



2021 NOVA Workforce Board Retreat (Abbreviated Session)

Agenda

Wednesday, January 27, 2021

Time: 12 Noon to 2:00 p.m.

Please Note: Meeting will be held via videoconference call:

Link: <https://us02web.zoom.us/j/89873741353?pwd=N0x5NnBLWVBwdHBONU9SRG5NRE56Zz09>

Meeting ID: 898 7374 1353; Passcode: 955820; Phone #: +1 (669) 900-6833

- Goal(s):**
- 1) Review accomplishments in 2020 and expectations for 2021
 - 2) Consider the current economic and political landscape and how it will impact NOVA
 - 3) Discuss how NOVA can prepare job seekers and employers for the future of work post-COVID-19
 - 4) Renew commitment from Board members

12:00 p.m. 1. Call to Order

2. Framing the Session and Expectations

3. Public Announcements

4. Approval of Agenda

Motion

5. Approval of AJCC Career Services Provider Application (Enclosure)

Motion

6. Approval of Application for NOVA to be WIOA AJCC Operator for NOVA Workforce Development Area (Enclosure)

Motion

12:30 p.m. 7. Looking Back at 2020 and Board Accomplishments;

Looking Ahead to 2021, *NOVA Director Kris Stadelman*

Information

12:45 p.m. 8. Economic Landscape in California, *Board Member Steve Levy*

Information

1:00 p.m. 9. Keynote Speaker: *Board Vice Chair Poncho Guevara*

Information

1:55 p.m. 10. Wrap-Up

Information

2:00 p.m. 11. Adjournment

Pursuant to the Americans with Disabilities Act, NOVA will make reasonable efforts to accommodate persons with qualified disabilities. If you require special accommodation, please contact NOVA at (408) 730-7240 at least one day in advance of the Workforce Board Meeting. Auxiliary aids and services are available upon request to individuals with disabilities. TTY: 711 (CA Relay Service)



Date: January 27, 2021
To: NOVA Workforce Board
From: NOVA Staff
Subject: **Approval of AJCC Career Services Provider Application**

INTRODUCTION:

The federal Workforce Innovation and Opportunity Act (WIOA) stipulates the roles of the adult and dislocated worker career services provider for the local workforce service-delivery system. State Directive WSD16-13 further clarifies these roles and the requirements for selecting career services providers.

For over thirty-five years, NOVA has been a career services provider for adults and dislocated workers through the NOVA Job Center in Sunnyvale. It has a stellar track record of delivery quality services, achieving performance measures, winning competitive funding, possessing a deep knowledge of the local labor market, enjoying a history of extensive collaboration with local partners and stakeholders, and exhibiting prudent efficiencies. WIOA encourages but does not require competitive procurement of local career services. However, local boards/administrative entities who wish to be designated as an Adult and Dislocated Worker Career Services Provider must seek approval from the Chief Elected Official (CEO) and the governor. In 2017, NOVA applied for and was approved by the State to be an Adult and Dislocated Worker Career Services Provider for the NOVA Job Center in Sunnyvale. In 2021, State Directive WSD19-13 requires that those entities who were approved to be a career services provider must reapply.

NOVA staff is asking for Board approval to submit the application (Attachment I) to the State to be designated an Adult and Dislocated Worker Career Services Provider for the NOVA Job Center in Sunnyvale. Career services in San Mateo County will continue to be competitively procured. Following the Board's approval, this request will be forwarded to the Sunnyvale City Council (CEO) for approval.

DISCUSSION:

The federal Workforce Innovation and Opportunity Act (WIOA) stipulates the roles and responsibilities of the adult and dislocated worker career services provider for the local workforce service-delivery system. State Directive WSD19-13 https://www.edd.ca.gov/Jobs_and_Training/pubs/wsd19-13.pdf, further clarifies the role of the career services provider and selection process. WIOA encourages but does not require competitive procurement of local career services. However, local boards/administrative entities who wish to be designated as an Adult and Dislocated Worker Career Services Provider must seek approval from the Chief Elected Official (CEO) and the governor.

In 2017, NOVA applied for and was approved by the State to be an Adult and Dislocated Worker Career Services Provider for the NOVA Job Center in Sunnyvale. In 2021, State Directive WSD19-13 requires that those entities who were approved to be a Career Services Provider must reapply. NOVA is interested in reapplying to the State to continue to be designated as an Adult and Dislocated Worker Career Services Provider for the NOVA Job Center in Sunnyvale based on several factors: demonstrated experience, effectiveness and accountability, efficiencies, administrative and fiscal oversight, and the City of Sunnyvale (CEO) policy.

- 1) **Demonstrated Experience:** NOVA has over thirty-five years of demonstrated experience and expertise directly providing award-winning adult and dislocated worker career services at the NOVA Job Center in Sunnyvale to Silicon Valley's residents and employers.
- 2) **Effectiveness and Accountability:** NOVA has consistently met and exceeded its performance measures in delivering quality career services to adults and dislocated workers in the NOVA workforce development area. It has routinely received high scores in all of its customers satisfaction surveys in the services it provides to customers and the unique approach and customer service it deploys to delivery these services.
- 3) **Efficiencies:** NOVA utilizes the integrated service delivery model that enables NOVA to serve more customers. This differs from other workforce areas and providers that apply the case management model and serve fewer customers. The result is NOVA's cost per customer is significantly lower than other workforce areas. In addition, funding is prudently expended; NOVA has never had any disallowed costs.
- 4) **Administrative and Fiscal Oversight:** The Sunnyvale City Council serves as the Chief Elected Official for the NOVA consortium, with the City of Sunnyvale serving as the administrative and fiscal agent for NOVA. The NOVA Workforce Board, designated as a high performing board, in partnership with the City of Sunnyvale, performs effective monitoring and evaluation according to WIOA and an agreement between the City and the Board. Conflict of interest codes and policies and necessary firewalls ensure the highest degree of exemplary oversight, with extensive internal checks and balances.
- 5) **City of Sunnyvale (Chief Elected Official) Policy:** The NOVA Job Center in Sunnyvale is staffed by City of Sunnyvale employees. The Sunnyvale City Council Policy Manual 7.3.6 established guidelines for considering alternative methods for service delivery according to superior service value and defines superior service value as better service at lower cost; better service at equal cost; or equal service at lower cost. Given NOVA's superior services provided at a significantly lower cost than comparable entities, the prudent decision is for NOVA to continue to directly provide adult and dislocated worker career services at the NOVA Job Center in Sunnyvale.

The local board/administrative entity may serve as both an AJCC Operator and Adult and Dislocated Worker Career Services Provider, which NOVA is applying to do, as long as appropriate firewalls, oversight and monitoring are in place to prevent conflict of interest. NOVA will ensure that these provisions are in place. Career services in San Mateo County will continue to be competitively procured.

Following the Board's approval, this request will be forwarded to the Sunnyvale City Council at its February 23, 2021 Council meeting for approval and then submitted to the State. Notification from the State is expected by May 1, 2021 and, if approved, will be effective through June 30, 2025.

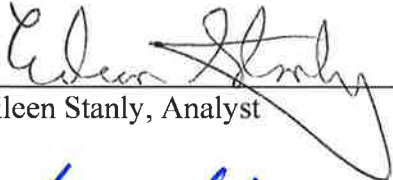
ALIGNMENT WITH STRATEGIC PLAN:

This is in alignment with the NOVA Workforce Board's vision, mission and purpose statement and all ten of the priority strategies from its 2017-2020 Strategic Plan.

RECOMMENDATION:

NOVA staff is seeking approval from the Board to submit the application (Attachment I) to the State to be designated an Adult and Dislocated Worker Career Services Provider for the NOVA Job Center in Sunnyvale.

Prepared by:



Eileen Stanly, Analyst

Reviewed and Approved by:



Kris Stadelman, Director

Attachment I: Request for Approval to be America's Job Center of California Adult and Dislocated Worker Career Services Provider

Attachment I



Request for Approval

America's Job Center of CaliforniaSM Adult and Dislocated Worker Career Services Provider

Local Workforce Development Board

NOVA Workforce Board

Local Workforce Development Area

NOVA Workforce Development Area

The *Workforce Innovation and Opportunity Act* (WIOA) allows Local Workforce Development Boards (Local Board) to be an Adult and Dislocated Worker Career Services Provider with the agreement of the Chief Elected Official (CEO) and the Governor.

This application will serve as the Local Board's or administrative entity's request for Governor Approval to be an Adult and Dislocated Worker Career Services Provider within a Local Workforce Development Area (Local Area) under WIOA. The application must be submitted to the California Workforce Development Board (CWDB) by March 1, 2021, through one of the following methods:

Email: CWDBPolicyUnit@cwdb.ca.gov
Subject line: Career Services Provider Application

If the CWDB determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your Regional Advisor for technical assistance or questions related to completing and submitting this request.

NOVA Workforce Board

Name of Local Board

505 West Olive Avenue, Suite 550

Mailing Address

Sunnyvale, CA

94086

City, State

Zip

Kris Stadelman

Contact Person

(408) 730-7233

Contact Person's Phone Number

March 1, 2021

Date of Submission

**Request for Approval
Adult and Dislocated Worker Career Services Provider**

Local Chief Elected Official Statement

A Local Board or administrative entity that seeks approval to be an Adult and Dislocated Worker Career Services Provider within an America's Job Center of CaliforniaSM must provide a statement from the local CEO indicating his/her request as well as responses to the following questions.

Please provide responses to the following items on a separate document: **Please refer to Attachment A.**

1. What factors guided the Local Board's or administrative entity's decision to submit this application to be an Adult and Dislocated Worker Career Services Provider within the Local Area?
2. How would participants be better served by the Local Board or administrative entity acting in this role rather than through the awarding of contracts?
3. Describe the Basic and Individualized Career Services the Local Board or administrative entity will provide as well as their past experience providing these services.
4. Provide the Local Area's performance outcomes for each of the last two Program Years (PY 18-19 and 19-20) and evidence that the Local Board or administrative entity is qualified to provide Adult and Dislocated Worker Career Services, including testimonials that speak to the effectiveness and efficiency with which the Local Board or administrative entity has provided or can provide those services.
5. Attach documentation (signed and dated letter) that the members of the Local Board and other relevant parties (e.g., Board of Supervisors) reviewed the information provided in the application and approved the request in a public meeting.
6. Attach documentation of internal controls, conflict of interest, and firewall policies.

Signature Page

By signing below, the local CEO and Local Board chair request approval from the Governor to be an Adult and Dislocated Worker Career Services Provider. Each party certifies that this application submission was reviewed and demonstrates that the Local Board or administrative entity will meet all the requirements as an Adult and Dislocated Worker Career Services Provider under WIOA law and regulations.

Local Workforce Development Board Chair

Local Workforce Development Board Chair

Signature

Signature

Jennifer Morrill

Andy Switky

Name

Name

NOVA Workforce Board Co-Chairperson

NOVA Workforce Board Co-Chairperson

Title

Title

Date

Date

Local Chief Elected Official

Signature

Honorable Larry Klein

Name

Mayor, City of Sunnyvale

Title

Date

Attachment A**1. What factors guided the Local Board's or administrative entity's decision to submit this application to be an Adult and Dislocated Worker Career Services Provider within the Local Area?**

NOVA, an administrative entity, is seeking approval to directly provide adult and dislocated worker career services at the NOVA Job Center in Sunnyvale. (Workforce Innovation and Opportunity Act-funded services in San Mateo County, part of the NOVA workforce development area, are contracted out through a competitive procurement process.) There are several factors that guided NOVA's decision to apply to be an Adult and Dislocated Worker Career Services Provider within the NOVA workforce development area:

- 1) **Demonstrated Experience:** NOVA has over thirty-five years of demonstrated experience and expertise directly providing award-winning adult and dislocated worker career services at the NOVA Job Center in Sunnyvale to Silicon Valley's residents and employers. NOVA offers effective workforce development services that provide the most beneficial mix to all eligible residents and employers of the local workforce area and serves as a catalyst for active participation of all sectors in the community in the provision of such services. In 2015, NOVA's long-standing reputation for excellence resulted in San Mateo County asking to join the NOVA now eight-jurisdiction consortium.
- 2) **Effectiveness and Accountability:** NOVA has consistently met and exceeded its performance measures in delivering quality career services to adults and dislocated workers in the NOVA workforce development area. It has routinely received high scores in all of its customer satisfaction surveys in the services it provides to customers and the unique approach and customer service it deploys to deliver these services. By continuing to directly operate adult and dislocated worker career services, NOVA will be able to stay connected with the service-delivery system and abreast of the customers' changing needs that will better inform its decision-making and further build on its expertise, effectiveness and contributions to the local workforce development community. NOVA complies with all local, state and federal policies and regulations and is accountable to its customers, partners, NOVA Workforce Board, City of Sunnyvale, and its funders.
- 3) **Efficiencies:** NOVA utilizes the integrated service delivery model that enables NOVA to serve more customers. This differs from other workforce areas and providers that apply the case management model and serve fewer customers. The result is NOVA's cost per customer is significantly lower than other workforce areas. For example, based on the number of participants served and WIOA formula funding allocations for adults and dislocated workers for Program Year 2018-19, NOVA's cost per enrolled adult and dislocated worker was \$707 and \$952, respectively, compared to two neighboring workforce areas that were \$1,960 and \$3,153 per adult and dislocated worker,

respectively, and \$1,454 and \$5,268 per adult and dislocated worker, respectively. The cost per enrolled adult and dislocated worker for the State of California was \$1,513 and \$2,763, respectively. Funding is also prudently expended according to regulatory requirements; NOVA has never had any disallowed costs in its over thirty-five year history. It is doubtful that any organization could come close to providing this level of quality services and achieve the same efficiencies that NOVA has achieved.

- 4) **Administrative and Fiscal Oversight:** The Sunnyvale City Council serves as the Chief Elected Official for the NOVA consortium, with the City of Sunnyvale serving as the administrative and fiscal agent for NOVA. The City's fiscal structure is highly regarded throughout the state and nation and has won awards for its innovative and forward-looking approach to municipal finances. The Government Finance Officers Association of the United States and Canada administers the Certificate of Achievement for Excellence in Financial Reporting, which awards local governments who go beyond the minimum requirements of generally accepted accounting principles. The City of Sunnyvale has been a long-time participant in the certificate program and has received the award for thirty-four consecutive years. The City has also received the Distinguished Budget Presentation Award for thirty-one consecutive years. The NOVA Workforce Board, designated by the California Workforce Development Board as a high performing board, serves as the governing board for NOVA. In partnership with the City of Sunnyvale, the Board performs effective monitoring and evaluation of NOVA's services as defined under WIOA and through a written agreement between the City of Sunnyvale and NOVA Workforce Board. This administrative structure ensures internal controls and standards, enforcement of conflict of interest codes and policies, and necessary firewalls to uphold the highest integrity in the administration of NOVA's services. NOVA is one of very few organizations that have in place this high degree of exemplary oversight, with extensive internal checks and balances.

- 5) **City of Sunnyvale (Chief Elected Official) Policy:** The NOVA Job Center in Sunnyvale is staffed by City of Sunnyvale employees. The Sunnyvale City Council Policy Manual 7.3.6 establishes guidelines for considering alternative methods of service delivery according to superior service value and defines superior service value as better service at lower cost; better service at equal cost; or equal service at lower cost. In order to factor in the intangible benefit of providing services by City staff (the vested interest of employees working directly for the City, the speedier response to City concerns, direct control of employees, etc.), as well as an added cost of delivering services by contract (contract administration), the cost or service differential for an outsider bidder should exceed 10% in order to meet the test of superior value. Given NOVA's superior services provided at a significantly lower cost than comparable entities, the prudent decision is for NOVA to continue to directly provide adult and dislocated worker career services at the NOVA Job Center in Sunnyvale.

2. How would participants be better served by the Local Board or administrative entity acting in this role rather than through the awarding of contracts?

In this region, it would be difficult to find another administrative entity like NOVA with the track record of delivering quality services, achieving performance measures, winning competitive funding, possessing deep knowledge of the local labor market, enjoying a history of extensive collaboration with local partners and stakeholders, and exhibiting prudent efficiencies that NOVA has demonstrated over many years. In addition, in the high cost environment of Silicon Valley, with low unemployment and poverty resulting in low WIOA formula funding allocations, the pool of potential contract providers interested in bidding would be relatively small. Moreover, multi-purpose community-based organizations often have difficulty meeting the complex requirements for documenting eligibility, services and spending, stipulated under the federal Workforce Innovation and Opportunity Act (WIOA). Finally, out-of-area organizations have a steep learning curve when it comes to the local economy, local need and the high cost of space and staff. The lack of familiarity with the unique Silicon Valley economy, which requires adapting to rapid and continuous churn, would constitute a high barrier to performance and require a minimum of two years to ramp up to full operational capacity. Given the upheaval and devastation that unemployment can bring, customers don't have time to wait two years to get the help that they need to reenter the job market. During the last round of procurement in San Mateo County, there were only three bids, two from out of the area. Despite these challenges, the services in San Mateo County will continue to be procured to support continuity and provider mix in the system.

3. Describe the Basic and Individualized Career Services the Local Board or administrative entity will provide as well as their past experience providing these services.

NOVA has provided adult and dislocated worker career services for over three decades. During the 2018-19 fiscal year prior to the pandemic, the NOVA Job Center in Sunnyvale received on average over 140 customer visits a day and provided a total of 43,611 services over the course of the year. NOVA offers the full portfolio of career services required under WIOA that includes, but is not limited to: eligibility determination; outreach, intake and orientation to the services available; comprehensive and customized assessment of skill levels including literacy, numeracy, English language proficiency, aptitudes, abilities and support service needs; a wide range of targeted and effective job search workshops; individual career advising and planning; individual employment plan development; labor market intelligence about in-demand occupations and industries, as well as non-traditional employment; short-term prevocational services; internships and work experiences linked to careers; performance and program cost information for eligible providers of training services; financial aid information; follow-up services; information about, warm handoff to and coordination with other programs and services including Unemployment Insurance claims; and business services for employers targeting recruitment, layoff assistance and aversion, labor market trends, resources about employee management and regulations, job fairs and sector partnerships.

In addition, NOVA offers innovative approaches to career services that aligns with the technology-driven economy and community that NOVA serves, including online career navigational tools, online *MyPlan* job search plan recognized by the Brookings Institution as a promising practice in the COVID-19 recovery efforts, online job board for employers to post employment opportunities in real-time and for job seekers to match their skills with available job requirements, training in profile development and job search tools on LinkedIn, adaptive computer equipment for persons with disabilities, and career networking through its nationally recognized ProMatch program for job seekers from the professional fields. NOVA has also spearheaded sector-driven initiatives in collaboration with business, education, and organized labor to target emerging demand-driven opportunities for job seekers in technology, advanced transportation, construction, and green careers. In addition, it has launched special projects and partnerships assisting the long-term unemployed, disadvantaged workers and persons with disabilities. NOVA is a founding member of Opening Doors Bay Area, a coalition of nine companies and five workforce agencies in the San Francisco Bay Area, dedicated to expanding employment opportunities for individuals with disabilities. Opening Doors was recognized by the U.S. Conference of Mayors and the U.S. Department of Labor in a publication that spotlighted best practices in serving people with disabilities. In addition, NOVA has partnered with the Stanford Neurodiversity Project Consortium on Autism Employment, the statewide Neurodiversity Career Pathway Council, among others to connect talented persons on the autism spectrum with employment opportunities that match their skills.

During the pandemic, this innovative spirit was invaluable as NOVA seized upon this unprecedented time and reinvented its entire career services to a virtual platform, in order to ensure that customers received the services that they needed in a safe environment for both customers and staff. New technology was utilized to deliver career advising appointments, workshops and webinars to a remote audience. NOVA's curriculum, previously offered in person, required revamping that resulted in more condensed, streamlined sessions. The menu of offerings was also enhanced to include topics tailored to the current economic climate, such as Positivity, Working in a Virtual World, Communications Essentials, remote job interviewing, and Zoom videoconferencing tutorials. In addition, ProMatch pivoted to an online format. Given the positive feedback from customers and the greater efficiencies that a virtual platform has provided, NOVA expects to continue to offer this model, as well as in-person programming using a hybrid approach when the pandemic concludes.

- 4. Provide the Local Area's performance outcomes for each of the last two Program Years (PY 18-19 and 19-20) and evidence that the Local Board or administrative entity is qualified to provide Adult and Dislocated Worker Career Services, including testimonials that speak to the effectiveness and efficiency with which the Local Board or administrative entity has provided or can provide those services.**

NOVA has exhibited exemplary success in its performance outcomes for PY 18-19 and PY 19-20, as indicated in the following performance outcomes chart:

Measure	PY 2018-19	PY 2018-19	PY 2019-20	PY 2019-20
	Actuals	Goals	Actuals	Goals
Adult				
Employment Rate 2 nd Quarter After Exit	59.3%	58.0%	57.6%	59.0%
Employment Rate 4 th Quarter After Exit	60.4%	59.0%	60.5%	59.5%
Median Earnings 2 nd Quarter After Exit	\$9,841	\$7,200	\$9,451	\$7,400
Credential Attainment 4 th Quarter After Exit	65.8%	62.0%	66.7%	65.0%
Measurable Skill Gains	15.7%	Baseline	34.8%	Baseline
Dislocated Worker				
Employment Rate 2 nd Quarter After Exit	66.3%	64.0%	66.0%	66.0%
Employment Rate 4 th Quarter After Exit	71.9%	61.0%	68.5%	63.0%
Median Earnings 2 nd Quarter After Exit	\$19,333	\$13,500	\$20,833	\$15,750
Credential Attainment 4 th Quarter After Exit	67.9%	62.0%	66.3%	65.0%
Measurable Skill Gains	47.9%	Baseline	34.5%	Baseline
Youth				
Employment Rate 2 nd Quarter After Exit	80.2%	65.4%	80.4%	66.9%
Employment Rate 4 th Quarter After Exit	78.9%	66.0%	81.0%	67.5%
Median Earnings 2 nd Quarter After Exit	\$4,700	Baseline	\$5,698	Baseline
Credential Attainment 4 th Quarter After Exit	86.8%	60.0%	84.9%	62.0%

Measurable Skill Gains	38.5%	Baseline	50.7%	Baseline
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NOVA is qualified to provide innovative, effective and efficient career services to adults and dislocated workers in this community as evidenced by its exceptional track record in providing these services for over thirty-five years. Customers have consistently rated NOVA as an outstanding program. This past year, through the NOVA Job Center customer satisfaction survey that is distributed twice a year to all customers: 97% of respondents were satisfied with the quality of services accessed through the Job Center; 97% were satisfied with the quality of customer service; 91% were satisfied with the availability/accessibility of career advisors; and 99% would recommend the NOVA Job Center to family and friends. Attachment A-1 provides customer testimonials and further evidence of NOVA's effectiveness and efficiency in providing career services, assisting job seekers find employment and employers obtain the right talent to succeed.

- 5. Attach documentation (signed and dated letter) that the members of the Local Board and other relevant parties (e.g., Board of Supervisors) reviewed the information provided in the application and approved the request in a public meeting.**

Please refer to Attachment A-2.

- 6. Attach documentation of internal controls, conflict of interest, and firewall policies.**

The Sunnyvale City Council serves as the Chief Elected Official (CEO) for the NOVA eight-jurisdiction consortium, with the City of Sunnyvale serving as the administrative and fiscal agent for NOVA. The NOVA Workforce Board serves as the governing board for NOVA, with the roles and responsibilities stipulated under WIOA. NOVA is jointly governed by the NOVA Workforce Board and the Sunnyvale City Council (CEO), with established internal controls, firewalls and agreements that further delineate roles and responsibilities. Even within the NOVA organization, staff roles, responsibilities and reporting hierarchy are clearly defined according to oversight, operations (fiscal, audit, monitoring), and service-delivery (job seeker and employer services) to ensure objectivity and accountability.

In order to ratify these internal controls, conflict of interest compliance and firewalls, written agreements have been established between the Sunnyvale City Council, acting as the Chief Elected Official (CEO), and the NOVA Workforce Board (WB/CEO Agreement) and between the eight jurisdictions that comprise the NOVA Job Training Consortium through a Joint Powers Agreement (JPA). These agreements together with the City of Sunnyvale Conflict of Interest Code and financial disclosure requirements, NOVA Workforce Board Conflict of Interest Code and financial disclosure requirements, NOVA Board Bylaws, and Standard of Conduct constitute the essential checks and balances and firewalls.

The JPA is an agreement between the eight jurisdictions that comprise the NOVA consortium and include the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale and the County of San Mateo. The JPA designates the City of Sunnyvale with the authority to administer NOVA Workforce Services (serving in the capacity of CEO), on behalf of the eight jurisdictions, with responsibilities that include: subgrant recipient; develop procedures for governance, planning, operation, assessment and fiscal management of the one-stop service-delivery system; and evaluate program performance based on measurable outcomes and customer satisfaction and determine resulting needs and reallocation of resources. NOVA is a department of the City of Sunnyvale, under the direction of the City Manager. The City of Sunnyvale has an established Conflict of Interest Code and requires annual financial disclosure statements (Form 700) from key staff to be filed with the County.

The WB/CEO Agreement delineates the roles and responsibilities between the Sunnyvale City Council as the CEO and the NOVA Workforce Board as stipulated by WIOA. It is the joint authority and responsibilities of the City and the NOVA Board to ensure effective programs and to stimulate active, effective participation of all sectors of the community. The City's responsibilities pertinent to internal controls/firewalls include: serving as grant recipient and administrative entity, Chief Elected Official, appointing NOVA Board members, providing the appropriate level of staff support to the Board, and carrying out all administrative functions necessary to ensure sound management of programs and program funds. The NOVA Board's responsibilities pertinent to internal controls/firewalls include: selecting a one-stop operator(s) with the agreement of the Sunnyvale City Council, annually reviewing the operations and, when warranted, terminating for cause the eligibility of such operator(s); evaluating proposals submitted to the NOVA WB for funding and selecting service providers, with the agreement of the City, consistent with its adopted criteria; and annually evaluating effectiveness of programs funded by the Workforce Development Area, based on negotiated performance measures, and the performance of the Workforce Development Area itself.

The NOVA Workforce Board Bylaws operationalizes the duties of the board including the development of standards, measurement of effectiveness, oversight of revenues, expenditures and success, and conduct at meetings. In addition, the Board has an established Standard of Conduct and Conflict of Interest Code that prohibits any member from voting on any issue that could be perceived as creating any conflict of interest and also requires annual financial disclosure statements (Form 700) to be filed with the County.

To review the entire documents, please visit the following links:

NOVA Consortium Joint Powers Agreement: <https://novaworks.org/documents/2023q1/SignedJPAAllJurisdictions2.pdf>
City of Sunnyvale Conflict of Interest Code: <https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23182>
NOVA Board/City of Sunnyvale WB/CEO Agreement: <https://novaworks.org/documents/2023q1/WB-CLEOAgreement.pdf>
NOVA Board Bylaws: <https://novaworks.org/documents/2023q1/BoardBylaws.pdf>
NOVA Board Conflict of Interest Code: <https://novaworks.org/documents/2023q1/NOVACOI.pdf>
NOVA Board Standard of Conduct: <https://novaworks.org/documents/2023q1/WBstandardofconduct.pdf>

Attachment A-1

Customer Testimonials

Job Seekers:

"Extremely helpful individuals. I felt 100% supported, and have found a job courtesy of the help I received."

"Everyone was very professional and willing to help, support and encourage."

"Without this service, things would be dismal. It is vital to have an experienced and interested sounding board and someone who has great suggestions and to support."

"The staff at Nova is top notch. They are always very friendly and helpful to me."

"Especially considering all the COVID backdrop, they have been very responsive!"

"I was always greeted and assisted in a very quick manner and the staff was always very kind and helpful."

"I never had a problem getting an appointment when I needed one."

"The entire staff at NOVA are amazing. They understand the situation of the job seekers and the tough times we are going through when we lose our jobs/not happy with our current job."

"They picked my resume apart mercilessly and improved it vastly."

"[Because of NOVA] I thought of everything in a more focused way. Started getting recruiters calling me only AFTER I modified my job search based on NOVA and ProMatch."

"Terrific service many people don't know about."

"Very happy and satisfied with NOVA services."

"The NOVA workshops I went to very informative and I walked away with something new to think about each time."

"Great resources and friendly staff, when job seeking one needs support given by NOVA."

"Best place to be in contact with like-minded people who are also struggling with finding a job. The environment is very motivating, but also the way the job search process is structured and all the associated workshops and services is everything that a job hunter needs."

"Nova is a TREASURE! I accidentally learned of Nova when a friend told me to check out ProMatch."

"They helped me deal with anxiety during my job search (especially before interviews) by letting me talk about my concerns and answer my questions."

"[NOVA] helps me understand the many resources available to me as a job seeker."

"Awesome service, just what those out of work need. Love it and have recommended to friends and family."

"Best place to go if you're seriously thinking your "new beginning"."

"I wish I knew all that you teach when I was just starting my career!"

"It is training, socializing, and getting stronger momentum for job seeking."

"NOVA is doing great service for the community. I will highly recommend them to anyone."

Employers:

"NOVA is a valuable local resource. Any time I think of hiring an employee, NOVA is the first place I think of."

"NOVA has been a fantastic partner in helping us fill very hard to find talent positions...I can't say enough about the pool of applicants and the service provided by NOVA, it was super. I would recommend them to handle any staffing needs anytime. I am sure many organizations like ours can use great employees all the time."

"Over the years we have worked with NOVA and they have been a fantastic resource to go to for talent for administrative staff in the heart of Silicon Valley...Not only did NOVA help us with the search for free, but their candidates were qualified and ready to work...I would recommend to other employers to use NOVA when you are in need of new talent."

"Great turnout – better than other paid technical job fairs I've been to in the past." [re: job fair]

"We used their layoff assistance several years ago when an adjacent plant was closed. It is great to have them as a partner because it greatly alleviated employee concerns and gave them immediate hope for fulfilling future employment opportunities."

"Our experience working with NOVA has been phenomenal! In the past we've found it difficult to hire summer interns for specific positions...With NOVA's help, we were able to interview

several candidates who could do the work...Given our growth plans in the near future, we will use NOVA again as a first option... If you have not worked with NOVA, you're missing out!"

"NOVA stepped in to assist our company with our large layoff in multiple locations...The NOVA presentation gave our teammates the support that they needed in the midst of all the uncertainty they have been experiencing...This resource is an amazing asset free to businesses and their employees."

"Everyone was prepped about our company and specific postings/jobs." [re: job fair]

"NOVA's staff's deep awareness and understanding of local needs from their prospective candidates and from their partners allows them to provide focused guidance to job seekers. This valuable, local perspective is unique and necessary to deliver excellence to candidates through their services."

"I've been really impressed with the members of NOVA and how equipped they are. I can tell the difference. It's very impressive for somebody on the other end who's looking for candidates."

Attachment A-2

Dear California Workforce Development Board:

NOVA has been approved to submit the enclosed application to be America's Job Center of California Adult and Dislocated Worker Career Services Provider, as described in the attached application, by the NOVA Workforce Board at its January 27, 2021 Board meeting and by the Sunnyvale City Council, as the Local Chief Elected Official for the NOVA consortium, at its February 23, 2021 City Council meeting.

Local Workforce Development Board Chair

Local Workforce Development Board Chair

Signature

Signature

Jennifer Morrill

Andy Switky

Name

Name

NOVA Workforce Board Co-Chairperson

NOVA Workforce Board Co-Chairperson

Title

Title

Date

Date

Local Chief Elected Official

Signature

Honorable Larry Klein

Name

Mayor

Title

Date



Date: January 27, 2021

To: NOVA Workforce Board

From: NOVA Staff

Subject: **Approval of Application for NOVA to be WIOA AJCC Operator for NOVA Workforce Development Area**

INTRODUCTION:

The federal Workforce Innovation and Opportunity Act (WIOA) stipulates the roles of the one-stop operator for the local workforce service-delivery system. State Directive WSD16-13 further defines the role of the AJCC Operator as: coordinating the service delivery of required AJCC partners and service providers; and ensuring the implementation of partner responsibilities and contributions agreed upon in the Memorandum of Understanding.

For many years, under previous legislation, NOVA has served as the one-stop operator. While the intent of WIOA and State Directive WSD19-13 is to competitively procure the AJCC Operator, the Uniform Guidance allows for very limited instances in which alternative procurement methods may be permitted that include sole source procurement. In 2018, following an unsuccessful competitive procurement previously, NOVA applied for and was approved by the State to serve as the AJCC Operator through sole source procurement. In 2021, State Directive WSD19-13 requires that organizations who were approved to be an AJCC Operator through sole source procurement reapply to be an AJCC Operator. Given NOVA's extensive knowledge of WIOA and the local service-delivery system, longstanding history of performance excellence, and widespread and beneficial relationships with AJCC partners, it is seeking approval from the State to continue to provide the AJCC Operator activities for the NOVA workforce development area through sole source procurement.

NOVA staff is asking for Board approval to submit the application (Attachment 1) to the State to be the AJCC Operator for the NOVA workforce development area through sole source procurement. Following the Board's approval, this request will be forwarded to the Sunnyvale City Council for approval.

DISCUSSION:

The federal Workforce Innovation and Opportunity Act (WIOA) stipulates the roles and responsibilities of the AJCC Operator for the local workforce service-delivery system. State Directive WSD19-13, [https://www.edd.ca.gov/Jobs and Training/pubs/wsd19-13.pdf](https://www.edd.ca.gov/Jobs_and_Training/pubs/wsd19-13.pdf), further clarifies the role of the AJCC Operator and procurement requirements in more narrow terms. The directive stipulates that the functions of the AJCC Operator include coordinating the service delivery of required AJCC partners and service providers; and ensuring the implementation of partner

responsibilities and contributions agreed upon in the Memorandum of Understanding. The directive also specifies that although the intent of WIOA is for Local Boards to procure the AJCC Operators through an open competitive process at least once every four years, the Uniform Guidance allows for very limited instances in which alternative procurement methods may be allowed that includes sole source procurement, if substantial justification is provided. If the local workforce board or administrative entity serves as the AJCC Operator through a competitive bid process or by sole source procurement, the local workforce board/administrative entity is expected to seek approval from the Chief Elected Official (Sunnyvale City Council for NOVA) and the Governor and ensure that there are clearly established firewalls and conflict of interest policies and procedures in place to address any potential conflicts.

For many years, NOVA has served as the one-stop operator. In 2018, NOVA applied for and was approved by the State to be the AJCC Operator for the NOVA workforce development area through sole source procurement, following a prior unsuccessful competitive procurement. During the previous competitive procurement for the AJCC Operator, the process had to be repeated twice: the first solicitation received no bids and failed; and the second round received just three bids, with one bidder selected who could no longer provide the service after one year and the other two bidders were no longer available. In 2021, State Directive WSD19-13 requires that organizations who were approved to be an AJCC Operator through sole source procurement reapply to be an AJCC Operator.

NOVA is interested in reapplying to the State to continue to provide AJCC Operator activities for the NOVA workforce development area through sole source procurement because NOVA is the only single source that can provide this function. There is no one else who possesses a thorough knowledge of WIOA, the local service-delivery system and effective relationships with the AJCC partner community, which is absolutely essential for competently serving as the AJCC Operator. Specifically, there are several factors that have led to the determination of utilizing sole source procurement for the AJCC Operator: insufficient qualified sources, Sunnyvale City Council (CEO) service-delivery policies; and that NOVA is the superior and only choice to serve as the AJCC Operator based on exemplary performance.

- 1) **Insufficient Qualified Sources:** In the high-cost environment of Silicon Valley with low unemployment and poverty resulting in low WIOA formula funding allocations for the NOVA workforce development area, the pool of potential organizations interested in bidding on the small amount of funding that is available for the AJCC Operator service (approximately \$15,000) would be relatively small and insufficient for a competitive procurement. In addition, organizations often have difficulty understanding the Workforce Innovation and Opportunity Act (WIOA) mandates that govern the local workforce development system and its partner agencies, which often discourages potential bidders from applying to operate WIOA-funded services. It would also require a steep learning curve to effectively perform identified responsibilities. There are insufficient qualified sources to provide AJCC Operator activities and, as such, NOVA is applying to continue to serve as the AJCC Operator through sole source procurement.
- 2) **Sunnyvale City Council (CEO) Policy:** NOVA is a department of the City of Sunnyvale and is staffed by City employees. The Sunnyvale City Council Policy Manual 7.3.6 establishes guidelines for considering alternative methods of service delivery according to superior service value and defines superior service value as better service at lower cost; better service at equal

cost; or equal service at lower cost. In order to factor in the intangible benefit of providing services by City staff (the vested interest of employees working directly for the City, the speedier response to City concerns, direct control of employees, etc.), as well as an added cost of delivering services by contract (contract administration), the cost or service differential for an outsider bidder should exceed 10% in order to meet the test of superior value. Given NOVA's superior services provided at a significantly lower cost than comparable entities, the prudent decision is for NOVA to continue to directly serve as the AJCC Operator for the NOVA workforce development system.

- 3) Performance: NOVA has over thirty-five years of demonstrated experience and expertise meeting and exceeding its WIOA performance measures in delivering the highest quality and most beneficial mix of adult and dislocated worker career services at the NOVA Job Center in Sunnyvale to Silicon Valley's residents and employers. It has routinely received high scores in all of its customer satisfaction surveys in the services it provides to its customers and in its approach and customer service it employs to deliver these services. It also works closely with and encourages active participation of all sectors in the community in the provision of such services. Serving as the current AJCC Operator for the past several years, NOVA successfully worked with the AJCC partner agencies in identifying an effective referral process for making warm handoffs of customers to other programs and services; launched an extensive training program to train partners on each other's programs and eligibility requirements and online job search tools; problem-solved issues of shared concern; and designed a new website customized for AJCC partners that contains a vast array of workforce development resources. NOVA has also built effective working relationships among partners through regular networking meetings and by serving as an important portal for information sharing and conflict-resolution. NOVA is knowledgeable of and complies with WIOA and other local, state and federal policies and regulations. It is accountable to its customers, partners, NOVA Workforce Board, City of Sunnyvale, and its funders. Funding is prudently expended and NOVA has never had any disallowed costs in its over thirty-five year history. It is doubtful that any organization could come close to providing this level of quality services and achieve these same efficiencies.

Additionally, NOVA has an established administrative structure to ensure internal controls and standards, enforcement of conflict of interest codes and policies, and necessary firewalls to uphold the highest integrity and accountability in serving as the AJCC Operator, as demonstrated in the City of Sunnyvale (CEO)'s exemplary and award-winning administrative and fiscal performance, the high-performing designated NOVA Workforce Board, and the documents that operationalize this structure — Joint Powers Agreement for the NOVA consortium, WB/CLEO Agreement between the Board and Sunnyvale City Council, City and Board Conflict of Interest Codes, Board Bylaws and Board Standard of Conduct.

In this application, as the AJCC Operator, NOVA proposes to coordinate the service-delivery activities of the AJCC required partners and service providers by convening and facilitating quarterly partner meetings to ensure effective delivery of services to shared customers. In addition, the NOVA will build relationships and serve as a hub for information sharing across partners to promote cohesiveness and continuity

NOVA staff is asking for Board approval to submit the application (Attachment I) to the State to be the AJCC Operator for the NOVA workforce development area through sole source procurement.

Following the Board's approval, this request will be forwarded to the Sunnyvale City Council at its February 23, 2021 Council meeting for approval and then submitted to the State. Notification from the State is expected by May 1, 2021 and, if approved, will be effective through June 30, 2025.

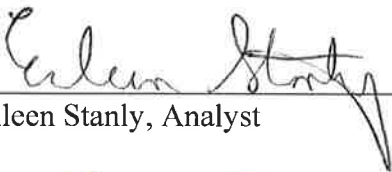
ALIGNMENT WITH STRATEGIC PLAN:

This is in alignment with the NOVA Workforce Board's vision, mission and purpose statement and all ten of the priority strategies from its 2017-2020 Strategic Plan.

RECOMMENDATION:

NOVA staff is seeking approval from the Board to submit the application (Attachment I) to the State to be the AJCC Operator for the NOVA workforce development area through sole source procurement.

Prepared by:



Eileen Stanly, Analyst

Reviewed and Approved by:



Kris Stadelman, Director

Attachment I: Request for Approval to be America's Job Center of California Operator

Attachment I



Request for Approval
America's Job Center of CaliforniaSM
Operator

Local Workforce Development Board

NOVA Workforce Board

Local Workforce Development Area

NOVA Workforce Development Area

The *Workforce Innovation and Opportunity Act* (WIOA) allows Local Workforce Development Boards (Local Board) to be an America's Job Center of California (AJCC) Operator, with the agreement of the Chief Elected Official (CEO) and the Governor. In order to be considered, the Local Board or administrative entity must have successfully participated in a competitive process, or provide substantial documentation that they meet one of the exceptions for sole source procurement.

This application will serve as the Local Board's or administrative entity's request for Governor's approval to be an AJCC Operator within a Local Workforce Development Area (Local Area) under WIOA. The application and required supporting documentation must be submitted to the California Workforce Development Board (CWDB) by March 1, 2021, through one of the following methods:

Email: CWDBPolicyUnit@cwdb.ca.gov
Subject line: AJCC Operator Application

If the CWDB determines the request is incomplete, it will either be returned or held until the necessary documentation is submitted. Please contact your Regional Advisor for technical assistance or questions related to completing and submitting this request.

NOVA Workforce Board

Name of Local Board

505 West Olive Avenue, Suite 550

Mailing Address

Sunnyvale, CA

94086

City, State

Zip

Kris Stadelman

Contact Person

(408) 730-7233

Contact Person's Phone Number

March 1, 2021

Date of Submission

Request for Approval
America's Job Center of California Operator

Type of Procurement

1. What type of procurement was used by the Local Board or administrative entity?
 Competitive Sole Source
2. If Sole Source, did the Local Board or administrative entity offer an open, competitive procurement prior to Sole Source?
 Yes No
3. If Sole Source, identify the reason(s) for using this procurement method:
 The AJCC Operator services are only available from a single source.
 A public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
 After solicitation of a number of sources, competition was determined inadequate.

Documentation Requirements for Competitive Procurement

Please provide responses to the following items on a separate document. **Not applicable.**

1. A description of the AJCC Operator.
 - a. Will the Local Board or administrative entity be the only AJCC Operator or act as a member of a consortium? If part of a consortium, include a list of the other consortium members.
 - b. Is there more than one comprehensive AJCC in the Local Area? If so, will the Local Board or administrative entity act as the operator for all of them? If not, list which ones the Local Board will act as operator for and who will be the operator for the others.
2. Documentation of local internal controls, conflict of interest, and firewalls policies adhered to during the AJCC Operator procurement process.
3. Documentation of the procurement process, including but not limited to, preparation of the request for proposal, public notices, receipt of bids/letter of intent, public bid/proposal meetings, evaluation, comparison, protest letters, and award notice/contract. In addition, provide a timeline that includes the date and staff name, organization, and title involved in each step of the selection process.
4. Copy of the Local Board's or administrative entity's bid/proposal.
5. A written description of the following operational topics.

- a. Specify the role(s) of the Local Board or administrative entity as the AJCC Operator(s) (i.e., coordinating service providers, primary provider of services, and coordinating activities throughout the AJCC system). If the Local Board or administrative entity is part of a consortium, provide each assigned role and the related responsibilities for each entity in the consortium.
- b. How does this structure demonstrate the Local Board's or administrative entity's ability to successfully operate the AJCC system while also providing leadership and accountability for the entire Local Area and AJCC system?
- c. How will this structure deliver the highest performance outcomes for the Local Area?

Documentation Requirements for Sole Source Procurement

Please provide responses to the following items on a separate document. **Please refer to Attachment A.**

1. A justification for whichever exemption mentioned above the Local Board or administrative entity feels they fall under in order to use Sole Source.
2. A description of the AJCC Operator.
 - a. Will the Local Board or administrative entity be the sole AJCC Operator or act as a member of a consortium? If part of a consortium, include a list of the other consortium members.
 - b. Is there more than one comprehensive AJCC in the Local Area? If so, will the Local Board or administrative entity act as the operator for all of them? If not, list which ones the Local Board or administrative entity will act as operator and who will be the operator for the others.
3. An analysis of market conditions and other factors that lead to the determination for utilizing Sole Source.
4. Copies of internal controls, conflict of interest, and firewall policies.
5. Provide a written description of the following operational topics:
 - a. Specify the role(s) of the Local Board or administrative entity as the AJCC Operator(s) (i.e., coordinating service providers, primary provider of services, and coordinating activities throughout the AJCC system). If the Local Board or administrative entity is part of a consortium, provide each assigned role and the related responsibilities for each entity in the consortium.
 - b. How does this structure demonstrate the Local Board's or administrative entity's ability to successfully operate the AJCC system while also providing leadership for the entire Local Area and AJCC system?

- c. How will this structure deliver accountability and the highest performance outcomes for the Local Area?

6. Evidence that the request for approval of the Local Board or administrative entity to be an AJCC Operator through Sole Source was made available to the public for at least 30 days. Submit copies of comments received.

7. Views expressed by the local WIOA mandatory AJCC partner programs. Submit copies of any letters of support, disagreement, or other views received.

8. Attach documentation (signed and dated letter) that the members of the Local Board and other relevant parties (e.g., Board of Supervisors) reviewed the information provided in the application and approved its contents in a public meeting.

Signature Page

By signing below, the local CEO and Local Board chair request approval from the Governor to be designated as an AJCC Operator. Each party certifies that this application submission was reviewed and demonstrates that the Local Board met all the requirements to be designated as the AJCC Operator of the Local Area under WIOA law and regulations.

NOVA has been approved to submit the enclosed application to be America's Job Center of California (AJCC) Operator by the NOVA Workforce Board at its January 27, 2021 meeting and by the Sunnyvale City Council, as the local Chief Elected Official for the NOVA consortium, at its February 23, 2021 meeting.

Local Workforce Development Board Chair

Local Workforce Development Board Chair

Signature

Signature

Jennifer Morrill

Andy Switky

Name

Name

NOVA Workforce Board Co-Chairperson

NOVA Workforce Board Co-Chairperson

Title

Title

Date

Date

Local Chief Elected Official

Signature

Honorable Larry Klein

Name

Mayor, City of Sunnyvale

Title

Date

Attachment A

Documentation Requirements for Sole Source Procurement

- 1. A justification for whichever exemption mentioned above the Local Board or administrative entity feels they fall under in order to use Sole Source.**

NOVA, the administrative entity, is requesting approval for sole source procurement to continue to provide AJCC Operator activities because NOVA is the only single source that can provide this function. Except for one year, NOVA has been providing AJCC Operator and related activities for decades. There is no one else who could competently provide these services for the NOVA workforce development system that possesses a thorough knowledge of WIOA and the local service-delivery system and effective relationships with the AJCC partner community, which is absolutely essential for serving as the AJCC Operator.

- 2. A description of the AJCC Operator.**

- a. Will the Local Board or administrative entity be the sole AJCC Operator or act as a member of a consortium? If part of a consortium, include a list of the other consortium members.**

NOVA, the administrative entity, will be the sole AJCC Operator for the NOVA workforce development area.

- b. Is there more than one comprehensive AJCC in the Local Area? If so, will the Local Board or administrative entity act as the operator for all of them? If not, list which ones the Local Board or administrative entity will act as operator and who will be the operator for the others.**

There is only one comprehensive AJCC in the NOVA workforce development area and that AJCC is the NOVA Job Center in Sunnyvale operated by NOVA. NOVA procures career services in San Mateo County to a service provider that operates an affiliate site and to a youth provider that operates a specialized site.

- 3. An analysis of market conditions and other factors that lead to the determination for utilizing Sole Source.**

There are several factors that lead to the determination of utilizing sole source procurement for the AJCC Operator: insufficient qualified sources; Sunnyvale City Council (CEO) service-delivery policies; and that NOVA is the superior and only choice to serve as the AJCC Operator, based on its history of exemplary performance.

Insufficient Qualified Sources: In the high cost environment of Silicon Valley, with low unemployment and poverty resulting in low WIOA formula funding allocations for the

NOVA workforce development area, the pool of potential organizations interested in bidding on the small amount of funding that is available for the AJCC Operator service (approximately \$15,000) would be relatively small and insufficient for a competitive procurement. In addition, organizations often have difficulty understanding the Workforce Innovation and Opportunity Act (WIOA) mandates that govern the local workforce development system and its partner agencies, which often discourages potential bidders from applying to operate WIOA-funded services and would require a steep learning curve to effectively perform identified responsibilities. For example, during a previous competitive procurement for the AJCC Operator, the process had to be repeated twice: the first solicitation received no bids and failed; and the second round received just three bids, with one bidder selected who could no longer provide the service after one year and the other two bidders were no longer available. NOVA contracts out its career services in San Mateo County and during a previous procurement, the process had to be repeated twice: the first solicitation received just three bids and only one was acceptable for a small part of the service system; and the second solicitation received just two bids and only one was determined acceptable. There are insufficient qualified sources to provide AJCC Operator activities and, as such, NOVA is applying to continue to serve as the AJCC Operator through sole source procurement.

Sunnyvale City Council (CEO) Policy: NOVA is a department of the City of Sunnyvale and is staffed by City employees. The Sunnyvale City Council Policy Manual 7.3.6 establishes guidelines for considering alternative methods of service delivery according to superior service value and defines superior service value as better service at lower cost; better service at equal cost; or equal service at lower cost. In order to factor in the intangible benefit of providing services by City staff (the vested interest of employees working directly for the City, the speedier response to City concerns, direct control of employees, etc.), as well as an added cost of delivering services by contract (contract administration), the cost or service differential for an outsider bidder should exceed 10% in order to meet the test of superior value. Given NOVA's superior services provided at a significantly lower cost than comparable entities (114% lower than the average cost per enrolled adult customer for the state), the prudent decision is for NOVA to continue to directly serve as the AJCC Operator for the NOVA workforce development system.

Performance: NOVA has over thirty-five years of demonstrated experience and expertise meeting and exceeding its WIOA performance measures in delivering the highest quality and most beneficial mix of adult and dislocated worker career services at the NOVA Job Center in Sunnyvale to Silicon Valley's residents and employers. It has routinely received high scores in all of its customer satisfaction surveys in the services it provides to its customers and in its approach and customer service it employs to deliver these services. It also works closely with and encourages active participation of all sectors in the community in the provision of such services. Serving as the current AJCC Operator for the past several years, NOVA has been able to leverage its vast knowledge and expertise and successfully worked with the AJCC partner agencies in identifying an effective referral process for

making warm handoffs of customers to other programs and services; launched an extensive and continuous improvement training program to train partners on each other's programs and eligibility requirements, as well as online job search tools that staff could train other staff on within their agency through a train-the-trainer approach; problem-solved issues of shared concern; and designed a new website customized for AJCC partners that contains a vast array of workforce development resources. NOVA has also built effective working relationships among partners through regular meetings and networking opportunities and facilitated communication between them by serving as an important portal for information sharing and conflict-resolution. During the COVID-19 pandemic, NOVA quickly reached out to the AJCC partners, identified the services that would be delivered virtually and established a remote referral process. Additional goals have been developed with the AJCC partners for the coming year that will further enhance the functionality of the workforce development system. NOVA is knowledgeable of and complies with WIOA and other local, state and federal policies and regulations. It is accountable to its customers, partners, NOVA Workforce Board, City of Sunnyvale, and its funders. Funding is prudently expended and NOVA has never had any disallowed costs in its over thirty-five year history. NOVA is the only organization who can effectively and efficiently deliver AJCC Operator activities for the NOVA workforce development area.

4. Copies of internal controls, conflict of interest, and firewall policies.

The Sunnyvale City Council serves as the Chief Elected Official (CEO) for the NOVA consortium, with the City of Sunnyvale serving as the administrative and fiscal agent for NOVA. The City's fiscal structure is highly regarded throughout the state and nation and has won awards for its innovative and forward-looking approach to municipal finances. The Government Finance Officers Association administers the Certificate of Achievement of Excellence in Financial Reporting, which awards local governments who go beyond the minimum requirements of generally accepted accounting principles. The City of Sunnyvale has been a long-time participant in the certificate program and has received the award for thirty-four consecutive years. The City has also received the Distinguished Budget Presentation Award for thirty-one consecutive years. The NOVA Workforce Board, designated by the California Workforce Development Board as a high performing board, serves as the governing board for NOVA. In partnership with the City of Sunnyvale, the Board performs effective monitoring and evaluation of NOVA's services as defined under WIOA and through an agreement between the City of Sunnyvale and NOVA Workforce Board. This administrative structure ensures internal controls and standards, enforcement of conflict of interest codes and policies, and necessary firewalls to uphold the highest integrity in the administration of NOVA's services. NOVA is one of very few organizations that have in place this high degree of exemplary oversight, with extensive internal checks and balances.

In order to ratify these internal controls, conflict of interest compliance and firewalls, written agreements have been established between the Sunnyvale City Council, acting as the Chief Elected Official (CEO), and the NOVA Workforce Board and between the eight

jurisdictions that comprise the NOVA Job Training Consortium through a Joint Powers Agreement (JPA). These agreements together with the City of Sunnyvale Conflict of Interest Code and financial disclosure requirements, NOVA Workforce Board Conflict of Interest Code and financial disclosure requirements, NOVA Board Bylaws and Standard of Conduct constitute the essential checks and balances and firewalls.

The JPA is an agreement between the eight jurisdictions that comprise the NOVA consortium and include the cities of Cupertino, Los Altos, Milpitas, Mountain View, Palo Alto, Santa Clara and Sunnyvale and the County of San Mateo. The JPA designates the City of Sunnyvale with the authority to administer NOVA Workforce Development Services (serving in the capacity of CEO), on behalf of the eight jurisdictions, with responsibilities that include: subgrant recipient; develop procedures for governance, planning, operation, assessment and fiscal management of the one-stop service-delivery system; and evaluate program performance based on measurable outcomes and customer satisfaction and determine resulting needs and reallocation of resources. NOVA is a department of the City of Sunnyvale, under the direction of the City Manager. The City of Sunnyvale has an established Conflict of Interest Code and requires annual financial disclosure statements (Form 700) from key staff to be filed with the County.

The WB/CEO Agreement delineates the roles and responsibilities between the Sunnyvale City Council as the CEO and the NOVA Workforce Board as stipulated by WIOA. It is the joint authority and responsibility of the City and the NOVA Board to ensure effective programs and to stimulate active, beneficial participation of all sectors in the community. The City's responsibilities pertinent to internal controls/firewalls include serving as grant recipient and administrative entity, Chief Elected Official, appointing NOVA Board members, providing the appropriate level of staff support to the Board, and carrying out all administrative functions necessary to ensure sound management of programs and program funds. The NOVA Board's responsibilities pertinent to internal controls/firewalls include: selecting a one-stop operator(s) with the agreement of the Sunnyvale City Council, annually reviewing the operations and, when warranted, terminating for cause the eligibility of such operator(s); evaluating proposals submitted to the NOVA Board for funding and selecting service providers, with the agreement of the City, consistent with its adopted criteria; and annually evaluating program effectiveness of programs funded by the Workforce Development Area, based on negotiated performance measures, and the performance of the Workforce Development Area itself.

The NOVA Workforce Board Bylaws operationalizes the duties of the board including the development of standards, measurement of effectiveness, oversight of revenues, expenditures and success, and conduct at meetings. In addition, the Board has an established Standard of Conduct and Conflict of Interest Code that prohibits any member from voting on any issue that could be perceived as creating any conflict of interest and requires annual financial disclosure statements (Form 700) to be filed with the County.

To review the entire documents, please visit the following links:

NOVA Consortium Joint Powers Agreement:

<https://novaworks.org/documents/2023q1/SignedJPAAllJurisdictions2.pdf>

City of Sunnyvale Conflict of Interest Code:

<https://sunnyvale.ca.gov/civicax/filebank/blobdload.aspx?BlobID=23182>

NOVA Board/City of Sunnyvale WB/CEO Agreement: <https://novaworks.org/documents/2023q1/WB-CLEOAgreement.pdf>

NOVA Board Bylaws: <https://novaworks.org/documents/2023q1/BoardBylaws.pdf>

NOVA Board Conflict of Interest Code: <https://novaworks.org/documents/2023q1/NOVACOI.pdf>

NOVA Board Standard of Conduct: <https://novaworks.org/documents/2023q1/WBstandardofconduct.pdf>

5. Provide a written description of the following operational topics:

- a. Specify the role(s) of the Local Board or administrative entity as the AJCC Operator(s) (i.e., coordinating service providers, primary provider of services, and coordinating activities throughout the AJCC system). If the Local Board or administrative entity is part of a consortium, provide each assigned role and the related responsibilities for each entity in the consortium.**

NOVA, as the AJCC Operator, will serve as the facilitator and coordinator of the NOVA workforce development area's AJCC partner-shared services, as follows:

- Coordinate the service delivery activities of the AJCC required partners and service providers by:
 - Convening and facilitating quarterly partner meetings to ensure effective delivery of services to shared customers including but not limited to all of the following:
 - Facilitate the establishment of shared goals (e.g. cross referral system, training needs, etc.)
 - Prepare meeting agendas
 - Develop a write-up following each meeting summarizing discussions, agreements, and next steps.
 - Building relationships and serving as a communication hub for information sharing about services, resources and tools across partners to promote cohesiveness and continuity in the workforce system

- b. How does this structure demonstrate the Local Board's or administrative entity's ability to successfully operate the AJCC system while also providing leadership for the entire Local Area and AJCC system?**

NOVA, the administrative entity, has been providing career services for the AJCC comprehensive job center for over thirty-five years with demonstrated success and performance excellence. NOVA has also served in the capacity of the AJCC Operator over the past few years. Even before WIOA, it has worked collaboratively with partners in the community for many years and appreciates the value of these partnerships and their benefit to job seekers and employers. The NOVA Workforce Board is the

governing body for the NOVA workforce development area, with the roles and responsibilities stipulated under WIOA. With NOVA serving as the AJCC Operator, the NOVA Workforce Board has been freed up to provide leadership to the entire NOVA workforce development area and AJCC system, devote its expertise and vision to strategic planning, collaborate with the neighboring workforce boards that comprise the Bay-Peninsula region, build critical partnerships to support the implementation of the strategic plans at the local and regional levels, and hold NOVA and its partners accountable for performance.

c. How will this structure deliver accountability and the highest performance outcomes for the Local Area?

The NOVA workforce development system has had a longstanding and demonstrated history of meeting and exceeding all of its WIOA performance outcomes. With this structure and NOVA's expertise, NOVA will be able to focus on the day-to-day operations of the AJCC services, as well as coordinate the collaborative network of one-stop providers by serving as a model and supporting the highest performance standards and a more seamless service-delivery system among partners across the region. The NOVA Workforce Board will provide oversight of the entire workforce development system and be the catalyst for overcoming obstacles and raising the bar on quality services and performance excellence, continuously improving services to job seekers and employers across the workforce area and ensuring performance accountability. Please refer to the response to question #4 above that further describes the structure that optimizes accountability in the workforce system, with extensive checks and balances and firewalls.

6. Evidence that the request for approval of the Local Board or administrative entity to be an AJCC Operator through Sole Source was made available to the public for at least 30 days. Submit copies of comments received.

Notification of NOVA's intent to be the AJCC Operator was released to the public on December 3, 2020 through a variety of methods, which included posting on the NOVA website and through emails utilizing databases that represent a vast number of individuals and organizations, with comments/responses requested by January 4, 2021. Two official comments were received, as follows:

"As a proud partner of the AJCC network in Santa Clara County, Center for Employment Training supports NOVA's application to serve as the AJCC Operator for San Mateo and northern Santa Clara County. NOVA has been providing high quality services as the AJCC Operator to convene and facilitate partner meetings. They are committed to the region and have shown their willingness to improve collaborative efforts within the county and to assist those most in need." Center for Employment Training

“NOVA staff are well respected in the workforce development community. NOVA is a key referral resource for the SJSU Career Center to support SJSU alumni career transition and development. SJSU is in the process of building deeper collaboration with NOVA on alumni support services.” San Jose State University

- 7. Views expressed by the local WIOA mandatory AJCC partner programs. Submit copies of any letters of support, disagreement, or other views received.**

Please refer to Attachment A-1 for letters of support from AJCC partner programs.

- 8. Attach documentation (signed and dated letter) that the members of the Local Board and other relevant parties (e.g., Board of Supervisors) reviewed the information provided in the application and approved its contents in a public meeting.**

Please refer to Signature Page (page 6) signed and dated by the NOVA Workforce Board and the Sunnyvale City Council (CEO).

Attachment A-1

Letters of Support from AJCC Partner Programs

[Support letters were received from eleven organizations: California Department of Rehabilitation, California Employment Development Department, Central Labor Council Partnership, Job Train, Sequoia District Adult School, Fremont Union High School District Adult Education, Foothill-De Anza Community College District, Santa Clara County Housing Authority, Sacred Heart Community Service, Peninsula Family Service, and San Jose Job Corps. All letters received will be inserted into this application as part of the submission to the State.]