



Workforce Innovation and  
Opportunity Act,  
State and Federal Special  
Grants and County Agreements

Employer of Record  
Services

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**REQUEST FOR PROPOSAL No. 2024-MLJT-EOR**

**Release Date: April 15, 2024**

**Due Date: May 31, 2024-5:00 p.m. PST**

EQUAL OPPORTUNITY / EQUAL ACCESS

MLJT is an equal opportunity employer. Free auxiliary aids and services are available upon request for individuals with disabilities.

## Proposal Summary

**Mother Lode Job Training (MLJT)** is requesting proposals for Employer of Record services funded through County Agreements, State and federal grants, and the Workforce Innovation and Opportunity Act (WIOA) grants and programs, including temporary jobs in response to national disaster projects. The contract award period will be from July 1, 2024 through June 30, 2025, with the option to renew for two additional years. Subsequent contracts may be issued based upon satisfactory performance and funds availability until the end of the procurement period.

Eligible applicants are organizations with experience providing employer of record service and the ability to provide these services for occupations including but not limited to: construction helpers, solar installation trainees, forestry workers, laborers, water treatment operator trainees, community health and social service navigators, and other industry-driven in-demand occupations for which work-based learning is appropriate or disaster relief is applicable. This includes all public and private non-profit entities, community-based organizations, local education agencies, and for-profit organizations.

It is estimated that there will be approximately \$1,000,000 available in funds during the initial funding period. Funding amounts are **estimates only** and are subject to federal and State budgetary policy decisions. All funding under this Request for Proposal (RFP) is contingent upon MLJT's receipt of funds.

This RFP is available on MLJT website at: [www.mljt.org](http://www.mljt.org). MLJT reserves the right to make unilateral modifications to this RFP to address changes on the state and/or local level. For questions about the program content of the RFP and the WIOA operations within MLJT, contact Procurement at [procurement@mljt.org](mailto:procurement@mljt.org)

## CALENDAR OF EVENTS

EVENT	DATE/LOCATION
RFP Released	April 15, 2024
Written Questions Due	May 06, 2024
Response to Questions Posted	May 13, 2024
Proposals Due	May 31, 2024 by 5:00 p.m. PST
Evaluation Period	June 3- June 7, 2024
Contract and Program Start Date	July 1, 2024

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## I. OVERVIEW OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

The Workforce Innovation and Opportunity Act (WIOA) of 2014 took effect on July 1, 2015 and supersedes the Workforce Investment Act of 1998. WIOA provides the framework for a unique national workforce preparation and employment system designed to be customer-focused in meeting both the needs of businesses for skilled workers and assisting individuals in easily accessing information and services needed to begin and manage their careers. Mother Lode Job Training (MLJT) is responsible for policy and administration of the WIOA system in the Amador, Calaveras, Mariposa, and Tuolumne Counties area.

For reference and information on the WIOA and other related resources, the following websites may be helpful.

**Mother Lode Job Training** <https://www.mljt.org/>

**Workforce Innovation and Opportunity Act** <https://www.dol.gov/agencies/eta>

**Employment Development Department** <https://edd.ca.gov/>

## II. STATEMENT OF WORK

### A. INTENT

It is the intent of these specifications, terms, and conditions to describe the Employer of Record services solicited under this Request for Proposals (RFP). As Employer of Record, the selected Contractor will provide payroll services, including state mandated sexual harassment trainings, and ensure compliance with all applicable documentation and personnel record keeping requirements.

Awards will be for a 12-month contract period (with option to renew for two additional fiscal years contingent upon availability of funds and contract performance) to the successful bidder selected whose response conforms most closely to the RFP and meets MLJT's contracting requirements.

### B. AVAILABLE FUNDING AND PERFORMANCE PERIOD

MLJT anticipates that up to \$1,000,000 in WIOA funds will be available for the contract period to cover the cost of participant salaries and benefits. In addition, the bidder will be reimbursed for the actual costs incurred by the bidder organization to

provide the payment, contracting and employer of record services described in this RFP.

Bidders must affirm their past experience and **SPECIFY** their ability or inability to provide Employer of Record services for **EACH** of the occupations described under Attachment 2, for Proposals to be considered responsive.

Contingent upon the annual WIOA funding allocations, the contract period is anticipated to begin July 1, 2024 and end on June 30, 2025. The contract may be renewed for up to two additional fiscal years, based on several factors including, but not limited to, contract performance and available funding.

### C. SCOPE AND BACKGROUND

MLJT is charged with implementing and maintaining a workforce development system under WIOA by providing administrative, fiscal, and policy oversight within its Local Area (jurisdiction). MLJT Local Area includes all of Amador, Calaveras, Mariposa, and Tuolumne Counties. In addition to legislated responsibilities under WIOA, MLJT plays a major role in many key state, local, and regional initiatives.

### D. SCOPE OF REQUESTED SERVICES

MLJT is soliciting Proposals to select one Contractor who will act as an Employer of Record. The Contractor will serve as the fiscal intermediary between MLJT and various employers in an agency capacity only. The selected Contractor will have no direct authority to contract with, pay, or employ any organization or individual on behalf of MLJT without the prior written consent of MLJT.

As Employer of Record, the selected Contractor will provide employer of record and payroll services and California employer mandated trainings, including but not limited sexual harassment training while ensuring compliance with all applicable documentation and personnel record keeping requirements.

MLJT administers a broad range of programs and services that make up the workforce development system in Amador, Calaveras, Mariposa, and Tuolumne Counties. The selected Contractor will act as Employer of Record to many different organizations and/or individuals. There are distinct functions assigned to agencies acting as an Employer of Record, and each responding organization must show the ability and capacity to perform all necessary tasks. This section describes the function and scope of services pertaining to Employer of Record responsibilities.

1. **Employer of Record.** MLJT will select a Contractor who will carry out all the common payroll functions as the Employer of Record for individuals who fall under the employer of record function. In addition, all employees selected under this function will be eligible for the same benefits offered to the Contractor's regular employees. Employees serving temporarily in case of fire, storm, earthquake, flood, or similar emergency are not eligible for unemployment insurance. MLJT will be responsible for recruitment,

interviewing, and selection of these individuals and developing appropriate job sites.

The selected Contractor will be expected to act as Employer of Record for approximately twenty (20) employees on behalf of MLJT at any given time. However, this number may increase or decrease based upon a variety of factors. The Contractor will be responsible for ensuring the timely processing of all required employment related documentation that includes but is not limited to the following:

- **New Hire Documentation** – Processes, completes and maintains all new hire W-4, I-9, DE-4 and other new hire related documentation prior to participants starting their work assignment at MLJT;
- **Timesheets** – Coordinates with MLJT to ensure that timesheet information is submitted in time for payroll processing prior to the due date of the payroll schedule for each pay period;
- **Payroll Schedule** – Issues payroll on a published schedule in accordance with Federal and State Law;
- **Direct Deposit** – Provide as an option for Electronic Funds Transfer (EFT) services that will automatically transfer payroll funds to an individual participant’s checking or savings accounts at a participating bank, savings and loan association or credit union;
- **Payroll Deductions** – Ensure that FICA, State Disability, and all other standard payroll deductions are properly deducted according to federal, state, and local laws;
- **Emergency Manual Checks** - Manual checks should be an exception for termination;
- **W-2s** – Responsible for providing W-2s of the preceding calendar year by January 31 each year;
- **Wage Garnishments** – The Employer of Record will administer wage garnishments as required;
- **Reports** - Submit payroll reports within 5 days of payroll processing and detailed expenditure reports to MLJT monthly;
- **State and Federal Payroll Taxes**- Ensure prompt payment of all Federal and State payroll taxes.

As the Employer of Record, the selected Contractor will also be responsible for managing not only the payroll process but also the following areas:

- Governmental reporting
- Processing payroll taxes
- Workers' compensation and claims
- Unemployment claims and hearings
- Medical leave of absences

- Verification of eligibility to work in the US

#### E. DELIVERABLES/REPORTS

MLJT will require written reports summarizing the services provided each month.

Bidders must demonstrate the ability to prepare and submit timely reports. At a minimum, the following information shall be submitted to MLJT in the form of a written report:

- Payroll reports for employer of record services;
- Monthly itemized invoice with proper backup documentation.

#### F. DEBARMENT/SUSPENSION POLICY

In order to prohibit the procurement of any goods or services ultimately funded by Federal awards from debarred, suspended or otherwise excluded parties, each bidder will be screened at the time of the RFP response to ensure bidder, its principal and their named subcontractors are not debarred, suspended or otherwise excluded by the United States Government in compliance with the requirements of 7 Code of Federal Regulations (CFR) 3016.35, 28 CFR 66.35, 29 CFR 97.35, 34 CFR 80.35, 45 CFR 92.35 and Executive Order 12549. MLJT will verify bidder, its principal and their named subcontractors are not on the Federal Debarred List, suspended or otherwise excluded list of vendors located at [www.sam.gov](http://www.sam.gov); and bidders are to complete a Debarment and Suspension Certification form located in Attachment 1, certifying bidder, its principal and their named subcontractors are not debarred, suspended, or otherwise excluded by the United States government.

### III. INSTRUCTION TO BIDDERS

#### A. AGENCY CONTACTS

MLJT is managing the competitive process for this project. All contact during the competitive process is to be through MLJT only.

The evaluation phase of the competitive process shall begin upon receipt of Proposals and continue until a contract has been awarded. Bidders shall not contact or lobby evaluators during the evaluation process. Attempts by bidders to contact evaluators may result in disqualification of bidder. All questions regarding these specifications, terms, and conditions are to be submitted in writing via e-mail to:

Procurement e-mail: [procurement@mljt.org](mailto:procurement@mljt.org)

The MLJT website will be the official notification posting place of all Requests for Proposals, Interest, Quotes, and Addenda. Go to: [www.mljt.org](http://www.mljt.org) to view current contracting opportunities.

Each bidder is responsible for being familiar with all the specifications, terms, and conditions. By submission of a Proposal, the bidder certifies that if awarded a contract they will make no claim against MLJT based upon ignorance of conditions or misunderstanding of the specification.

## B. SUBMITTAL OF QUESTIONS

1. All questions must be submitted by 5:00 p.m. May 6, 2024.
2. Questions will be reviewed and all questions and answers will be posted as Addendum 1 on May 13, 2024.

## C. SUBMITTAL OF PROPOSALS

1. All Proposals must be **emailed** by 5:00 p.m., May 31, 2024.
  - a. (see Calendar of Events) **LATE PROPOSALS WILL NOT BE ACCEPTED.**
  - b. Any Proposal received after said time cannot be considered and will be returned. The date and time of the email submission shall be considered the official timepiece for the purpose of establishing the actual receipt of proposals.
2. Proposals are to be submitted electronically to **Procurement**, addressed, and delivered as follows:
  - i. E-mail: [procurement@mljt.org](mailto:procurement@mljt.org)
  - ii. Bidder's name and the RFP number must appear in the subject line.
3. Bidders shall not modify form(s) or qualify their Proposals. Bidders shall not submit to MLJT a scanned, re-typed, word-processed or otherwise recreated version of the Proposal form(s).
4. Only one Proposal response will be accepted from any one person, partnership, corporation, or other entity.
5. All other information regarding the Proposal responses will be held as confidential until such time as the MLJT Selection Committee has completed



its evaluation, a recommended award has been made by the MLJT Selection Committee and forwarded to the MLJT Executive Committee.

6. All parties submitting Proposals, either qualified or unqualified, will receive mailed recommendation to award/non-award notification(s), which will include the name of the bidder to be recommended for the award. In addition, award information will be posted on MLJT's website.
7. California Government Code Section 4552: In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2, commencing with Section 16700, of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective when the purchasing body tenders final payment to the bidder.
8. Bidder expressly acknowledges that it is aware that if a false claim is knowingly submitted (as the terms "claim" and "knowingly" are defined in the California False Claims Act, Cal. Gov. Code, §12650 et seq.), MLJT will be entitled to civil remedies set forth in the California False Claim Act. It may also be considered fraud, and the Contractor may be subject to criminal prosecution.
9. The undersigned bidder certifies that it is, at the time of bidding, and shall be throughout the period of the contract, licensed by the State of California to do the type of work required under the terms of the contract documents. Bidder further certifies that it is regularly engaged in the general class and type of work called for in the Proposal documents.
10. The undersigned bidder certifies that it is not, at the time of bidding, on the California Department of General Services (CDGS) list of persons determined to be engaged in investment activities in Iran or otherwise in violation of the Iran Contracting Act of 2010 (Public Contract Code Section 2200-2208)
11. It is understood that MLJT reserves the right to reject this Proposal and that the Proposal shall remain open to acceptance and is irrevocable for a period of 180 days, unless otherwise specified in the Proposal documents.

## D. RESPONSE FORMAT

1. Proposal responses are to be straightforward, clear, concise, and specific to the information requested.
2. The Proposal and Attachment 1 and 2 must meet the deadline for submittal, no later than 5:00 p.m., May 31, 2024. Late Proposals will be not be considered.
3. In order for Proposals to be considered complete, bidder must provide all information requested.
4. Proposal budget must reflect actual costs associated with providing program services.
5. MLJT reserves the right to withdraw a contract-funding award if it is determined that the award was based on false information provided by the proposer.
6. Proposal responses, in whole or in part, may NOT to be marked confidential or proprietary. MLJT may refuse to consider any Proposal response or part thereof so marked. Proposal responses submitted in response to the RFP may be subject to public disclosure. MLJT shall not be liable for disclosure of such records.

**DI. PROPOSAL REVIEW AND GRANT AWARD PROCESS OVERVIEW** The evaluation and scoring of Proposals and recommendation of providers for the Employer of Record Services RFP will consist of several phases:

1. A preliminary review will be conducted by MLJT staff to ensure that each Proposal meets the minimum qualifications for Proposal acceptance.
2. For Proposals that meet the minimum qualifications, evaluation, and scoring of each Proposal will be conducted by a Review Panel according to the criteria listed in Section F. Evaluation and Scoring. Staff may arrange virtual or site visits with the applicants to confirm the information stated in the Proposals.
3. Upon completion of the Proposal review process, recommendations for selecting providers will be strictly based on the aggregate scores of the Review Panel.
4. Authority to execute contracts will be given by the Local Workforce Development Board following selection and award of funding by MLJT. Funding will be contingent on state and federal policies.
5. If no more than one Proposal is received in response to this solicitation, MLJT reserves the right to classify this procurement as a failed competition

and reissue the RFP or enter into a sole source agreement to ensure service delivery. Funding decisions are the sole responsibility and discretion of the MLJT. Any formal appeal of funding decisions must be in accordance with Section III I. Proposal Protest and Appeals Process of this RFP document.

## F. EVALUATION AND SCORING

Each Proposal will be evaluated and scored on the information contained in the Proposals directly responding to the Proposal questions. Information may be disputed or confirmed by staff through follow-up site visits and consultations with the references provided. Each will be given a score between 0 and 100.

A Proposal evaluation system, which includes a point system for rating each Proposal submitted, will be used to review all Proposals that meet minimum qualifications. This system will ensure uniformity in evaluating Proposals and will identify the rationale for approval or disapproval.

**A Proposal MUST SCORE A MINIMUM OF 75 POINTS TO BE CONSIDERED FOR FUNDING.**

Bidders should bear in mind that any Proposal that is unrealistic in terms of the technical or schedule commitments, or unrealistically high or low in cost, will be deemed reflective of an inherent lack of technical competence or indicative of a failure to comprehend the complexity and risk of the requirements as set forth in this RFP.

Bidders are advised that in the evaluation of cost it will be assumed that the unit price quoted is correct in the case of a discrepancy between the unit price and an extension.

As a result of this RFP, MLJT intends to award a contract to the responsible bidder whose response conforms to the RFP and whose Proposal presents the greatest value to MLJT, all evaluation criteria considered. The goal is to award a contract to the bidder that proposes the best value as determined by the evaluation criteria.

MLJT may award a contract of higher qualitative competence over the lowest priced response.

The basic information that each section should contain is specified below, these specifications should be considered as minimum requirements. Much of the material needed to present a comprehensive Proposal can be placed into one of the sections listed.

Each of the following Evaluation Criteria below will be used in ranking and determining the quality of bidders' qualifications. Proposals will be evaluated and scored according to each Evaluation Criteria. The scores for all the Evaluation Criteria will then be added together to arrive at a total score for each Proposal. The final maximum score for any project is one hundred (100) points. The Evaluation Criteria and their respective scores are as follows:

<b>Evaluation Criteria</b>		<b>Score</b>
<b>A</b>	<b><u>Completeness of Response:</u></b> Responses to this RFP must be complete. Responses that do not include the content requirements identified within this RFP and subsequent Addenda and do not address each of the items listed below will be considered incomplete, be rated a Fail in the Evaluation Criteria and will receive no further consideration. Responses that are rated a Fail and are not considered will be returned.	Pass/Fail
<b>B</b>	<b><u>Debarment and Suspension:</u></b> Bidders, its principal and named subcontractors are not identified on the list of Federally debarred, suspended or other excluded parties located at <a href="http://www.sam.gov">www.sam.gov</a> .	Pass/Fail
<b>C</b>	<b><u>Administrative/Organizational Capacity: 25 Available Points</u></b> Bidder demonstrates the ability to manage and maintain fiscal records, including experience with federal funds and cost allocation. Bidder has adequate and qualified project staff. Bidder has the capacity to track required deliverables and generate required reports.	25 points
<b>D</b>	<b><u>Demonstrated Performance/Ability: 25 Available Points</u></b> Bidder has the knowledge and ability to perform all Employer of Record Services. The Proposal successfully addresses each of the tasks required by this RFP for employer of record services. Bidder has experience/expertise in providing Employer of Record Services. More points are awarded for ability to provide desired positions listed on Attachment 2.	25 Points
<b>E</b>	<b><u>Budget Proposal/Fiscal Management: 45 Available Points</u></b> Bidder has a project operational budget sufficient to support the proposed activities. Proposal successfully describes the fiscal management experience and the fiscal controls that will be used.  Budget must specify the following line items: Participant Wages and CA Sick Leave (Total); Workers Compensation Rate (Average); Payroll taxes; indirect cost rate, including any onboarding fees per participant, operational and payroll costs)	45 Points
<b>F</b>	<b><u>References/Previous Contract Experience:</u></b> References for similar projects have been provided, and MLJT spoke with at least two (2) references to verify.	5 Points
<b>Total Points</b>		<b>100</b>

## G. PROPOSAL REVIEW PANEL

A preliminary review will be conducted by MLJT staff to ensure that each PROPOSAL meets the minimum qualifications for acceptance. A Review Committee will review and score each Proposal that has met the Minimum Qualifications. The Review Committee may be composed of staff from other offices within the local workforce area. The evaluation of the Proposals shall be within the sole judgment and discretion of the Review Committee and will be based on the evaluation criteria set forth in this RFP. All contact during the evaluation phase shall be through MLJT staff only. Bidders shall neither contact nor lobby evaluators during the evaluation process. Attempts by Bidder to contact and/or influence members of the Review Committee may result in disqualification of Bidder. The Review Committee will evaluate each Proposal meeting the qualification requirements set forth in this RFP.

## H. CONTRACT AWARD PROCESS

Once the RFP Review Panel evaluates all qualifying Proposals, MLJT will make a funding decision and select the successful bidder(s). All bidders will receive notification of the contract award recommendation by MLJT staff. Notification will be provided via e-mail and posted on [www.mljt.org](http://www.mljt.org). The document providing this notification is the Notice of Intent to Award and will provide the name(s) of the bidder(s) being recommended for contract award.

Upon completion of any proposal protest/appeal, MLJT will approve the final contract award recommendation. If no proposal protest/appeal is made, MLJT's decision to issue the Notice of Intent to Award/Non Award is considered the final contract award decision of MLJT.

Contract will commence July 1, 2024 contingent upon availability of funds. Grant awards will be conferred annually based upon the following criteria: provider meets contractual obligations; successful performance; and any WIOA authorization changes that impact this procurement. MLJT must formally approve the subsequent annual awards.

## I. PROPOSAL PROTEST PROCESS

MLJT prides itself on the establishment of fair and competitive contracting procedures and the commitment made for following those procedures. The following is provided if bidders wish to protest the proposal process or appeal the recommendation to award a contract for this project once the Notice of Intent to Award has been posted on [mljt.org/procurements](http://mljt.org/procurements) website. Protests regarding proposal process will not be accepted by MLJT prior to notifying bidders of the Intent to Award/Non-Award on June 10th, 2024.

1. Any proposal protest must be based on one or both of the following:
  - a. The action of MLJT is at variance with the law; and/or
  - b. The action of MLJT contravenes current MLJT or WIOA policy.

2. Any proposal protest by any Bidder regarding any other proposal must be submitted in writing to MLJT's Executive Director, located at 197 Mono Way, Suite B, Sonora, CA 95370, before 5:00 p.m. of the FIFTH (5th) business day following the date of issuance of the Notice of Intent to Award/Non-Award, not the date received by the Bidder. A proposal protest received after 5:00 p.m. is considered received as of the next business day.
  - a. The proposal protest must contain a complete statement of the reasons and facts for the protest.
  - b. The protest must refer to the specific portions of all documents that form the basis for the protest.
  - c. The protest must include the name, address, email address, fax number and telephone number of the person representing the protesting party.
  - d. The Executive Director, or designee, will transmit a copy of the bid protest to all bidders as soon as possible after receipt of the protest.
3. Upon receipt of the written protest, the Executive Director, or designee will review and evaluate the protest and issue a written decision. The Executive Director, may, at his or her discretion, investigate the protest, obtain additional information, provide an opportunity to settle the protest by mutual agreement, and/or schedule a meeting(s) with the protesting bidder and others (as appropriate) to discuss the protest. The decision on the proposal protest will be issued at least ten (10) business days prior to MLJT's contract approval/appeal hearing date. The decision will be communicated by e-mail and certified mail and will inform the bidder if the recommendation to MLJT in the Notice of Intent to Award/Non-Award will change. A copy of the decision will be furnished to all bidders affected by the decision. As used in this paragraph, a bidder is affected by the decision on a proposal protest if a decision on the protest could result in the bidder not being the apparent successful bidder on the RFP.

## J. CONTRACT EVALUATION AND ASSESSMENT

During the initial 60-day period of any contract that may be awarded to Contractor, MLJT staff will meet with the Contractor to evaluate the performance and to identify any issues or potential problems.

MLJT reserves the right to determine, at its sole discretion whether:

1. Contractor has complied with all terms of this RFP; and
2. Any problems or potential problems with the proposed services were evidenced which make it unlikely (even with possible modifications) that such proposed services have met MLJT requirements.

If, as a result of such determination MLJT concludes that it is not satisfied with Contractor, Contractor's performance under any awarded contract and/or Contractor's goods and/or services as contracted for therein, the Contractor will be notified of contract termination effective 45 days following notice. MLJT will have the right to

invite the next highest ranked bidder to enter into a contract. MLJT also reserves the right to re-bid this project if it is determined to be in its best interest to do so.

## IV. TERMS AND CONDITIONS

### A. AWARD

1. Proposals will be evaluated by a proposal Review Panel and will be ranked in accordance with the RFP section entitled “proposal Review Panel.”
2. The Review Panel will recommend award to the bidder who, in its opinion, has submitted the proposal that best serves the overall interests of MLJT and attains the highest overall point score. Award may not necessarily be made to the bidder with the lowest cost.
3. MLJT reserves the right to reject any or all responses that materially differ from any terms contained in this RFP or from any Exhibits attached hereto, to waive informalities and minor irregularities in responses received, and to provide an opportunity for bidders to correct minor and immaterial errors contained in their submissions. The decision as to what constitutes a minor irregularity shall be made solely at the discretion of MLJT.
4. MLJT reserves the right to award a single contractor or multiple contractors.
5. MLJT has the right to decline to award this contract or any part thereof for any reason.
6. MLJT and the Local Workforce Development Board’s approval to award a contract are required.
7. A contract must be negotiated, finalized, and signed by the intended awardees prior to Board approval.
8. The RFP specifications, terms, conditions and Exhibits, RFP Addenda and Bidder’s proposal, may be incorporated into and made a part of any contract that may be awarded as a result of this RFP.

### B. TERM/TERMINATION/RENEWALD

1. The initial term of the contract, which may be awarded pursuant to this RFP, will be 12 months.
2. By mutual agreement, any contract which may be awarded pursuant to this RFP may be extended for two additional one-year terms at agreed prices with all other terms and conditions remaining the same.
3. The initial contract will include the PY 2024-2025 award, scope of work and performance requirements. This contract will be amended to include performance requirements and any scope of work modifications necessary as a result of changes in federal, state, or mandates. Awards will be dependent upon continuance of enabling legislation (Workforce Innovation and Opportunity Act) and fund availability for MLJT and the Local Workforce Development Area.

### C. METHOD OF ORDERING

1. A contract for authorized signature will be issued upon MLJT approval.

2. Payments for services will be issued only in the name of Contractor.
3. Changes in service delivery shall be agreed upon by Contractor and MLJT and issued as needed in writing by MLJT.

#### D. CONTRACTING REQUIREMENTS

In order to contract for WIOA funds, the Contractor must:

1. Be legally capable of entering into a contract and be able to provide proof of the ability to comply with rules and regulations of WIOA programs.
2. Provide documentation of current fiscal and compliance audits, as required by law.
3. Provide evidence of current corporate status, as filed with the Secretary of State.
4. Be an Affirmative/Equal Opportunity Employer. If selected for funding, the lead agency and any collaborative partner agencies will be required to meet EEO requirements.
5. Be in compliance with all applicable provisions of the Americans with Disabilities Act of 1990 (ADA).
6. Ensure that reports and/or documents contain correct information.
7. File required insurance documentation with MLJT as an exhibit to the contract. MLJT must review all documentation before the initial invoice will be processed. The following are insurance requirements that contractors must carry:

- Commercial General Liability in the amount no less than \$1,000,000 combined Single Limit for each occurrence. Must include personal injury coverage
- Workers' Compensation as required by State law or \$1,000,000. Employers Liability minimum \$100,000.
- Automobile Liability in an amount not less than \$1,000,000 combined Single Limit per accident for bodily injury and property damage covering owned, non-owned, and hired vehicles.
- Professional/Liability/Errors and Omissions in the amount no less than \$1,000,000.
- MLJT is listed and covered as additional insured.
- Notice of Cancellation must ensure that each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, or canceled except after 30 days notice has been given to MLJT.

8. Comply with requirements for lobbying, debarment, and drug-free workplace certification.

#### E. TYPE OF CONTRACT

Contracts will be written on a cost reimbursement basis. The Contractor is required to provide a detailed line-item budget as part of the contract and agree to submit monthly invoices for payment. All costs reported on monthly and final cost



statements shall be supported by appropriate documentation which shall establish that MLJT is charged a fair and equitable portion of any indirect or shared costs attributable to services performed under this Contract. All costs incurred by Contractor as a result of this RFP must directly relate to program operations and the administration of program operations. Costs must be fair, reasonable, allowable, necessary, fully justified, and competitive.

#### F. INVOICING

1. Contractor shall invoice MLJT as prescribed in the executed contract.
2. MLJT shall notify Contractor of any adjustments required to invoice.
3. Contractor shall utilize standardized invoice with sufficient detail as determined by MLJT.
4. Invoices shall only be prepared and submitted by the Contractor who is awarded the contract.
5. Payments will be issued to and invoices must be received from the same Contractor whose name is specified on the executed contract Purchase Order.
6. MLJT will pay Contractor at least monthly, or as agreed upon, not to exceed amounts specified in the executed contract budget.

#### G. PROHIBITION AGAINST SUBCONTRACTING OR ASSIGNMENT

Contractor shall not contract with any entity to perform in whole or in part the work or services required hereunder without the express written approval of MLJT. Neither this Agreement nor any interest herein may be assigned or transferred, voluntarily or by operation of law, without the prior written approval of MLJT. Any such prohibited assignment or transfer shall be void.

#### H. RECORD KEEPING

Contractor will be expected to maintain complete up-to-date and accurate records and management controls. The Contractor will be expected to maintain complete fiscal and accounting records, in accordance with Federal Government Accounting Principles, including, but not limited to, backup documentation to the contract budget, and demonstration of acceptable accounting methods to disburse costs. All documents and records will be maintained for a period of no less than three (3) years. This is a federal administrative requirement.

#### I. MONITORING

The Contractor selected and funded with WIOA dollars may be visited at any time by MLJT staff, Employment Development Department (EDD) officials, and officials from the State of California, Department of Labor, or Contractors of these units of government, and others who have a direct concern in administration of WIOA programs and projects. All agency records must be available for inspection. All areas of the project will be examined and could include inspection of personnel files

and applications and the financial bookkeeping records. In addition, monitoring may include interviews with employers, supervisors, instructors, and staff to ensure provision of agreed upon services.

#### J. GENERAL REQUIREMENTS

1. Proper conduct is expected of Contractor's personnel when on MLJT premises. This includes adhering to no-smoking ordinances, the drug-free workplace policy, not using alcoholic beverages and treating employees courteously.
2. MLJT has the right to request removal of any Contractor employee or subcontractor who does not properly conduct himself/herself/ itself or perform quality work.

#### K. COMPLIANCE WITH APPLICABLE REGULATIONS

This RFP has been developed consistent with all applicable State and Federal statutes, regulations, and published guidelines and policies.