

Workforce Development Board of Flagler and Volusia Counties, Inc.
d.b.a. Center for Business Excellence
Administrative Plan

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Financial Management Systems

Financial Reporting

The Center for Business Excellence (CBE) follows generally accepted standards for both accounting and financial reporting. The accrual basis of accounting is used; revenues are recognized when earned and expenses as incurred. Depreciation of fixed assets is recorded over the useful life of the respective assets on a straight-line basis.

To ensure observance of limitations and restrictions placed on specific resources, the CBE reports its accounts in accordance with the principles of fund accounting. This is a system by which resources are classified for financial reporting purposes into funds established according to their purpose. The assets, liabilities and fund balances of the organization are reported in two self-balancing fund groups; restricted: which accounts for the program resources with legislated or other regulated purposes; unrestricted: which accounts for all resources over which the Board of Directors has discretionary control within the limitations of its charter and bylaws.

The CBE contracts with an independent certified public accountant to conduct audits and audit resolution in accordance with the approved State Audit Plan and with applicable auditing standards set forth in the financial and compliance element of the Standards for Audit of Governmental Organizations, Programs, Activities and Functions issued by the Comptroller General of the United States according to the requirements for audits contained in OMB Circular A-133.

The annual audit report includes the following information:

- Report of Independent Certified Public Accountant on the Financial Statements and on compliance Related to Federal Financial Assistance Programs
- Statement of Financial Position
- Statement of Activities
- Statement of Functional Expenses
- Statement of Cash Flows
- Notes to Financial Statements
- Schedule of Federal Financial Assistance
- Schedule of State Grants and Aids Appropriations
- Auditor's Report on Internal Accounting Controls
- Recommendations to Improve Internal Accounting Controls
- Auditor's Report on Compliance
- Auditor's Report on Compliance with CPE Requirements

The annual audit report, a copy of the transmittal letter from the auditor and a copy of the management letter to the Board of Directors is provided to the AWI by the Finance Director no later than 30 days after the receipt of the audit.

If there are any findings, an audit resolution report detailing all corrective actions taken is furnished to the State within 60 days from the receipt of the audit reports.

Accounting Records

The CBE uses fund accounting and records income, expenditures, assets and liabilities in separate funds for each grant award.

CBE is a multiple grant recipient. Each grant will have a unique identifying fund number. For example, fund 300 may be designated to account for WIA Adult activity, fund 400 may be designated to account for WIA Youth activity, fund 100 may be designated to account Corporate activity and so on. Additionally, each grant will contain segments to track expenses by category. The nature of an expense will dictate which category to charge as allowed by federal regulations, state policies and executive orders. CBE will utilize multi-digit account numbers to track and identify expenditures by fund, general ledger code, function, site and client profile.

Internal Control

Receipt of Funds

The administrative staff will receive all checks, warrants, vouchers, and cash. The clerical staff will record the received date, document date, document number, payer's name and document amount in the cash receipt log booklet on a daily basis. The clerical staff will always maintain the cash receipt log booklet.

Grant funds from the state are electronically requested in OSMIS by the Finance Director based on cash balance and payables for the week. The deposits are electronically transferred by the State into the CBE operating account. Other grant funds, checks and cash are deposited by the Financial Assistant. Receipts over \$1,000 are deposited within one business day of receipt. Smaller receipts will be deposited at least once weekly. A complete copy of the receipt documents, the actual deposit receipt and any original check stubs are maintained by the Financial Assistant. The Financial Assistant will enter the deposit data in the appropriate account registers, post the information in the general ledger, and file the deposit receipt. The Finance Director will reconcile the cash log against the bank statement each month.

Disbursement of Funds

Disbursements are normally processed by the Financial Assistant once a week unless circumstances dictate otherwise. The weekly disbursements usually include staff travel, contractual payments, and operating costs. All disbursements must be approved and supported with written documentation in the form of a purchase request, invoice or other statement from the vendor or payee. Personnel authorized to approve payments are Directors. Directors are limited to approve payments that relate to their budget.

All approved payment requests received by the Financial Assistant by the submission deadline will be processed as follows:

- The Finance Director reviews all check request for approval, documentation, and dollar amount
- Data entry or transfer into the accounting software is posted by the Finance Assistant
- The Finance Assistant prints, reviews, and edits the approve to pay report
- The Finance Assistant posts the accounts payable session to the general ledger and selects the invoices to pay
- The Finance Assistant processes the checks to be disbursed

- The President approves the check register and logs in the check number range
- The Finance Assistant stamps and mails all checks unless there has been a request to hold the check for pickup
- Checks held for pickup are secured by the Finance Assistant or given to the Finance Director until picked up
- The Finance Assistant files check carbon copies and invoices in the vendor file
- The disbursements from accounts payable are posted to the general ledger by the Finance Assistant.

Payroll Procedures

Any individual, who is paid through the company's payroll system shall have an employment agreement on file. The employment agreement will include the name, position, start date and rate of pay. The Finance Assistant will confidentially maintain all personnel records. Normally, payroll for staff members will be processed on a bi-weekly basis unless circumstances dictate otherwise. Approved leave forms must be submitted to support sick and vacation pay.

Staff payroll is processed by the Financial Assistant as follows:

- The payroll report is generated and the direct deposit amount is transmitted to the bank two days before the payroll is processed
- Timesheets are electronically submitted to supervisors for approval, then forwarded to the Finance Assistant no later than 9 am on the day of payroll
- The approved timesheets are compared against the approved leave slips
- Vacation, personal leave and deductions are posted into the payroll software
- The payroll report is printed , reviewed and edited
- The payroll report is approved by the President
- The payroll report is transferred to the general ledger from the payroll software
- The payroll documentation is securely filed and confidentially maintained in a binder by pay period
- The Finance Director reconciles the direct deposit advice from the bank to the payroll report

The President or the Finance Director must approve any payroll amounts paid by check.

At the end of each calendar year, any individual who has been processed through the payroll system will receive a W2 tax form summarizing earnings and deductions.

Travel Advances

Employees may submit a request to cover the anticipated cost of travel in advance to the President for approval. These advances are recorded in a balance sheet receivable account. The employee will complete a travel expense report reconciling any advances to actual travel expenses. Any differences will be paid to or from the employee.

Other Travel & Business Meeting Expenses

Any travel or business meeting expenses by the CBE Board of Directors shall be subject to the same rules as those that apply to the staff. The President may authorize travel and expenses above the per diem rates when such travel is charged to unrestricted funds.

Credit Card Policy

CBE has established a business credit card account solely for the purchases of goods or services for CBE. Credit cards are issued to staff members at the discretion of the President and the credit limit for each staff member card is determined by the President. Staff members are expected to use good judgment when using the credit card for budgeted and approved items only. Purchase requisitions are required for each purchase and the Financial Assistant will reconcile the requisitions to the monthly statement before it is approved for payment. Credit card expenditures will be paid in full each month to avoid interest charges.

The CBE currently maintains employee dishonesty coverage. Those employees who have direct contact with monies and security are covered. The policy is updated annually or as required by changes in staff.

Budget Control

The budgetary process entails the collection of raw data containing actual and/or estimated revenues and expenditures. The raw data will typically come from actual expenditure and receipt records from the previous year, projected increases or decreases in functional activities, grant award notices and contractual agreements obtained. The Finance Director is responsible for compiling the raw data for presentation to the President. The President and CBE directors determine if and how much to forecast categorically based on established programmatic objectives, cost limitations and reasonable assumptions. The Board of Directors approves the final budget.

Upon approval or modification of the budget, the Finance Director is responsible for maintaining, monitoring and reporting the budget information to the President, CBE Directors, Finance Committee and Board of Directors as it relates to actual activity. Detailed departmental reports are distributed and reviewed monthly by the President and CBE Directors. Condensed reports are e-mailed to the finance committee monthly along with explanations of any significant variances.

Allowable Costs

Costs Generally Allowable

Generally, costs that are necessary, reasonable, and essential to the administration and operation of a program are considered allowable for funding. Costs considered generally allowable include:

- Personnel services and fringe benefits; includes normal and reasonable severance costs
- Staff training and development
- Consultant and technical services
- Communications and utilities
- Printing of program literature

- Office and program supplies
- Work-related travel costs
- Accounting/auditing services
- Rent/mortgage
- Insurance, including professional liability premiums
- Maintenance and repairs
- Food
- Security
- Payments to individual participants in a program.

This list is not intended to be all-inclusive but only to provide a guide for funding recipients.

Unallowable Costs

The following costs are unallowable as either direct or indirect costs and will not be funded in whole, or in part

- Advertising -fundraising and public relations
- Alcoholic beverages
- Bad debts
- Compensation for personnel auto use
- Contributions and donations
- Entertainment costs including program staff and board functions
- Fines or penalties
- Goods or services for personal use
- Housing and personal living expenses
- Lobbying/political activities
- Losses from other contracts, grants, etc.
- Selling & marketing

The budget and grant or contract for each award shall be reviewed for costs specifically allowable or unallowable. CBE directors will be familiar with the allowability of costs.

The Final Guidance on Prior Approval Procedures for Selected Costs and Administrative Requirements issued by the Agency for Workforce Innovation on March 8, 2005 will be followed for all purchases. An annual approval Request form shall be filed for those items qualifying for annual approval. Prior approval for all other items will be requested on the Prior Approval Request and Response Form for Individual Cost Items.

Source Documentation

All financial records are kept three years or until all audit findings are resolved whichever is later.

Vendor File

All payments to CBE's vendors are made from the original invoices. Vendor checks consist of two parts: the check itself and a yellow-non-negotiable NCR copy. The yellow copy is affixed to the invoice and its supporting documents by the Financial Assistant, and then filed into vendor file alphabetically.

Participant Support Payment File

Payments made directly to participants are filed in participant payment files with a yellow copy of the check and all supportive documents. This file is maintained by the Financial Assistant.

Staff Payroll File

Payroll documentation is filed by the Financial Assistant by pay period ending date. Staff applications for leave are filed in personnel files.

Cash Management

Cash activities are monitored weekly by the Finance Director who processes cash requests to the state in OSMIS. Cash request amounts are determined by the Finance Director who considers current cash balances in each fund, deposits in transit and the total of the scheduled payments for the week. The President reviews and signs the cash request schedule each week. Each month the Finance Director provides a reconciliation of the OSMIS reports to the general ledger for the President to review and sign.

Cost Allocation and Shared Costs

Direct Costs

Costs that are identified specifically with the cost objective and charged directly to that objective are direct costs. They may also be costs pending allocation to a final cost objective based on an intermediate cost objective or cost pool that is used to accumulate costs.

Assignable Direct Costs

Costs charged directly to final cost objectives that do not require further allocation or breakdown are assignable direct costs. These costs include salaries of employees whose time is devoted specifically to the fulfillment of a particular program objective, materials purchased specifically for a particular program and costs of subcontractors services specifically for a program.

Shared Direct Cost

Costs that cannot be readily assigned to a final cost objective but are directly charged to an intermediate cost objective and subsequently allocated to final cost objectives are shared direct costs. These costs are incurred for a common or joint purpose benefiting more than one funding stream. An example is case management that can be directly charged to case management then allocated to the funding streams using an appropriate allocation method.

Indirect Costs

Indirect costs are those that have been incurred for a common or joint purpose and cannot be readily identified with a particular final cost objective. They are distributed equitably to the various funding sources through the cost allocation plan.

Board Staff & Facilities Intermediate Cost Pool

Function

The board staff & facilities cost pool accumulates the costs of the board, such as salaries benefits, rent, utilities and telephones that cannot be assigned directly to any grant or contract. These costs may be for either administration or program by nature because the staff at the board charges salary to both administration and program.

Benefit

Board expenses can be reported as either program or administration.

Allocation Method

- Basis- Costs are allocated to the administrative or program cost pools each month based on the ratio of the administrative and program salary distribution.
- Justification- Charging administrative and program categories by the proportionate percentage of staff salary best reflects the distribution of board expenses to these categories.

Administrative Cost Pool

Function

The administrative costs of the organization that cannot be directly assigned to any grants or contracts are accumulated in this cost pool. At the end of each month these cost are allocated to the grants based on the proportionate share of the direct cost of each grant over total direct cost of all grants.

Benefit

All programs benefit from the administrative direction, oversight and services of the board.

Allocation Method

- Basis- Administrative costs are distributed each month based on the ratio of total accumulated expenditures of each funding source to all funding sources administered by the board staff that month.
- Justification- The administrative oversight of the board benefits all funding sources and direct costs incurred reflects how these resources were used.

Program Cost Pool

Function

The program cost pool accumulates the various indirect program costs such as information technology and business services to be allocated to all the programs each month. These costs are allocated to the grants based on the proportionate share of the direct cost of each grant over total direct cost of all grants.

Benefit

All programs benefit from the indirect programmatic cost incurred by the board.

Allocation Method

- Basis- Administrative costs are distributed each month based on the ratio of total accumulated expenditures of each funding source to all funding sources administered by the board staff that month.
- Justification- The oversight of the board benefits all active funding sources and direct expenditures reflects how those resources were used.

One Stop Cost Pool

Function

Costs such as business service, outreach, rent and utilities that benefit the One-Stop Career Centers as a whole are accumulated in a cost pool each month. They are allocated to the various grants based on the One Stop staff FTE. These percentages are supported by the monthly timesheets submitted by One Stop staff.

Benefit: All programs benefit from the usage of the One Stop facilities

Allocation Method:

- Basis- Costs are distributed based on FTE's of staff housed in the One Stop facilities One Stop timesheets are submitted monthly and costs are charged to the programs based on the relative percentage of FTE's.
- Justification- Since all staff in the One Stop benefit from the usage of the facilities this method reflects the proportionate share of the benefit received.

AWI Cost Pool

Function

This cost pool consists of costs accumulated from the other cost pools for AWI staff. These costs are then distributed to the jointly managed programs according to the percentage of salary charged to each jointly managed program.

Benefit

All AWI staff benefit from the administration of the board and the One Stop facilities.

Allocation Method

- Basis- AWI staff submit monthly time sheets to the state allocating their time spent on various programs. The state then sends a report to the board detailing the amount of salary charged to each program based on these timesheets. The relative percentage of salaries for each program is used to distribute these costs to each program.
- Justification- Percentage of salaries is the most equitable way to distribute these costs among the jointly managed programs.

Procurement

This plan sets forth standards for use by the employees of the CBE and its recipients in establishing procedures for the procurement of supplies and other expendable property, equipment and other services. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal statutes and executive orders.

Responsibilities:

CBE and its recipients' employees have a responsibility to the public to maintain high organizational and personal standards in the performance of their official duties. This directive defines the standards of conduct that must be met by all employees engaged in any activity related to purchasing or contracting for goods or services under the Workforce Investment Act, Welfare to Work, the Welfare Transition Program and any other funding received through the CBE. This policy is written to comply with state laws and federal guidelines, standards of ethics and good business practices.

Procurement or purchasing activities include:

- Approvals, disapprovals or recommendations concerning a procurement transaction;
- Preparation of any part of procurement actions;
- Influencing the content of any specification or procurement standard; and
- Acting in any advisory capacity including rendering of advice, investigation or auditing in any procurement activity

Codes of Conduct:

Employees shall not participate in the selection of a vendor or the award or administration of any contract or purchase if a real or apparent conflict of interest would be involved. Such a conflict would exist when the employee or any member of his or her immediate family has a financial or other interest in the firm otherwise eligible for the procurement action, and that interest would result in personal benefit to the employee or family member.

Employees shall neither solicit nor accept any gift, favor, privilege, benefit, service, exemption or thing of value from any vendor, contractor or party to a sub agreement that would result in personal benefit and/or that could influence the employee's official conduct.

Any attempt to realize personal gain through conduct inconsistent with the proper discharge of an employee's duties to the agency is a breach of the public trust and will subject the employee to disciplinary action up to and including termination, and the possibility of criminal charges.

An employee shall not solicit, demand, or accept any personal benefit, economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor or service from any vendor, contractor or party who may have any direct connection with a current procurement activity.

For the purposes of this document, such benefit shall include personal and individual invitations to meals or items of significant gain or advantage with a value of \$50.00 or more. In cases where the appropriateness of the benefit may be in question, the benefit should not be accepted.

An employee shall not offer, give, or agree to give any individual or organization a gratuity, benefit or an offer of employment in connection with any procurement activity.

An employee may not disclose confidential information obtained by reason of his or her position or otherwise use such information for actual or anticipated personal gain or for the personal gain of any other person.

Employees who, as a function of their job responsibilities, participate directly or indirectly in any procurement activity may not (nor shall any member of their immediate families):

- Acquire or maintain a direct financial relationship pertaining to the procurement;

- Acquire or maintain a direct financial relationship with a business or organization pertaining to the procurement; or
- Enter into a negotiation or an arrangement concerning prospective employment with a person, business or organization involved in any specific procurement in which the employee is involved.

Prior to an employee or any member of the employee's immediate family entering into any financial relationship or accepting any benefit, the employee must submit to the CBE President a detailed written disclosure of the proposed relationship. The disclosure shall include:

- The name and relationships of the individual entering into the relationship or activity;
- The nature of the pending activity or relationship;
- The relationship between the outside entity and the agency;
- Any benefits to be gained by the employee or family member; and
- A description of how the employee will ensure separation of interests between the commitment to the outside entity and to the agency.

The CBE's President shall review the information provided and may request any additional information, which may be considered pertinent for final determination and approval of the proposed activity.

DEFINITIONS

- a. **Benefit:** Anything reasonably regarded as providing monetary gain or advantage. For the purposes of this document, such benefit shall include personal and individual invitations to meals or items of significant gain or advantage with a value of \$50.00 or more.
- b. **Conflict of interest:** A situation in which there is a divergence between the employee's private interests and the employee's professional obligations to the CBE (i.e., the public interest) such that an independent observer might reasonably question whether the employee's actions or decisions are determined by considerations of private gain, financial or otherwise.
- c. **Financial relationship:** Includes paid employment, consulting or other contract work, ownership or investment such that the relationship accrues a financial benefit to the employee or family member. This directive concerns benefits to the employee or family member that are direct and substantial.
- a. **Consulting and other outside employment relationship:** Activities undertaken for remuneration from a third party within the scope of activities, functions or expertise for which the individual is compensated by the CBE or its recipients.
- b. **Department head:** In the case of a principal investigator, his/her department head. In the case of a staff employee, it is the employee's immediate supervisor.
- c. **Immediate family:** Includes spouse and dependent children. Dependent children, for the purposes of this document, include adopted, step- and foster children and natural sons and daughters.
- d. **Regular employee:** An employee of the CBE, or vendor/partner/provider/contractor who is employed at least 20 hours per week on a regular basis for a period of at least

four and a half months, excluding students employed in a position for which student status is a condition of employment.

Competition:

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. The CBE and its recipients shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder/proposer whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered.

Solicitations shall clearly set forth all requirements that the bidder/proposer shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

Noncompetitive procurement or sole source procurement is documented by the CBE. This is accomplished through files maintained by the CBE for the purchase of office supplies, equipment, services etc. These records include price comparisons conducted through current catalogs from various suppliers for procurement of goods and services and quotes as required by the thresholds described below, description of goods and/or services, justification - purposes and reason, company name making the quote and quote amount with conditions, if any.

The CBE President is authorized to approve noncompetitive procurement following state and federal guidelines.

Small Purchases/noncompetitive procurement

Procedures used to make purchases and/or obtain services (tangible/intangible) will be as outlined in OMB Circular A-110. The following monetary thresholds shall apply:

- I. Simple and informal procurement methods for the purchase of any single unit costing less than \$5,000 shall not require quotes. Small purchases such as office and cleaning supplies may be made from several local vendors without specific procurement for purchase. Price analysis of commonly used items will be conducted on an annual basis to ensure the best price. The vendors currently being used for these purchases are;

Sam's Club

Capital Office Products

American Solutions

Staples

Office Depot

This process will not prohibit additional forms of procurement, such as internet and catalog searches, but is intended to provide an effective and more cost efficient process for purchasing.

- II. Simple and informal procurement methods for the purchase of any single unit that costs \$5,000.00 up to \$25,000 shall require 3 telephone or written bids. In accordance with the cost principles and administrative requirements for non-profits that accept federal funds set forth in OMB Circular A-122, prior approval is requested on all capital expenditures of \$5,000 or more.
- III. Simple and informal procurement methods for the purchase of any single unit that cost \$25,000 up to \$100,000 shall have 3 written bids or quotes.
- IV. For purchases at the \$100,000 threshold or more, the CBE uses either the Request for Proposal (RFP) process, Request for Qualifications, (RFQ) or obtains three written proposals. The RFP/RFQ process is used for the procurement of services whereas written proposals are appropriate for the purchases of equipment.

Cost and Price Analysis

Cost analysis shall be conducted when a bidder submits a line item budget, when adequate price competition is lacking and for sole source procurement. Cost analysis will also be performed concerning contract modifications or changes that have monetary impact. Items that will be considered in conducting a cost analysis may include any of the following: staff costs, fringe benefits, materials for the training program, office supplies, equipment required to perform the contract, facilities required, communication requirements, insurance/bonding requirements, staff travel, consultants, audit requirements, legal services, printing, supportive services, indirect costs, and any subcontract requirements. The CBE, depending on the nature of the procurement, may add additional areas. Bidders/proposers will include in the proposal a certification stating that to the best of their knowledge and belief, the cost data submitted is accurate, complete and current at the time of proposal submission.

Price analysis shall be used to determine the reasonableness of the proposed price. In conducting a price analysis, the CBE will take into consideration prices of bids submitted for the same or similar work, comparison of prices on existing contracts, past contracts for the same item or past bids for the same or similar serves. The CBE, depending on the nature of the procurement, may add additional areas.

Independent Cost and/or Price Estimates

An independent cost and/or price estimate shall be performed for each procurement action whose costs exceed \$100,000.

Cost estimates shall be developed prior to the procurement of service providers where offers are required to submit a justified line item budget.

In those cases where it is not known what specific activities and/or services will be provided, the CBE will use rough yardsticks, such as cost per placement or cost per individual served to estimate the price of specific types of training.

The independent estimates shall be used, in part, as a tool to determine whether proposals are correctly responding to the technical requirements of the RFP/RFQ and are used to determine the reasonableness of costs/prices that are offered.

The cost and price estimates are not absolute barriers to accepting higher or lower cost proposals, the estimates are merely meant for internal guidance.

Procurement Records

The CBE shall maintain records to detail the significant history of procurement. These records may include, but are not limited to:

- Rationale for the method of procurement.
- Selection or agreement type.
- Awardees selection or rejection.
- Basis for the agreement price.
- Bidder's list.
- Copies of advertisements.
- Original proposals.
- Board/Committee Minutes

These records, maintained at the Administrative Office of the CBE, are generated through minutes of the CBE's Board of Directors or a committee thereof, history of past procurement and recommendations of the President who is responsible for selecting the type of agreement used. This is accomplished on an individual basis and as deemed necessary. Contract agreements that are used by the CBE are generally fixed unit price performance-based agreements and cost-reimbursement agreements or combinations thereof.

Procurement Procedures

In addition to the internal procurement procedures authorized by the CBE, the CBE shall adhere to the guidance established in OMB Circular A-110, which includes the following:

- 1) Avoid purchasing unnecessary items.
- 2) Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.
- 3) Solicitations for goods and services provide for all of the following.
 - A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features, which unduly restrict competition.
 - Requirements, which the bidder/offeror must fulfill, and all other factors to be used in evaluating bids or proposals.
 - A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 - The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.
 - The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
 - Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.

- 4) Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.
- 5) Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
- 6) Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
- 7) Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
- 8) Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
- 9) Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Management Service's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.
- 10) The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.
- 11) Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by agencies' implementation of E.O.s 12549 and 12689, "Debarment and Suspension."
- 12) The CBE shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

Title of the agency official or officials authorized to sign contracts and contract modifications and terminate contracts:

As described in the CBE by-laws, the President has the authority to sign on behalf of the Corporation all necessary papers in connection with the routine administrative matters of the Corporation, and has the authority to make contracts and contract modifications. The President has the authority to terminate contracts.

Procurement of goods and services:

For purchases exceeding the \$100,000 threshold, the CBE uses either the Request for Proposals (RFP) process, Request for Qualifications (RFQ) or obtains three written proposals. The RFP/RFQ

process is used for the procurement of services whereas written proposals are appropriate for the purchases of equipment. The following steps are included in CBE RFP/RFQ process:

1) Written Announcement

The CBE issues a written announcement of its intent to solicit proposals for the provision of services. This announcement is printed in the major newspapers in the two-county area and sent to all individuals/firms on the RFP or RFQ list (which is maintained in the CBE Administrative Office). The Announcement of Intent to Solicit briefly describes the types of services to be solicited, RFP/RFQ availability date, proposal due dates, and CBE address and phone.

2) Legal Notices

The CBE announces its intent to solicit proposals through legal notices in newspapers throughout the two-county area. Legal advertisements briefly describe the services being solicited, RFP/RFQ availability date, proposal due dates and CBE address and phone.

3) RFP/RFQ List

The CBE maintains a list of all individuals or organizations that have expressed an interest in receiving the CBE RFP/RFQ. New firms that show interest in the RFP/RFQ, either by phone or in writing, are added to the list. The list is updated periodically to remove defunct organizations or organizations/individuals who have not demonstrated an interest in the RFP/RFQ process within a reasonable amount of time.

4) RFP/RFQ Requests

Individuals and organizations expressing an interest in the RFP/RFQ will be added to the general RFP/RFQ list and mailed a copy of the RFP/RFQ document upon request. The list of those requesting an RFP/RFQ is maintained through the clerical department of the CBE

5) RFP/RFQ Release

On the official RFP/RFQ release date, RFP/RFQ packages may be picked up in the CBE Administrative Office or downloaded from the CBE's web site (<http://www.centerforbusinessexcellence.net>). RFP/RFQ packages will be mailed to those who have requested them. Subsequent RFP/RFQ package requests are taken until the RFP/RFQ due date and usually mailed to the potential proposer the day of request. No RFPs will be released prior to the official RFP/RFQ release date.

6) RFP/RFQ Inquiries

Following the release of the RFPs, a bidders' workshop is held for all interested parties. During the bidders' workshop, CBE staff are available to answer questions and address issues relevant to the RFP/RFQ process. Individuals/organizations who cannot attend the conference, but have questions, may mail, e-mail or phone those questions into the CBE prior to the deadline specified in the RFP. All questions asked and information given out at the bidders' workshop, as well as the questions from bidders not in attendance at the workshop, shall be recorded, along with the appropriate answers to those questions and mailed to each individual/organization in receipt of a RFP.

The CBE encourages bidders to ask all pertinent questions at the bidders' workshop. Following the bidders' workshop, the CBE will take technical inquiries only. The delivery of bidders' workshop notes and the subsequent information sharing process is meant to

discourage bidders from waiting until the last minute to prepare their proposal. More importantly, this process will assist the CBE to provide all bidders with equal information.

7) Receipt of Proposals

The CBE receives proposals through the mail and directly at the Administrative Office in Daytona Beach. Each proposal is date stamped upon receipt. For proposals received on the deadline date, the staff logs the time of the proposal submission. The proposal due date will be strictly adhered to. Any individual/organization that does not conform to the time and date requirement will not be considered for funding.

As proposals are received, they are logged into the computer system.

Proposals are maintained at the CBE Administrative Office in Daytona Beach.

8) Disbursements to Staff

Proposals will be distributed to CBE staff who analyze the proposal in accordance with the evaluation criteria.

Similar proposals may be prioritized. In the event the CBE is unable to contract with all approved proposals, the CBE will contract for those proposals that received highest priority based upon, but not limited to, the following criteria:

- Recent past and current performance
- Current enrollments
- Recent past and current price
- Location of training
- Target populations served

9) Cost/Price Analysis

The staff of the CBE conducts a cost/price analysis according to policy for each proposal received.

10) Committee Review

Designated committees of the CBE Board of Directors will assess proposals submitted. These committees will assess all programs and make funding recommendations to the CBE Board of Directors.

The committees of the Board will review the individual proposals and arrive at a consensus for funding recommendations. This will be accomplished through open discussion and "round table" review of each proposal. The committee(s) will take into account the merits of the technical proposal, the evaluation criteria described in the RFP/RFQ package, price/cost analysis and reasonableness and staff review while making their decisions. Also considered are the following elements of the proposal:

- (1) Program outcomes
- (2) Service to the appropriate target groups
- (3) Proposer's operational and fiscal capability
- (4) Documented community need for the project

- (5) Responsiveness of the proposal package to the RFP/RFQ outline
- (6) Prior performance of proposer or proposed program

11) Board Review

The CBE Board of Directors, or its designee, will meet in order to make the final funding decisions for proposals. Proposals and staff comments will be available at this meeting for the Board to review and discuss. Any real or potential Board conflicts of interest concerning the RFP/RFQ procurement process will be identified at this time.

The Board will take into account the Committee's recommendations, staff comments, and the technical merits of the proposals and price/cost reasonableness. The Board may accept or reject the Committee's funding recommendations. Funding parameters and/or limitations for negotiation may be established. Actual contract prices will be established at the time of negotiation. The Board may question all of the proposers, as it deems necessary.

12) Selection of contract Awardees

The primary responsibility for proposal evaluation shall reside with the CBE Board of Directors or a committee thereof. The perceptions of the CBE members, based on their collective experience regarding employment and training needs within the community, will form the basis for proposal evaluation. In addition, the Board will be provided with information concerning performance history of the particular proposers with the CBE or other organizations, prices of past similar contracted services and staff review comments.

A Committee of the CBE Board of Directors will assess proposals submitted. This Committee will assess all programs and make funding recommendations to the CBE Board of Directors.

The Committee will review the individual proposals and arrive at a consensus for funding recommendations. This will be accomplished through open discussion and "round table" review of each proposal. The Committee will take into account the merits of the technical proposal, the evaluation criteria described in the RFP/RFQ package, price/cost analysis and reasonableness and staff review while making their decisions.

13) Contract Instructions used to purchase goods and services:

Purchase orders are used for small purchases as deemed necessary by the service provider and the CBE. Generally, small purchases are made in agreement with local vendors through business accounts. Contracts/formal agreements are used for other agreements with the CBE for provision of services.

14) Procurement files

Procurement files for the current program year are maintained at the Administrative Office of the CBE. Procurement files include documentation of the steps of selection as described above under the RFP/RFQ process.

15) Appeal and protest of contract awards

In accordance with WIA regulations, service providers who have disputes or claims have the right to appeal/protest. The proposer may submit a letter within 15 days to the CBE requesting further details concerning the denial, dispute or claim. In the event the response is not satisfactory to the proposer, a second request may be made directly to the Board of Directors for further clarification. Final decision rests with the CBE Board of Directors.

Contract Administration

A system for contract administration will be maintained by the CBE to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. The CBE shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

Contract Provisions

The CBE will include the following in all contracts:

- a) Conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms, and provide for such remedial actions as may be appropriate.
- b) Suitable provisions for termination by the recipient, including the manner by which termination shall be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- c) A provision to the effect that the recipient, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

16) Contract close-outs

The General Terms and Conditions of all contracts of the CBE sets forth reasons for contract closeout prior to the expected termination date of the contract. The CBE reserves the right to terminate a contract for convenience or for cause. Service providers are notified, as specified in the terms and conditions, of contract closeout. For those service providers whose contracts are ending at the termination date without renewal, notification of closeout is sent in a timely manner. At the time of notification, the CBE refers to the terms and conditions regarding the service provider's responsibilities regarding audit, equipment purchased, materials created, etc., and gives the service provider a deadline in which these conditions are to be met.

Property Management

CBE's Finance Department maintains and accounts for items classified as inventory by its funding source. All assets purchased with WIA funds are expensed when reported to the state. Assets with a value of \$5,000 or more are capitalized on the fund's balance sheet and depreciated over the useful life in accordance with Generally Accepted Accounting Principles. All assets over \$5,000 in value are accounted for using a computerized accounting program. The system is designed to provide detailed information that includes, but is not limited to, the following:

- Asset Identifying Number
- Asset Description
- Model and Serial Number
- Date of Acquisition
- Acquisition Code - New/Used
- Acquisition Cost
- Funding Source
- Vendor Reference
- Asset Location
- Asset Condition
- Depreciated or Expensed
- Title vests with CBE

All assets have a property identification number affixed. The property tag states "CBE Property". A physical inventory of all properties is performed, at a minimum, annually, to reconcile the physical inventory to what is recorded on the books. Someone other than the custodian of the inventory, to ensure accuracy and integrity, performs this inventory. Whenever there is a change of property custodian, each custodian shall account for all property in his/her custody.

The acquisition of assets will be described in the Procurement policies and procedures section. All assets are insured for replacement cost.

Surplus inventory will be disposed of in the following manners:

- (1) Selling or transferring the property to any other governmental entity;
- (2) Selling or donating the property to any private nonprofit agency;
- (3) Selling the property through a sale open to the public; or
- (4) Entering contractual agreements with other entities, including, but not limited to, other governmental agencies or private vendors, which facilitate the final disposition of the property. Such agreements may include, but are not limited to, the leasing of storage space or arrangements for the disposal of scrap property.

Any proceeds from the sale of WIA property will be treated as WIA program income to be used for WIA purposes.

Records for nonexpendable property shall be retained for a period of three years after final disposition of the property.

Records Management and Confidentiality

CBE, in a concerted effort to comply with all aspects of Florida Statutes – Public Records Law Chapter 119, establishes the following policy on making public records accessible as outlined in the law.

Background

1. – “Public records” means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
2. -“Agency” means any state, county, district, authority, or municipal officer, department, division, **board**, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.

Policy

All public records requests; verbal and written, will be reported to the President, Vice President and/or Records Custodian immediately.

All employees who have custody of a public record shall permit the record to be inspected by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record (Records Custodian) or the custodian’s designee. Upon request, the Records Custodian shall furnish a copy of the record upon payment of the fees described herein. Only CBE can designate the Records Custodian.

There shall be no attempt to limit access to public records by a claim of interference with the day-to-day conduct of public business. The only exceptions are for records specifically made confidential by the Florida Constitution and records exempted by state statute. The agency must cite the statutory exemption in order to bar inspection.

Confidentiality of Records and Public Records Request and Subpoenas – AWI Final Guidance dated November 7, 2004 – AWI FG 02-033, sets forth the process to follow with regard to the confidentiality of specific records.

Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt until such time as the agency provides notice of a decision or intended decision or within ten (10) days after the bid or proposal opening, whichever is earlier. Certain financial statements required to be submitted by bidders are exempt. Social Security numbers are exempt (Section 119.07), as well as certain internal audits of local government, credit card numbers and bank accounts.

- 'Extensive' for the purpose of this policy is described as More than 30 minutes to locate, review for confidential information, copy and re-file the requested material.
- 'Information technology resources' for the purpose of this policy means data processing hardware and software and services, communications, supplies, personnel, facility resources, maintenance, and training.

Grievance Procedures

The WIA, WTP, and the FSET programs require the State, the local areas, and direct recipients of program funds to establish and maintain grievance/complaint and hearing/appeal procedures for handling program-related complaints. The grievance/complaint requirements may vary from program to program.

To simplify instructions and to have a unified format, the following grievance/complaint and hearing/appeal procedures will be essentially the same for WIA, TAA, FSET, and WTP workforce programs.

These procedures must be shared with each participant served in the following programs:

- Workforce Investment Act
- Welfare Transition Program
- Trade Adjustment Assistance
- Food Stamp Employment and Training
- Wagner-Peyser

This policy applies whenever a sub recipient, subcontractor, other interested party, or participant served in Region #11 files a grievance.

Listed below are the grievance procedures to be distributed to all participants of Region 11's employment and training system.

Grievance Procedures

Grievance/Complaint And Hearing/Appeal Procedures Under The Workforce Investment Act (WIA), Trade Adjustment Assistance (TAA), Welfare Transition Program (WTP), Food Stamp Employment And Training (FSET) And Wagner-Peyser (WP) Programs

- I Regional Workforce System Original Grievance/Complaint and Hearing/Appeal Process
 - a. Filing Grievance/Complaint at the Local Level
 1. Any participant or other interested party adversely affected by a decision or action by the CBE, including decisions by One-Stop partners and service providers, has the right to file a grievance/complaint with the CBE.
 3. WTP work activity and support services grievances/complaints shall be filed with the CBE (work activity and support services are defined in Chapters 414 and 445, F.S.). Pursuant to 45 CFR 261.56 (c) (2) the CBE will provide the fair hearing regarding non-compliance with work requirements. TANF cash assistance eligibility or benefit entitlement grievances/complaints shall be filed with the local Department of Children and Families (DCF) office, the cognizant agency responsible for administering this part of TANF (20 CFR 662.280).
 4. Food stamp eligibility or benefit entitlement grievances/complaints shall be filed with the local DCF office (20 CFR 273.7). The FSET \$25 reimbursement shall be treated as a support service, and grievances/complaints shall be filed with the CBE.

5. Grievance/complaints shall be filed at the State level only when based upon actions or decisions made by the State recipient or administrative entity. Any grievance/complaint filed with an inappropriate entity will be forwarded to the proper entity/agency for action. The entity's/agency's 60-day timeframe to handle the grievance will start upon receipt of grievance/complaint.
6. A grievance may be filed by regular employees regarding displacement by a WIA, TAA, WTP, or FSET program participant and by program participants regarding displacement. Displacement action prohibitions and available relief specifications are described in WIA (20 CFR 667.279), TANF (45 CFR 261.270), and FSET (20 CFR 273.7).

The filing of all other grievances/complaints alleging discrimination, employment, and health and safety violations shall be filed as described in Section I b., Process for Filing a Grievance/Complaint with CBE.

All local workforce grievances/complaints shall be filed with the CBE using their established procedures. The exception to this is: Job Corps grievances/complaints that are processed according to requirements of 20 CFR 670.990.

The chart below includes WIA, TAA, FSET and WTP grievances/complaints or hearing/appeal actions that may be filed with the CBE, AWI acting as the administrative entity for the State Board, or U. S. Department of Labor (USDOL).

WIA, TAA, FSET, AND WTP(TANF) HEARING/APEALS CHART

Hearing/Appeal Issue	Local Hearing/ Appeal	State Hearing/ Appeal	Federal Hearing/Appeal
DENIAL OR TERMINATION OF ELIGIBILITY AS A TRAINING PROVIDER (WIA AND TAA)	Yes	Yes	No
DENIAL OF ELIGIBILITY AS AN OJT OR CUSTOMIZED TRAINING PROVIDER BY A ONE-STOP OPERATOR (WIA AND TAA)	Yes	Yes	No
CBE SUBSTANTIAL VIOLATION (WIA)	No	Yes	Yes
CBE PERFORMANCE FAILURE/ SANCTIONS (WIA AND TAA)	No	Yes	Yes
PARTICIPANT SANCTIONED FOR USING CONTROLLED SUBSTANCES (WIA AND TAA)	Yes	Yes	No
DISPLACEMENT OF REGULAR EMPLOYEE OR PROGRAM PARTICIPANT (WIA, TAA, WTP, AND FSET)	Yes	Yes	Yes
SANCTION FOR NON-COMPLIANCE WITH WORK ACTIVITIES (WTP, FSET)	Yes	Yes	No

As specified in Rule 65A-4.205, the DCF has delegated to the CBE the responsibility for WTP work activity non-compliance determinations. This rule is incorporated herein by reference. A

copy of any rule referenced in this paper may be obtained from AWI, Office of General Counsel, Caldwell Building-Suite 150, 107 East Madison Street, Tallahassee, Florida, 32399-4128.

Additionally, in the TANF State Plan (October 2000), DCF has assigned to WFI/AWI the responsibility for providing a grievance process for WTP participants to use when filing grievances related to the following: service delivery of TANF-funded work activities, Alternative Plan Requirements, support services, diversion programs, and other workforce functions provided in the Workforce Innovation Act of 2000, Chapter 2000-165, Laws of Florida.

b. Process for Filing a Grievance/Complaint with CBE

Under WIA, TAA, WTP, and FSET, One-Stop partners, service providers, participants, and other interested parties affected by the local Workforce/One-Stop System have the right to file a grievance/complaint.

These grievances/complaints shall be filed at the local level using the procedures established by the individual CBE.

The CBE shall receive, review, and attempt to informally resolve the initial WIA, TAA, WTP, and FSET grievance/complaint. If the grievance/complaint cannot be resolved informally, then a hearing shall be held and a decision issued within the required 60 calendar days from receipt of complaint/grievance.

Discrimination, employment, and health and safety complaints/alleged violations may be forwarded to the Agency for Workforce Innovation, Office of General Counsel, Caldwell Building–Suite 150, 107 East Madison Street, Tallahassee, Florida, 32399-4128, or may be mailed directly to the appropriate federal agency as allowed by federal regulation. (See last page of Section C for federal agency addresses.) A copy of the complaint/alleged violation report shall also be mailed to AWI at the above address.

c. Grievance/Complaint Review and Hearing Process at Local Level

After the CBE has received and reviewed the complaint, they shall designate a Hearing Officer(s), schedule a hearing, and notify the grievant/complainant by certified mail, return receipt, at a minimum of 15 calendar days prior to the hearing. The hearing notice shall advise the following:

- the date, time, and place of the hearing;
- the pertinent sections of the WIA, TAA, WTP, and FSET, or any other federal regulations involved;
- affected parties may present witnesses or documentary evidence at the hearing;
- affected parties may be represented at the hearing by an attorney or other representative; and
- the parties will receive the CBE decision within 60 calendar days from receipt of the grievance or complaint.

The hearing should be conducted according to the procedures established by the individual CBE. However, a complainant who alleges a labor standard violation may submit the complaint for binding arbitration if the collective bargaining agreement covers the parties involved.

General Procedures: If a hearing is conducted, the CBE should ensure that the process, including the contents of the hearing dialogue, is transcribed or has the potential of being transcribed.

For example, the hearing can be taped for transcription purposes. The recording/documentation of the hearing will allow for transcription if the grievance is appealed or escalated to a higher level.

If the CBE has: 1) conducted a hearing but the grievant/complainant is dissatisfied with or has been adversely affected by the Hearing Officer's decision; 2) not conducted a hearing within the 60 calendar days from receipt of the grievance/complaint; or 3) conducted the hearing but has not issued a decision within the mandated 60 calendar day timeframe, then the grievant/complainant may file an appeal with AWI.

d. Process for Filing an Appeal of CBE Decision or Lack of Action

The appeal should be concise (if possible, not to exceed five pages which does not include exhibits and attachments) and shall be sent by certified mail, return receipt, to the Agency for Workforce Innovation, Office of General Counsel, Caldwell Building-Suite 150, 107 East Madison Street, Tallahassee, Florida 32399-4128.

The appeal request shall state the facts, laws, procedures, etc. that the grievant/complainant believes to be relevant for review. The appeal must be filed with AWI within 30 calendar days of receipt of the CBE Hearing Officer's decision or within 30 calendar days after the required 60-calendar day timeframe for the CBE to act has elapsed.

The request shall include the grievant/complainant's address where official notices will be mailed.

The state can remand the grievance/complaint back to the CBE to hold a hearing or impose other remedies to resolve the grievance/complaint.

II State Level Original Grievance/Complaint and Hearing/Appeal Process for
WIA, TAA, WTP, and FSET Programs

Any individual or entity, including the CBE, adversely affected by a decision or action of the State Workforce System or administrative entity may file a grievance/complaint with the State Administrative Agency. The grievance/complaint shall be filed with Agency for Workforce Innovation, Office of General Counsel, Caldwell Building-Suite 150, 107 East Madison Street, Tallahassee, Florida, 32399-4128.

At the state administrative entity level, the agency head or his/her designee is the presiding officer and shall conduct all hearings of original state level complaints.

a. Grievance/Complaint Review and Hearing Process at State Level

The state administrative entity will hear initial complaints or grievances regarding actions taken or decisions made by the state administrative agency. Upon receipt, the state shall review and attempt to informally resolve the WIA, TAA, WTP, and FSET grievance/complaint. The agency head or his/her designee will review the grievance/complaint and contact the grievant/complainant within five working days of receipt of complaint. The Agency Head or designee shall contact the parties and proceed with the informal resolution process.

If the State cannot resolve the grievance/complaint informally, then the Agency Head or designee will act as Presiding Officer and hear the grievance/ complaint.

The hearing notice shall advise the following:

- the date, time, and place of the hearing;

- the pertinent sections of the WIA, TAA, WTP, and FSET, or any other federal regulations involved;
- affected parties may present witnesses or documentary evidence at the hearing;
- affected parties may be represented at the hearing by an attorney or other representative; and
- the parties will receive the decision within 60 calendar days from receipt of the grievance or complaint.

The hearing shall be conducted in compliance with rules of procedure as contained in Chapter 28-106, Parts I, II, and III, Florida Administrative Code, incorporated herein by reference. The Presiding Officer will schedule a hearing, complete the hearing, and issue a decision within the required 60 calendar days of receipt of complaint/grievance.

Individuals with a disability needing special accommodations shall call the State Administrative Entity Process Manager at (850) 245-7105 at a minimum of five working days prior to the hearing and indicate what special accommodations are needed in order to participate in the hearing.

b. Remedies

1. The remedies that may be imposed under WIA grievances/complaints shall be limited to:
 - a. suspension or termination of payments under WIA;
 - b. prohibition of placement of participant with an employer that has violated any requirement under WIA;
 - c. reinstatement of an employee, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment, where applicable.
2. Other WIA, TAA, WTP, and FSET grievance/complaint remedies including other equitable relief to be imposed as appropriate.

c. Appeal Review of CBE Hearing Officer's Decision

This section shall apply to appeals of CBE decisions filed with the state administrative entity.

Within five working days of receipt of appeal notice, the AWI agency head or his/her designee shall notify each party that an appeal has been filed. Each party shall be given 15 calendar days from the date of the notice to submit written argument and provide supporting documentation. Only unaltered, verbatim transcripts of the original hearing evidence and other proof introduced at the initial hearing will be considered for purposes of the appeal.

The party submitting the transcript must bear all expenses of the transcription and deliver a copy of the transcript to the agency head and the opposing party. If a stenographer authorized to administer oaths has not recorded the proceedings and prepared the transcript, an exact copy of the tape recording, video, or other recording must also be delivered to the agency head and the parties, along with the transcript. The party submitting the transcript and the recording must include a certification that the transcript is verbatim and the recording is of the entire proceeding and has not been altered. The agency head will not consider a transcript when the foregoing procedure has not been followed.

The agency head or his/her designee shall issue a decision within 60 calendar days of receipt of the appeal request.

d. Appeal of State Decision/Final Order

A grievant/complainant may file an appeal of the State decision/final order if the grievant/complainant is dissatisfied with or has been adversely affected by the State Hearing Officer's decision; or the State has not conducted a hearing; or the State has conducted the hearing, but has not issued a decision within the mandated 60 calendar-day timeframe. The appeal must be filed within 30 calendar days of receipt of the State's decision; or after the mandated 60 calendar days has elapsed for the State to have issued a decision. The appeal shall be filed with the following agency/entity:

- WIA and TAA appeals of state decisions may be filed with the USDOL using the Federal Level Appeal Procedures included in the next section.
- TANF work activity and support services appeals may be filed according to Rules of Appellate Procedure, Rules 9.110 and 9.190 (b) (See next section).

e. Judicial Review of Final Orders

The final order issued by the AWI Hearing Officer will be signed by the hearing officer and dated on the day it is mailed. The period for judicial review will run from the date the order is mailed. The final order will include a notice that provides the individual with the opportunity for judicial review. Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, set forth the procedures for an individual to appeal a final department (agency) decision or action.

f. Federal Level Appeal Process

Under WIA regulations, 20 CFR Section 667.600, if the CBE or the State has not issued a decision within the required 60 calendar-day timeframe, the grievant/complainant can file an appeal to the USDOL. The appeal must be filed with the USDOL no later than 120 calendar days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. A copy of the appeal must be simultaneously provided to the appropriate Regional Administrator and the opposing party.

An appeal must be filed within 60 days of the receipt of the decision being appealed in cases where a decision has been reached and the party to which such a decision has been adversely impacted wishes to appeal to the Secretary. A copy of the appeal must be simultaneously provided to the appropriate USDOL Regional Administrator and the opposing party.

Section 667.650 states that a local area found in substantial violation of WIA Title I and which has received a notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur, may appeal such sanctions to the USDOL Secretary under WIA Section 184 (b). These appeals must be filed no later than 30 days after receipt of written notification of the revoked plan or imposed reorganization. A copy of the appeal must be simultaneously provided to the Governor.

The Request for Review/Appeal must be submitted by certified mail, return receipt to: Secretary, U. S. Department of Labor, Washington, D.C. 20210, Attention ASET.

B. COMPLAINT PROCEDURES FOR WAGNER-PEYSER EMPLOYMENT SERVICE (ES) ACTIVITIES

Background/Underlying State and Federal Policy

Federal regulations at 20 CFR Part 658, Subpart E, provide that each state shall establish and maintain an employment service complaint system that includes procedures at the local, State and Federal level for processing these complaints.

Wagner-Peyser participants may file discrimination complaints against the Agency for Workforce Innovation (AWI) or its employees or complaints alleging discrimination by an employer. Title 29 CFR Part 37, provides the authority for the following:

1. Complaints involving an employer in another state or another state agency;
2. Complaints involving more than one office, another One-Stop Center, or statewide system;
3. Complaints involving the violation of the Regulations by an office or One-Stop Center;
4. Complaints involving the violation of an employment related law by an employer; and
5. Complaints involving a violation of the terms and conditions of a job order by an employer.

Special handling procedures are required for complaints filed by Migrant and Seasonal Farm Workers (MSFW). The CBE shall attempt to resolve the MSFW complaint. If MSFW complaints cannot be resolved within five working days of receipt of complaint by the CBE, the complaint form and copies of all documents in the complaint file are forwarded to the Agency for Workforce Innovation, Monitor Advocate Office, Caldwell Building-Suite 150, 107 East Madison Street, Tallahassee, Florida, 32399-4133. Attention: Senior Monitor Advocate.

Federal regulations at 20 CFR Sec. 658.514 state that non-ES related complaints (employment, discrimination, health and safety, etc.) must be forwarded as soon as possible after being received. These complaints shall be sent to Agency for Workforce Innovation, Office of General Counsel, Caldwell Building-Suite 150, 107 East Madison Street, Tallahassee, Florida, 32399-4128, or to the appropriate federal agency with a copy of the complaint sent to AWI Office of General Counsel. (See Section C for federal agencies and addresses.)

I. Regional Workforce Board/One-Stop ES Complaint/Resolution Procedures

Complaints related to the Wagner-Peyser Employment Service are handled by ~~the One-Stop Manager/Complaint Specialist~~CBE. The Manager/Specialist will maintain a separate file for each complaint and enter the complaint on the Complaint Log. The CBE will attempt to resolve all ES-related complaints.

The complaint is resolved when the complainant is satisfied with the outcome; the complainant chooses not to elevate to the next level; or when the complainant has not responded within 20 working days after correspondence has been mailed for ES complaints and within 40 working days for MSFW complaints.

If the ES complaint is not resolved within 15 working days, then the complaint and associated file documents are forwarded to the Agency for Workforce Innovation, Office of One-Stop and Program Support, Caldwell Building-Suite 105, 107 East Madison Street, Tallahassee, Florida, 32399-4133, Attention: ES Complaint Coordinator.

Within five days after the end of the quarter, ~~the local One-Stop Office Manager~~CBE will mail the Complaint Logs to the Senior Monitor Advocate at the address included in the MSFW procedures above.

The MSFW complaints involving an allegation of noncompliance with assurances regarding wage and hour law or other employment conditions are to be forwarded to the nearest USDOL Wage and Hour office. Check the USDOL web site at <http://www.dol.gov/esa/whd/> to find the local office nearest you.

For MSFW violations of Occupational Safety and Health Administration (OSHA) Directives, complaints should be forwarded to the USDOL, Occupational Safety and Health Administration. See address in the chart on the last page of Section C.

The following conditions are identified in 20 CFR 658.501(a) as the basis for discontinuation of services to employers:

1. Employer submits and refuses to alter or withdraw job orders containing specifications which are contrary to employment related laws;
2. Employer submits job order and refuses to provide assurances that the jobs offered are in compliance with employment-related laws;
3. Employer is found through field checks or otherwise to have misrepresented the terms or conditions of employment specified on the job order or to have failed to comply fully with assurances made on the job orders.
4. The One-Stop Center is notified by enforcement agency that the employer has violated an employment related law;
5. Employer, following investigation of complaint, is found to have violated Employment Service regulations;
6. Employer refuses to accept qualified workers referred;
7. Employer refuses to cooperate in field checks; and
8. Employer repeatedly causes discontinuation proceedings to be initiated.

More detail on the ES Complaint System (20 CFR sections 658.411-418) can be found in the Complaint Resolution Handbook e.g., the completion of the complaint filing, assigning, and handling ES-related complaints, complaint resolution, referrals, hearings, etc. Also, a list of referral agencies is available in the Complaint Resolution System Handbook that has been provided to each CBE, local Representative, and One-Stop Center.

Note: Nothing included in this paper precludes a grievant/complainant from pursuing a remedy authorized under another Federal, State, or local law.

C. REPORTING CRIMINAL FRAUD AND ABUSE, DISCRIMINATION, HEALTH AND SAFETY, AND EMPLOYMENT COMPLAINTS/VIOLATIONS

Criminal fraud and abuse, discrimination, health and safety, and employment, complaints that violate federal laws, regulations, and directives are handled differently than the program related complaints/grievances handled by local and state hearing and appeal procedures.

I Reporting Criminal Fraud and Abuse

WIA Section 667.630 describes the process for reporting complaints and/or reports of criminal fraud and abuse. Complaints/reports must be reported immediately to the USDOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW, Washington, D. C. 20210.

The complaint or report can also be mailed to the USDOL South East Regional Inspector General for Investigations, Office of Investigations, Sam Nunn Atlanta Federal Center, 61 Forsythe Street, SW, Suite 6T1, Atlanta, Georgia 30303 with a copy simultaneously provided to the Employment and Training Administration.

Reports or complaints alleging criminal fraud and abuse may also be reported through USDOL's Hotline at 1-800-347-3756.

II Reporting WIA, WTP, FSET, and Wagner-Peyser Discrimination Complaints

WIA Section 667.275(a) requires that recipients of WIA funds comply with federal nondiscrimination and other applicable equal opportunity laws. (See WIA Section 188 and 29 CFR part 37.)

Guidance, found at 20 CFR 658.401(d), prohibits discrimination against applicants for or recipients of Wagner-Peyser program services.

Under Wagner-Peyser, discrimination complaints may be filed directly with a local-office equal opportunity representative, when such has been designated and trained, with the state agency having administrative responsibility for Wagner-Peyser programs, or with the Civil Rights Center, U.S. Department of Labor. (Reference: 20 CFR 658.411)

Under the FSET program, individuals who believe that they have been subject to discrimination may file a written complaint with the United States Department of Agriculture, Office of the Hearing Clerk, Room 112, Administration Building, Washington, D.C. 20250 (Reference: 7 CFR part 15).

Under Florida law, employees or applicants may also choose to file employment complaints with the Florida Commission on Human Relations. (Reference: Section 760.06, F.S.) Contact the following entities for discrimination, employment, health and safety, or Florida Law violations/complaints:

<p>Florida Commission on Human Relations Florida Law Violations 2009 Apalachee Parkway, Suite 100 Tallahassee, Florida 32301 (850) 488-7082 1-800-342-8170 (voice and TTY)</p>	<p>U. S. Department of Labor, Civil Rights Center Discrimination Complaints 200 Constitution Avenue, NW, Room N-4123 Washington, D. C. 20210</p>
<p>U. S. Equal Employment Opportunity Commission (EEOC) Employment Complaints Miami District Office One Biscayne Tower 2 South Biscayne Boulevard, Suite 2700 Miami, Florida 33131 (305) 536-4491 or 1-800- 669-4000 TTY (305) 536-5721 or 1-800-669-6820</p>	<p>USDOL Occupational Safety and Health Administration (OSHA) Safety and Health Violations 200 Constitution Avenue, NW Washington, D.C. 20210</p>

<p>EEOC</p> <p>Tampa Area Office</p> <p>501 East Polk Street, Suite 1000</p> <p>Tampa, Florida 33602</p> <p>(813) 228-2310 or TTY (813) 228-2003</p>	<p>USDOL Office of Inspector General, Office of Investigations</p> <p>200 Constitution Avenue, NW</p> <p>Room S-5014</p> <p>Washington, D. C. 20210.</p>
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Oversight and Monitoring and Resolution Process

The Center for Business Excellence (CBE) is responsible for Workforce Investment Act, Welfare Transition Program and Food Stamp Employment and Training Monitoring.

1) Service Provider Monitoring

Monitoring schedules are created annually to ensure each contract program is monitored. The CBE conducts service provider reviews in conjunction with the One-Stop Employment Division's quality unit utilizing a tool similar to that used by the state or its designated monitors. The quality unit provides technical assistance and quality assurance on all levels to the One-Stop Employment Division. Reviews are conducted quarterly or more frequently as needed in order to promote effectiveness and compliance while also ensuring program integrity. The quality unit also generates monthly internal reports to follow the progress of service providers meeting their goals, budget line items, etc. Documentation of all reviews, follow-ups and related correspondence is maintained to support each review conducted. Reports are generated frequently to ensure outcomes meet established performance goals.

2) Fiscal Monitoring

The CBE Financial Director conducts fiscal monitoring of all contracts each year. In addition CBE's contract monitors receive and review each service provider invoice and audit the activities of each service provider monthly. This monitoring generally eliminates inappropriate expenditures and enables prompt and appropriate corrective action when detected.

3) Monitoring Reports

All monitoring results are presented to the service provider. The monitoring report identifies the program(s) reviewed and the service providers included in the monitoring process. When findings are noted, corrective action plan may be requested.

4) Corrective Actions Plans

Program ineffectiveness or findings obtained from monitoring will be dealt with through corrective action. Corrective action is usually in the form of a written plan but may also include technical assistance and guidance, daily contact and increased reporting requirements, deobligation of funds, or cancellation of contracts. Service providers are generally expected to respond requests for corrective action within 30 business days of receipt.

Equal Opportunity Procedures

Equal Opportunity Officer Designation

The Finance Administrative Services Specialist is the EEO officer for the CBE as stated in our Personnel Policy. CBE will designate an EEO officer for each full service center site and this will be stated in the One-Stop Operation Manual and posted on the One-Stop web page.

Notice and Communication

Required notices and posters are displayed at the CBE's administrative offices and at the One Stop Employment Centers.

CBE's Communication Manager is responsible for the required language (taglines) that are printed on the marketing brochures/publications. The Director of Information Systems is

responsible for maintaining the CBE and One Stop Center websites to ensure the required taglines are posted.

Equal Opportunity, sexual harassment, and program and facility accommodation statements are addressed in CBE's Personnel Policies and in the One-Stop Operations Manual.

Interpretive Services posters will be displayed in the One-Stop Centers. Language Identification Cards will also be available at the front desk.

Review Assurances, Job Training Plans, Contracts, Policies and Procedures

Assurance statements are included in the terms and conditions of each provider's contract.

Universal Access

To assure universal access, CBE will insure that:

- Outreach and recruitment is conducted through newspaper advertisements, job fairs, and the media.
- The Communication Manager is responsible for the required language (taglines) that are printed on the outreach brochures/publications. The Director of Information Systems is responsible for maintaining all websites to ensure the required taglines are posted.
- Arrangements for interpretive and translation services are provided on a case by case basis.
- Each One Stop Center site has a computer that is available for the hearing and sight impaired, with MAGIC Software (magnification software with speech) and JAWS (screen reading software).

Compliance with Laws Concerning Individuals with Disabilities

Recipients and service providers are required to provide written assurance in their agreements, grants, and contracts that they are committed to and will comply with the requirements of the Workforce Investment Act, the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, and with 29 CFR part 32 and part 37.

Auxiliary aids and services will be provided to those that are in need. TTY/TDD is available for those individuals with hearing impairments.

All contracted service providers are required to complete the WIA Section 188 Disability Checklist.

The CBE, along with all contracted service providers, are required to complete the Facilities Accessibility Survey.

Data and Information Collection and Maintenance

In accordance with the master cooperative agreement CBE has with the AWI, CBE will abide by the rules of confidentiality and the rules of the information technology systems. We will maintain the records in compliance with WIA and the Agency.

Monitoring Recipients for Compliance

Our EEO will be the liaison to the OCR and will work with them in their monitoring review process and will follow the rules of compliance monitoring.

Corrective Actions and Sanctions

Our EEO has received training in the possible non-compliance sanctions and will work with the OCR office on any required action.

Prior Approval Procedures

The Final Guidance on Prior Approval Procedures for Selected Costs and Administrative Requirements issued by the Agency for Workforce Innovation on March 8, 2005, and any subsequent requirements, will be followed for all purchases. An Annual Approval Request Form shall be filed for those items qualifying for annual approval. Prior approval for all other items will be requested on the Prior Approval Request and Response Form for individual cost items.

Sarbanes-Oxley Act of 2002

General

Center for Business Excellence's Code of Ethics and Conduct ("Code") requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Organization, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Reporting Responsibility

It is the responsibility of all directors, officers and employees to comply with the Code and to report violations or suspected violations in accordance with this Whistleblower Policy.

No Retaliation

No director, officer or employee who in good faith reports a violation of the Code shall suffer harassment, retaliation or adverse employment consequence. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Organization prior to seeking resolution outside the Organization.

Reporting Violations

The Code addresses the Organization's open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, an employee's supervisor is in the best position to address an area of concern. However, if you are not comfortable speaking with your supervisor or you are not satisfied with your supervisor's response, you are encouraged to speak with someone in the Human Resources Department or anyone in management whom you are comfortable in approaching. Supervisors and managers are required to report suspected violations of the Code of Conduct to the Organization's Compliance Officer, who has specific and exclusive responsibility to investigate all reported violations. For suspected fraud, or when you are not satisfied or uncomfortable with following the Organization's open door policy, individuals should contact the Organization's Compliance Officer directly.

Compliance Officer

The Organization's Compliance Officer is responsible for investigating and resolving all reported complaints and allegations concerning violations of the Code and, at his discretion, shall advise the President and/or the Finance Committee. The Compliance Officer has direct access to the Finance Committee of the board of directors and is required to report to the Finance Committee

at least annually on compliance activity. The Organization's Compliance Officer is the chair of the Finance Committee.

Accounting and Auditing Matters

The Finance Committee of the board of directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the Finance Committee of any such complaint and work with the committee until the matter is resolved.

Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation of the Code must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation of the Code. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Handling of Reported Violations

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

It is a crime to alter, cover up, falsify or destroy any document that may be relevant to an official investigation.