

High Country Workforce Development Board Procurement Appeals Policy

BACKGROUND

The federal Workforce Investment Act (WIA) mandates the establishment and maintenance of a procedure for grievances or complaints about its services and activities from participants, subgrantees, sub-contractors, and other interested persons.

This policy applies to the Requests for Proposal (RFP) process only and provides a procedure to handle complaints by service providers or prospective service providers. For purposes of this document, any use of the words "complaints" or "grievance" refers to the appeals process relating to the procurement of WIA services.

POLICY

Written notification of service provider selection is provided to each entity submitting a proposal. A service provider, potential service provider, or any entity adversely affected in the selection of the service provider may file a complaint. The following steps outline the procedure which these entities may follow to make an appeal of the service provider selection.

- A. The service provider, potential service provider, or any entity adversely affected in the operator selection process may file a formal complaint with the High Country Workforce Development Board.
- B. The written complaint must specifically state the decision, the basis for the complaint, and the remedy sought by the complainant. All matters not raised in the complaint will be deemed waived.
- C. The written complaint must be made to the Chairman of the WDB seven (7) working days of the postmarked date of written notification to all bidders following the selection of service providers. To be considered valid, a copy shall also simultaneously be provided to the Workforce Development Director.
- D. In making a determination, the WDB Chair may choose to call a hearing, at his or her discretion, at which time the Chair may, at his or her discretion, take oral or written evidence and may entertain oral or written argument. Any entity that could be affected by the complaint shall be notified of such hearing and shall be permitted the opportunity to be present and/or submit evidence. Any such hearing will be held within thirty days of receipt of the written complaint.
- E. In making a determination whether to call a hearing, the Chairman will consider the merits of the complainant's written complaint. No hearing shall be called for a complaint which is deemed frivolous, nor for a complaint which does not meet the guidelines as outlined above, nor for a complaint which is not based on relevant RFP or evaluation factors.

- E. The decision of the WDB shall be reached by majority vote of the members present. The determination and basis for the determination shall be rendered orally at the conclusion of the hearing and followed up in writing to the complainant and any affected party. The written response will be provided no more than ten days following the completion of the hearing.
- F. For information purposes, the WDB staff will forward information regarding procurement protests to the NC Division of Workforce Development.
- G. Interim Determinations by the Workforce Development Board during the Appeals Process. While a procurement appeal is pending, the initial decision of the WDB regarding service providers shall be followed to avoid interruption in services to customers. The WDB may, however, by majority vote, determine that the initial decision shall be suspended until determination of the complaint and appeal, and may, by majority vote, determine that the situation is an emergency situation necessitating a change in the initial decision pending determination of the complaint and appeal. These interim determinations are not subject to appeal.