

State of Mississippi
Mississippi Department of Employment Security
Workforce Investment Act
Waiver Request:
Expand Existing Competitively Procured Youth Contracts

The Mississippi Department of Employment Security (MDES) Office of Grant Management (OGM), as the administrative entity of the Workforce Investment Act (WIA) in the State of Mississippi, submits this request for a general waiver to expand existing competitively procured youth contracts by a certain percentage. The most pressing issue related to implementation of the American Recovery and Reinvestment Act (ARRA) is preparing for a large 2009 summer youth program. The summer program may begin as early as May 1st and ends September 30, 2009. Outreach, eligibility determinations and worksite development should have begun as soon as possible. For this reason, MDES requests that the four local workforce areas in Mississippi (MS Partnership, Delta, Southcentral MS Works, and Twin Districts) be allowed to increase contracts with their current youth providers, without the need to conduct a new procurement, to include stimulus bill funding for the 2009 summer program. Once this year's summer program is complete (September 30, 2009), all WIA youth services, whether funded by the stimulus bill or by regular formula WIA youth funds, must be competitively procured. The only exception is in house delivery of youth services by the local grant recipient in accordance with applicable USDOL guidance. If the local workforce area has already competitively procured WIA youth services for Program Year 2009, a new procurement action need not be initiated.

In keeping with the guidelines set forth at WIA Section 189(1)(4)(b) and 20 CFR Part 661.420, please accept the following as a request for a waiver.

1. Identification of Statutory or Regulatory Requirements to be Waived-

WIA Section 123 provides that all WIA youth service providers shall be selected on a competitive basis. 20 CFR 664.610 further provides that if summer employment activities are provided other than by the grant recipient the service provider must be selected on a competitive basis.

Section 19 of Training and Employment Guidance Letter (TEGL) 14-08 issued by the United States Department of Labor Employment and Training Administration provides that "States may request a waiver to expand existing competitively bid contracts by a certain percentage."

2. Actions Undertaken by the State to Remove State or Local Statutory or Regulatory Barriers-

There are no State or local statutory or regulatory barriers to implementing the proposed waiver.

3. Goals of the Waiver and Expected Programmatic Outcomes if Waiver is Granted-

- Given the short timeframe for 2009 summer youth implementation, the four local workforce areas were encouraged to begin planning for summer employment immediately and to begin the process to secure necessary service providers to carry out summer employment. The goal of this waiver is to expedite an existing process that is a barrier to rapid implementation of summer employment programs and to meet the directives of the American Recovery and Reinvestment Act that include preserving and creating jobs and promoting economic recovery, and to assist those impacted by the recession.
- The local workforce areas may determine that the best way to accomplish true transparency and accountability of the WIA youth summer employment expenditures is to enter into a companion contract with current youth providers rather than amending the existing contract. Use of a companion contract rather than an amendment will best prevent the comingling of ARRA 2009 funds with formula WIA youth funds and help ensure that WIA youth summer employment funds are expended only for the purposes intended by the Congress.
- Increases of youth funding by local workforce area are as follows:

Youth	PY 2008	ARRA 2008
MS Partnership	\$3,612,497	\$4,234,453
Delta	\$3,077,185	\$3,606,715
Southcentral MS Works	\$2,876,665	\$3,362,992
Twin Districts	\$3,639,908	\$4,679,808

4. Individuals Impacted by the Waiver-

Eligible WIA youth will benefit in that more eligible youth will acquire work readiness skills and the ARRA 2009 funds available will be expended for their intended purpose as desired by USDOL and the Congress. WIA Youth participants, local workforce areas, and current youth providers will benefit from the waiver.

5. Process Used to Monitor Progress Upon Implementation of the Waiver-

The MDES, as the State administrator and overseer of WIA, will monitor all youth programs implemented by the local workforce areas.

6. Local Board and Public Review and Comment-

This request was published for public comment on the MDES website, mdes.ms.gov, under the link "Stimulus ARRA" and as an attachment to the Mississippi Two Year Strategic Plan for Program Years 2007 and 2008 on the MDES website, mdes.ms.gov. The waiver request was provided to the local areas for review and comment prior to its submission. Local areas were encouraged to enlist input from local boards when considering this waiver request. To date, the MDES has received no comments on the request but will forward to the Department of Labor any comments received after the submission of this waiver to DOL. No other formal public review process was undertaken.

The summer youth employment program and its youth providers will be announced on the Mississippi Department of Employment Security website, mdes.ms.gov, at the start of the summer youth program scheduled for June 1st, 2009. The summer youth employment program will also be announced on the Governor of Mississippi's stimulus website, stimulus.ms.gov. Each local workforce area will also be required to announce the summer youth employment program on their website. Expenditures for the WIA summer youth employment program will be tracked on State of Mississippi websites in order to assure transparency and accountability of funds appropriated under the ARRA.

To comment on this waiver request, please contact Jeanine Lilly, Director of the Office of Grant Management, MDES, at 601-321-6050 or stimulus@mdes.ms.gov.