



Spokane Area Workforce Development Council

PURCHASING AND PROCUREMENT POLICY

SAWDC Operations Policies

POLICY #: G101

Effective: June 2013

Purpose of Policy

The Spokane Area Workforce Development Council (SAWDC) establishes this policy to define the parameters of effective and efficient processes for purchasing and procurement of contractors/service providers. These standards help ensure fiscal accountability and prevent waste, fraud and abuse. All purchasing and procurements shall comply with appropriate federal, state, and local laws and regulations. To the extent that laws, regulations, grants or funding requirements vary from these procedures, they should be followed. The SAWDC Board delegates purchasing and procurement authority to the CEO within the limits specified in this policy.

Intent and Applicability

It is the intent of this policy to establish an efficient purchasing and procurement system whereby transactions are, when practicable, conducted in a manner which provides maximum full and open competition and eliminates organizational and personal conflicts of interest. Further details and instructions on conflict of interest and appearance of fairness matters can be found in the SAWDC Conflict of Interest Policy.

This policy applies to the lease and/or purchase of goods, the acquisition of professional services, the lease and/or purchase of property or buildings, and the selection/award process for providers of employment and training services. No purchasing will occur that commits the SAWDC to amounts in excess of available funds.

Solicitation Types

The SAWDC uses all three of the following solicitation types when publishing formal announcements for purchasing or procurement. However, for simplicity of this document, “RFP” will be used to indicate all of the following three types of solicitations. When requests are published, they will be titled appropriately as one of the following:

- **Request for Proposals (RFP):** A set of documents which include a clear and accurate description of the products or services needed. An RFP method is used when the SAWDC has a specific dollar determination or cost range for the products / services needed, and the specifications or purchase descriptions are so precise that all vendors would have an identical understanding.
- **Request for Qualifications (RFQ):** An RFQ is used when the SAWDC wishes to solicit a number of qualified providers for a potential project and/or those who will work as a team to develop the service delivery system.
- **Request for Bids/Quotes (RFB):** A document which includes a brief description of the product(s) or service(s) desired and which enables a potential contractor to submit a proposal. An RFB is utilized when services are known, defined and required, but the cost structure may be unknown.

Purchase and Procurement Levels

The SAWDC has established the following levels to define the processes for purchasing and procurement:

- 1) **Minor** – Those purchases or contracts that do not exceed \$2,999. SAWDC employees authorized by the CEO or COO can secure these items/services based upon buyer experience and knowledge of the market obtained through informal shopping, the use of telephone quotes, or authorized vendor lists to obtain the maximum quality at minimal cost.
- 2) **Small** – Those purchases or contracts between \$3,000 and \$24,999. SAWDC employees authorized by the CEO will secure quotes via telephone, fax, email or internet, from at least three vendors. Description of the services needed should be provided to all vendors and define quality, proposed delivery / time schedule, etc. The received quotes will be maintained per the SAWDC Record Retention Policy.
- 3) **Medium** – Those purchases or contracts between \$25,000 and \$69,999. SAWDC employees authorized by the CEO will prepare a written document including a full description and quality of the services needed and a proposed time schedule in order to obtain three written formal quotes submitted by the vendor. If three potential sources are not known, follow the sole source procedure below. Quotes will be maintained per the SAWDC Record Retention Policy. The SAWDC reserves the right to post solicitations in this level on the SAWDC website at www.wdcpokane.com or otherwise post for public announcement. Prior Board approval not required. The Board will be briefed on all activity during the regularly scheduled Board meeting.
- 4) **Large** - Those purchases or contracts over \$70,000. Formal competitive bid processes required. SAWDC employees authorized by the CEO will prepare a Request for Proposal. Announcements of RFPs will be widely distributed to interested organizations and publicly advertised, indicating the availability of funds and a location where the RFP may be obtained. It will also be posted on the SAWDC website (www.wdcpokane.com) for a period of not less than ten (10) days. Bids will be maintained per the SAWDC Record Retention Policy. Board approval required.

Sole Source / Non-competitive Purchasing and Procurement

Purchasing/procuring by non-competitive proposals is solicitation of a proposal from only one source; or after solicitation of a number of sources, competition is determined inadequate. This method of solicitation will be used only if the following circumstances apply:

- i) The item or service is unique and available only from a single source, or
- ii) Public exigency or emergency does not permit the delay of competitive solicitation, or
- iii) The agency awarding funding to the SAWDC authorizes prior approval for non-competitive procurement, or
- iv) Competitive solicitation has not resulted in adequate or acceptable proposals or bids.

Obtaining goods and services by a sole-source method may occur only when the conditions of CFR Title 29 are met.

Signature Authority and Board Approval

Signature authority and board approval requirements are maintained in the Signature Authority Policy.

Procurement Process

a) Request for Proposal Process

All RFPs shall include a clear and accurate description of the technical requirements for services needed, acceptable quality standards and application submission details. All RFPs shall also include, as applicable: the preference for ecologically sound and/or energy efficient products; the allowance for specific features of “brand-name or equal” descriptions; and for certain goods or services, the acceptability of metric measurements. A list of interested organizations is maintained and periodically updated for solicitation announcements distribution.

The SAWDC may cancel or reject any and all RFPs in whole or in part at its sole discretion and option before the actual order is made or contract signed. The official RFP file including all proposals, background information, review materials, individual rating forms and SAWDC meeting minutes will be maintained per the SAWDC Record Retention Policy. Any proposer dissatisfied with its award may utilize the appeal process.

Requests proposals for employment and training programs will be in accordance with Washington State provisions and applicable regulations. The RFP announcement and selection process will generally fall under the same procedures as Level 4: Large Procurements.

For contracts with providers of client services within the workforce system, profit will be negotiated.

b) Evaluation Criteria

In addition to demonstrated ability to perform successfully under the terms of the specific RFP, the following general criteria may be used to evaluate responses to RFP's and ultimately award funding:

1. The ability to meet the design specifications at a reasonable cost, as well as the ability to meet performance goals, if applicable.
2. Effectiveness of proposed use of funds, and reasonableness of stated objectives and budget figures.
3. A satisfactory record of past performance (for client-serving organizations).
4. Comprehensiveness of services offered.
5. A satisfactory record of integrity, business ethics, and fiscal accountability.
6. Demonstrated ability to provide the organizational, managerial and fiscal expertise necessary to manage grant funds.
7. technical skills to perform the work.

For RFPs designed to identify an agency to deliver workforce development services, consideration will be given to:

1. Program designs that provide for long-range improvement in participant employability and elimination of barriers to employment rather than short-term temporary solutions.
2. Freedom from duplication of services available elsewhere in the community, unless it is demonstrated that an alternative would be more effective.
3. Organizations with demonstrated effectiveness in delivery of employment and training services.
4. Appropriate educational agencies capable of providing training services.
5. Program designs, which provide for adequate training to enable disadvantaged adults to obtain and retain productive employment.
6. For special targeted funding (older worker, youth, dislocated worker, etc.), knowledge of and successful experience in providing employment and training programs for the designated group(s).

Funding will be awarded to the best applicants based upon the criteria specified above and in the RFP. Under no circumstances will an award be made to an agency/business that has been debarred or suspended.

c) Selection and Award

SAWDC staff will screen all proposals received, conduct a technical review and prepare the information for SAWDC board members, when appropriate. Incomplete and other non-responsive proposals may be removed from further consideration. SAWDC staff and board members, as determined, will participate in the proposal evaluation process. Proposals will be rated in accordance with the published criteria in the RFP. The SAWDC Youth Council will review, evaluate and makes recommendations on youth programs.

As soon as possible, in advance of award hearings, each SAWDC board member deemed to be ineligible to vote because of an affiliation with any of the proposers, as defined in SAWDC Conflicts of Interest Policy, will be so notified.

The SAWDC Board may meet in open session to hear presentations by selected agencies who responded to the RFP. This session will include the opportunity to question the proposers. Anyone in attendance from the general public will have the opportunity to comment following the formal presentation and questions from the SAWDC Board. The SAWDC Board may meet in executive session to review proposals. After which, they will reconvene in open session to make final determinations of agencies funded and funding levels.

Agencies or individuals submitting written proposals or quotes shall be notified in writing of the acceptance or denial of their proposal or quote. The content of the accepted proposal will become basis for the negotiation of a final subgrant agreement or contract. SAWDC staff have the authorization to negotiate budget adjustments, final performance goals, and elements of program design. Any profit, program income and fee-for-service strategy identified will be negotiated at this time. No contract award shall be considered final until a written agreement or purchase order is signed by an authorized SAWDC employee/officer.

d) Award Appeals Procedures

Applicants who have submitted a proposal for a particular RFP may protest the award of the contract. The process for protesting the award is as follows:

- Protests must be filed in writing via email, mail, or hand delivered to the Spokane Area Workforce Development Council by date stated in RFP. All protests are public information after the protest period ends.
- All protests must state the basis for the protest in clear terms and provide an alternative the protester finds acceptable. The basis of the protest must be a violation of a state or federal contracting law, rule, or regulation applicable to the contracting process.
- The SAWDC will review protests that meet the above conditions. During any part of this review, the protester may be asked to clarify or amplify statements or to provide proof of claims or other statements. Any such requests must be fully responded to within the time designated by the SAWDC. In the event a protester fails to respond, the protest will be dismissed and no further protest will be accepted relative to this RFP.
- The SAWDC CEO or designee will review the protest and issue a written response that is intended as a complete and final answer to the protest. The answer will be issued no later than two weeks after the submission date (or date specified in RFP).

e) Assurances

All agencies receiving grant funding from the SAWDC must be capable of compliance with assurances and certifications for Workforce Investment Act or other appropriate grantor requirements, Federal

Regulations, State Policies and SAWDC Policy Directives, and includes meeting both SAWDC participant and fiscal reporting requirements.

The proposer guarantees that, in connection with the proposed, prices and/or cost data have been arrived at independently, without consultation, communication or agreement for the purpose of restricting competition. This does not preclude or impede the formation of a consortium of organizations to submit a consortium proposal and may be further defined within RFPs. Further, the bidder warrants that the rates quoted for services in response to RFPs are not in excess of the costs for the same services performed by the same individuals under any other existing contracts or grants. Budget items will be analyzed based on necessity, reasonableness and allocability criteria stated in WIA and RFPs.

Proposals developed with the assistance of organizations or individuals outside the prospective contracts own organization (including paid consultants) should be identified. No contingent fees for such assistance will be allowed to be paid under any contract or subrecipient agreement resulting from the RFP. All proposals submitted become the property of the issuing organizations. It is understood and agreed that the prospective contractor claims no proprietary rights to the ideas and written materials contained in or attached to the proposal submitted in response to the RFP.

The prospective subgrantee shall not bill the SAWDC for costs if the agency is being paid by another funding source for those same costs.

No funds available under Workforce Investment Act Title 1-B shall be used for employment generating activities, economic development activities, investment in revolving loan funds, capitalization of business, investment in contract bidding resource centers and similar activities that are not directly related to training for eligible individuals under this title. No funds available under Subtitle B shall be used for foreign travel.

Equal Opportunity

To the extent possible, small, minority, disabled and women-owned businesses are encouraged to bid and participate in the competitive process. Efforts shall also be made to include community-based organizations, small, minority, disabled and women-owned businesses, and faith-based organizations in the solicitation process. To that end, all procurements must be open, available for the public to respond and all procurement decisions documented.

It is the policy of the SAWDC that these processes will be free of discrimination in purchasing and award against any bidders based on federal, state and local laws governing nondiscrimination and equal opportunity, including that of the Workforce Investment Act of 1998.

Definitions

Contractor: An individual or agency that has entered into an agreement to provide goods or services.

Purchasing: Obtaining goods or services, including all activities from the initial planning steps, preparation and processing of a requisition, to receipt and acceptance of delivery, processing of a final invoice for payment, closeout, audit and the resolution of any outstanding issues.

Service Provider: Agencies contracted with the SAWDC to deliver program services in the workforce development system.

References

- State WIA Policy # 3405 Procurement and Selection of Service Providers
- Public Law 105-220, Workforce Investment Act 1998
- 20 CFR 662.200, 661.310, 661.350, 662.410, 661.430
- 29 CFR 95 , 29 CFR 97

- OMB Circular A-110, A-102, A-122, A-133, A-21, A-87
- Spokane Area Workforce Development Council (SAWDC) Conflict of Interest Policy #103
- SAWDC Property/Equipment Management Policy #201
- One–Stop Comprehensive Financial Management Technical Assistance Guide Part II, July 2011 by U.S. Department of Labor
- WIA Section 134(d)(4)(G), 121(c)(1) & (2), 121(d)(2)(A), 181(e), 117(f)(1), 128(b)(1), & 123
- SAWDC Monitoring and Oversight Policy #404

CERTIFICATE OF ADOPTION

The foregoing Policy was duly adopted by the Board effective as of the 4th day of June, 2013.

SPOKANE AREA WORKFORCE DEVELOPMENT COUNCIL

See scanned original for signature _____

BRIAN READ, Chair