

**Commonwealth of Massachusetts
Workforce Investment Act**

WAIVER TO SUPPORT YOUTH SERVICES UNDER THE RECOVERY ACT

**Waiver Relating to Procurement Requirements for Youth Summer
Employment Providers**

The Executive Office of Labor and Workforce Development (EOLWD), as the administrative entity of the Workforce Investment Act (WIA) in the Commonwealth of Massachusetts, submits this request for a waiver from USDOL relating to procurement requirements for youth services in WIA section 123.

Pursuant to WIA Section 189(i)(4)(B); regulations at 20 CFR 661.420; and Recovery Act guidance in TEGL 14-08, the Commonwealth of Massachusetts requests a waiver to: 1). expand existing competitively procured contracts by a certain percentage and; 2). conduct expedited, limited competition to select service providers for the summer employment service element during the summer of 2009. This waiver is being sought for implementation under Recovery Act funding.

We request that the waiver be effective from April 1, 2009 through September 30, 2009.

A. Statutory or Regulatory Requirements to be Waived:

Section 123 of the Workforce Investment Act requires youth services to be procured on a competitive basis, based on the recommendations of the youth council and on the criteria contained in the State Plan.

B. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted:

Local Workforce Investment Area youth programs are faced with an enormous challenge in attempting to quickly spend additional youth funding allotted under the American Recovery and Reinvestment Act of 2009 during the summer of 2009. The U.S. Department of Labor, in TEGL 14-08, invited States to “request a waiver to expand existing competitively procured contracts by a certain percentage.” Many of the potential new providers of ARRA youth services are current, contracted service providers under WIA.

To meet the challenge of quickly expanding the level of Recovery Act services available to youth, the Commonwealth of Massachusetts requests a waiver to allow local workforce boards to award ARRA ‘companion contracts’ to existing WIA vendors, up to an amount not to exceed 100% of the originally contracted amount . This would apply to vendors through August 31, 2009.

C. **State or Local Statutory or Regulatory Barriers:**

There are no known state or local statutory or regulatory barriers to implementing this waiver. The Commonwealth assures DOL that the state will be in compliance with state and local procurement laws and policies.

D. **Description of Individuals Impacted by the Waiver:**

All WIA youth customers, as well as the state's local workforce areas and at-risk youth referred from partner programs will be positively affected by adoption of this waiver request. The Secretary of Labor and Workforce Development has been working with other cabinet level agencies to foster cross referral of the most vulnerable youth into WIA as directed in the New Strategic Vision for Youth Services (TEGL 28-05). Many of the services provided to this population are contracted through private non-profit community-based organizations.

E. **Opportunity for Public Comment and the Process for the Implementation of the Waiver:**

This request was developed as a result of concerns expressed by local areas. As with all other major policy and procedural decisions made by the Commonwealth of Massachusetts, we relied heavily upon input from local area staff and boards.

Notice of this proposed waiver was posted on the EOLWD website and ideas concerning the waivers were discussed in broadly-attended public meetings.

The Executive Office of Labor and Workforce Development (EODWD) and its agencies, as the State administrator and overseer of WIA funding and activity, will monitor the implementation of this waiver and work with the 16 local workforce investment boards to ensure that procurement is fair and effective. The Commonwealth's current monitoring policy and procedures will be modified to include this waiver.