


TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 58-06

Date: October 18, 2006

Keyword: Administration

To: Local Workforce Development Board Executive Directors
Commission Executive Staff
Integrated Service Area Managers


From: Luis M. Macias, Director, Workforce Development Division

Subject: Agency-Board Agreement

PURPOSE:

To provide Local Workforce Development Boards (Boards) with guidance on new and revised information and procedures contained in the Agency-Board Agreement (ABA), including:

- Board closing of a satellite office or Texas Workforce Center;
- awarding contracts; and
- unilateral amendments.

REFERENCE:

Executive Order 13224 (Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism), dated September 23, 2001 (31 C.F.R, Parts 500–599)

2006-07 General Appropriations Act, Article IX, §7.03

Texas Government Code §2155.077

Texas Workforce Commission General Administration Rules: 40 TAC Chapter 800, Subchapter B

Texas Building and Procurement Rules: 1 TAC Chapter 113, Subchapter F

FLEXIBILITY RATINGS:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

The ABA establishes the nature of the working relationship between the Texas Workforce Commission (Commission) and the Boards and includes the goals, responsibilities, and obligations of both parties with respect to the delivery and administration of services.

This WD Letter provides Boards with information and procedures on the following sections of the ABA:

- New Section 5.1.7 is added to provide Board procedures for closing a satellite office or Texas Workforce Center. The new section ensures that members of the Texas Legislature are contacted and informed of any closures in their local workforce development areas (workforce areas).
- New Section 5.5 is added to address Board procedures for awarding grant-funded contracts under ABA. The new section ensures that Executive Order 13224 (Blocking Property and Prohibiting Transactions with Persons Who Commit, Threaten to Commit, or Support Terrorism) is implemented and followed properly.
- Sections 14.6 and 14.7 are revised to allow the Commission to implement unilateral amendments to grants funded pursuant to Commission rules, Chapter 800, Subchapter B, relating to Allocations. The amended sections ensure that Boards are able to access funds in a more timely manner.

PROCEDURES:

Section 5.1.7—Board Closing of a Satellite Office or Texas Workforce Center

Boards must adhere to the following procedures for closing a satellite office or Texas Workforce Center.

- No later than 45 calendar days before the closing, Boards must notify their local elected officials and assigned contract manager for their workforce area when the closing affects state employees or leaves a county without in-county services.
- In addition to the Request for Change in Directory of Offices (Form Y-9), Boards must complete and submit to the assigned contract manager for their workforce area the Legislative Notification of Field Office Closure (Form GR-10), included as Attachment 1. The form also can be accessed at http://intra.twc.state.tx.us/intranet/gl/html/general_forms.html. *[Note: The Intranet site is not available to the general public.]*

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Boards must be aware that upon receipt of the completed Form GR-10, the Commission will notify members of the Texas Legislature affected by the closure.

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Section 5.5—Awarding Contracts

Prior to awarding any contracts funded by a grant under the ABA, Boards must:

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- review the federal General Services Administration Excluded Parties List System (EPLS), also known as the debarred list. The EPLS Web site can be accessed at www.epls.gov. EPLS identifies vendors excluded by the federal government from receiving any federal contracts, subcontracts, nonfinancial assistance, and benefits; and
- ensure that no local contract is awarded to any person or entity found on the EPLS pursuant to Texas Government Code §2155.077; 1 TAC Chapter 113, Subchapter F; and Executive Order 13224.

In addition, if a grant is denied pursuant to this section of the ABA, Boards must retain a printed copy of their EPLS search results.

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Sections 14.6 and 14.7—Unilateral Amendments

Boards must be aware that, pursuant to Commission rules Chapter 800, Subchapter B, relating to Allocations, for any Commission-approved action such as deobligation of funds, additional funds, redistribution of funds, or changes made to program-specific requirements, the following may be unilaterally amended:

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- Employment Service
- Project Reintegration of Offenders
- Temporary Assistance for Needy Families
- Workforce Investment Act
- Food Stamps Employment and Training
- Child Care Match
- Child Care Formula

ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the assigned contract manager for your workforce area.

ATTACHMENT:

Attachment 1: Legislative Notification of Field Office Closure (Form GR-10)

Rescissions: None	Expiration: Continuing
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