tough to say that performance needs to be up here and the pay will be down here. Bob said the RFP can say what's wanted and the bidders can say what amount is needed and if there's a difference, that's where work is done to figure out if the performance expectations can be lowered or if the available budget can be increased. The RFP stated funding at \$60,000 which was not a negotiable feature and the RFP contained significant performance expectations. That makes it tough and vendors might have known it could not be done for that amount. That might be something to think about in the future.

Margaret Blatchford added that her impression was that the RFP put out by the committee defined the One Stop Operator role as a supervisory role, not to manage or staff the Resource Room, but to coordinate resources within the system which is different from what is done now. Again, the situation is that performance measures are not finalized which adds to the difficulty.

Margaret Blatchford asked if the RFP Committee wished to make a motion. Carol Swigart asked if there was any additional input. Hearing none Carol offered this motion: To declare that the One Stop Operator RFP response was inadequate and to declare a non-competitive procurement. The Executive Committee may move forward with the City of Lincoln Urban Development Department pursuant to procurement by a non-competitive proposal and permits the Executive Committee to carry out said procurement with City Purchasing for the one stop operator for a term of one year beginning July 1, 2016 with the option for a one year renewal based upon mutual consent. Sherri Wimes seconded the motion.

It was clarified that the motion is for a one year term with the option for a one year renewal and that does require mutual consent. Carol Swigart added that she would like to see volunteers from the Executive Committee assist with the contract negotiations, recognizing that Board members' time is at a crunch this time of year. The outcome of this process is important to everyone.

Sherri Wimes called the roll and the motion passed 5-0.

Margaret Blatchford and Bob Walla outlined next steps. Bob stated that the City will be contacted by email stating that a negotiation is desired, specifications will be attached, along with a request for written response. Negotiations would then begin and hopefully lead to a contract.

There was no miscellaneous. Carol Swigart reminded the group of the next full Board meeting on Tuesday, August 30, 2016 at 9:00 a.m. at Nebraska Educational Telecommunications. Vicki Leech extended a heartfelt thank you to the Executive Committee for their vote of confidence in the award of the WIOA Youth RFP and said she looked forward to working with the Board for the improvement and success of the program.

Joanne Pickrel added a comment that Bob Walla's point is so well taken that the scope and dollars can't be set and then if they don't match, expect a whole lot of response. Carol Swigart and Gary Targoff affirmed that it was a learning experience and the input is of value. Joanne added that many of the players on the list Bob mentioned had attended a number of meetings, with Urban Development talking about how they couldn't do it for that and so were not entering into it knowing that they already felt that way. It was reiterated that having regulations and knowing performance expectations will be of value in the future.

Carol Swigart and the Executive Committee members thanked Margaret Blatchford and Bob Walla for their diligence and dedication to the task at hand.

Carol Swigart adjourned the meeting at 10:33 a.m.