

The Workforce Connection Board

Policy Title: Procurement

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I. Introduction

The Workforce Connection Board (TWC Board), the Workforce Board for Boone, Winnebago and Stephenson Counties, has assembled this overall Procurement Policy to ensure accountability and keep the procurement process in line with Workforce Innovation and Opportunity Act (WIOA) reasonable and necessary requirements, Department of Labor (DOL) and Illinois Department of Economic Opportunity (DCEO) policy, Office of Management and Budget (OMB) Uniform Guidance, Illinois' Government Accountability and Transparency Act (GATA) prequalification requirements (including recipient checklist for determining if the entity receiving funds has a contractor or sub recipient relationship), and other applicable rules and regulations.

The procurement procedures described in this Procurement Policy are established as standards of conduct governing the performance of organizations and individuals engaged in the purchases of all goods and services with funds under the purview of TWC Board. No employee, officer, or agent of any such organization shall participate in the selection, or in the purchase of goods and services supported by Federal funds if a conflict of interest, real or apparent, would be involved.

In general, TWC Board requires that all procurement transactions be conducted in a manner providing full and open competition. All procurement of goods and services under the purview of TWC Board will comply with all TWC Board requirements and other processes and procedures in place; all procurements must comply with OMB Uniform Guidance

II. Procurement Principle

All services procured shall be assured to be the best available to meet the employment and training needs of the individuals served with funds under the purview of TWC Board.

Awards for contractors are made to vendors who can provide services that are the most advantageous regarding service, price, and other specific factors.

Contract or sub recipient relationships will be determined by utilizing the "Recipient Checklist for Determining if Entity Receiving Funds has a Contractor or Sub recipient Relationship" attached to this policy.

III. Definitions

Procurement: For the purposes of this policy, the term *procurement* includes any acquisitions action which obligates funds under the purview of TWC Board for the purchase of equipment, materials, supplies, and/or program or administrative services beginning with the process for determining the need and ending with contract completion and closeout, as applicable.

Request for Proposal (RFP)/Request for Bids (RFB): For purposes of this policy and subsequent actions, a **request for proposal (RFP)** is issued at an early stage in a procurement process, where an invitation is presented for suppliers, often through a bidding process, to submit a proposal on a specific commodity or service. This process will provide structure to the procurement decision and is intended to allow the risks and benefits to be identified clearly up front. The RFP may dictate to varying degrees the exact structure and format of the supplier's response. RFPs will reflect the strategy and short/long-term program objectives, providing enough detail for potential suppliers to offer a matching perspective.

No Bid or Sole Source Procurement: Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or, if after solicitation of a number of sources, competition is determined inadequate. This method of procurement may be used only when the award of a contract is documented to be infeasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances applies:

- The item(s) is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The Federal or State awarding agency authorizes noncompetitive proposals in response to a written request from TWC Board; or
- After solicitation of a number of sources, competition is determined inadequate.

Procurement by small purchases procedures: Small purchase procedures are used to secure services, equipment, or supplies. Any purchase of \$1000 or less requires no quotes from vendors. Purchases for equipment and services over \$1000 will require three written quotes. Equipment purchases over \$5000 must have prior approval from DCEO or Federal funding sources. For services over \$5000, a request for quotation or bids will be mailed to potential bidders explaining the scope of the project along with due dates, etc.

Request for Qualifications (RFQ): Is a process to identify potential bidders. Appropriate procurement methods will follow a RFQ.

IV. Competitive Procurement Procedures

All procurement transactions shall be conducted in a manner to provide, to the maximum extent possible, open and free competition. TWC Board shall be alerted to organizational conflicts of interest as well as noncompetitive practices among Operators/Providers/contractors that may restrict or eliminate competition.

TWC Board members, staff and proposal/bid reviewers will adhere to the Boards Conflict of Interest Policy; disclosing real, apparent or organizational conflicts and exclusion from any participation or discussion regarding development of the RFP/RFB, and any activities related to evaluation and/or award or denial. Members of the proposal review team will provide written statements verifying no conflicts (real, apparent or organizational) or financial/ material interest in any proposing entity (ies).

Awards shall be made to the bidder or offeror whose bid or offer is responsive to the solicitation and is most advantageous to TWC Board issuing the request for bid/proposal--price, quality and other factors considered. Solicitations shall clearly set forth all requirements that the bidder or offeror shall fulfill in order for the bid or offer to be evaluated by the solicitor. Any and all bids or offers may be rejected when it is in the solicitor's best interest to do so.

V. Request for Proposals (or Bids) for Programming

Requests for Proposals (RFP) are issued to procure program services. An RFP will describe the types of services being solicited and provide requirements on the submission of proposals. Notice of the availability of the RFP is distributed to all appropriate vendors on the current list of potential vendors and is published in a local newspaper. The RFP is posted in its entirety on TWC Board's website. The RFP identifies at least the following: project duration; submission information; detailed description of all services solicited; targeted groups to be served; proposal evaluation criteria; and budget information requirements.

Request for Proposal (RFP) Distribution:

A notice regarding the availability of a *Request for Proposals* and, if scheduled, the date of the Bidders' Meeting is placed in the *Legal Notices* section of the *Rockford Register Star* or *Freepress Journal Standard*, as applicable. Notice of the availability of an RFP and the Bidders' Meeting (if scheduled) is also sent to a list of potential bidders for the particular programming sought and posted on TWC BOARD's website, www.theworkforceconnection.org. Potential bidders may attend the Bidders' meeting, if scheduled, at which time hard copies of the RFPs are distributed. Otherwise, potential bidders will be sent a hard copy RFP, upon their request, or they may download the RFP from TWC BOARD's website where all RFPs are posted about a week prior to the bidders' meeting.

Bidders' Meetings:

Bidders' Meetings are often held to distribute and discuss the RFPs. (Whether or not a Bidders' Meeting is held usually depends on the complexity of the RFP, the programming changes being made, etc.) At the Bidders' meetings, staff 1) review selected area of the RFP, including, as applicable, the changes in the RFP from previous years; 2) discuss important topics relating to the programming sought (e.g., performance measures, budget development); and 3) answer initial questions. A second bidders' meeting may be held for the specific purpose of answering potential bidders' questions. The questions/responses are then posted on TWC BOARD's website.

Proposal Review and Evaluation:

The proposal review process for Title I-B programming follows the *Proposal Evaluation* process identified below:

A. Proposal Evaluators

Proposals will be evaluated by a team of Board members and community members who have no conflict of interest with any bidding organization. One team will review all proposals submitted in response to a specific Request for Proposals

B. Proposal Evaluation Review Levels**Level 1: Technical Review of Proposals**

Staff will perform a technical review of each proposal prior to their being distributed to a review team. The technical review will determine if the proposal is complete and meets all the submission guidelines stated in the Request for Proposals (RFP). Proposals that are incomplete or fail to meet all the submission guidelines stated in the RFP will be rejected. Bidders will be notified regarding the status of their proposals after the technical review. Bidders may appeal the technical review results. (The Board will accept only appeals relating to the technical review of a proposal.)

- a) TWC Board staff will notify bidders via e-mail of the results of the technical review of their proposals. Bidders may then request a debriefing of their proposal's technical review. TWC Board Executive Director must receive this request via e-mail within two working days of the day the Bidder was e-mailed notification of the technical review results of their proposal.
- b) The debriefing will be held within two working days of TWC Board Executive Director's receipt of the bidder's request for a debriefing of their proposal's technical review.
- c) After the debriefing, the bidder will have three working days to present to TWC Board Executive Director a written appeal of any aspect of their proposal's technical review.
- d) TWC Board Chair or designee will review the written appeal and make the final decision regarding any Board action on the appeal.
- e) The Bidder will be notified in writing within three working days of the Board Chair or designee's decision regarding the appeal.
- f) This will complete the Bidder's appeal process at the local Workforce Board level.

Level 2: Evaluation of Proposals by Review Team

- a) The proposal review team members will receive information regarding the programming sought through the Request for Proposals, the proposal review process, and the use of the Evaluation Tool. A team facilitator will be responsible for assisting the team to reach consensus regarding each proposal's Evaluation Tool scoring and priority for funding.
- b) All team members will review all proposals using the Evaluation Tool. During this initial review, review team members may suggest a score in response to each item on the Evaluation Tool.
- c) Team members will meet and discuss each proposal, arriving at a consensus score for each item on the Evaluation Tool. The proposal Evaluation Score will be the total of all the item scores on the Evaluation Tool.

Level 3: Evaluation of How Well Proposed Program Meets TWC BOARD's Strategic Objectives and Priorities

- a) The review team will then discuss how well the proposed program meets one or more strategic objectives or strategic priorities of the Board and CEOs. Included in this discussion will be a consideration of the bidder's ability to deliver the proposed programming, past success in attaining the WIOA Performance Standards, service provision in relation to the total Boone, Winnebago, and Stephenson County area, connection/collaboration with the One-Stop Center/System, and the proposed program's ability to further TWC Board's strategic initiatives.
- b) Budgets, program size, and other aspects of a proposed program may be negotiated, as necessary. (RFPs will not contain budget limits or cost/per participant limits.) Review teams will consider the reasonableness of bidders' proposed budgets in relation to the proposed program and the funds available.
- c) The review team will then prepare its funding priority recommendations. Bidders will not necessarily be recommended for funding based on their Evaluation Score in relation to the Evaluation Scores of other bidders.

C. TWC BOARD/CEO Action on the Recommendations of the Evaluation Teams:

1. The funding priority recommendations of the Proposal Review Teams will be presented to the appropriate TWC Board Committee, who will then prepare funding recommendations for TWC Board and CEO action.
2. TWC Board and CEOs will take action on the program funding recommendations.
3. Bidders will be notified of the TWC Board/CEO action.
4. Bidders may contact the TWC Board Executive Director and request a debriefing of their proposal's evaluation.

D. Cost/Price Analysis:

If the Fiscal Agent has no conflict of interest with a bidder, the Fiscal Agent's accounting staff will review all the proposals' budgets, performing a **cost/price analysis** (using a specific cost/price analysis instrument) for each proposed budget. However, should the Fiscal Agent have a conflict of interest with any bidder, the fiscal review will be performed by TWC Board staff, TWC Board members, or an outside party. Any concerns resulting from the cost/price analysis

will be discussed with the review team when they meet to prepare funding priority recommendations.

VI. Purchasing Policies, Standards, and Procedures

Small purchase procedures are used to secure services, equipment, or supplies. Any purchase of \$1000 or less requires no quotes from vendors. Purchases for equipment and services over \$1000 will require three written quotes. Equipment purchases over \$5000 must have prior approval from DCEO or Federal funding sources. For services over \$5000, a request for quotation or bids will be mailed to potential bidders explaining the scope of the project along with due dates, etc.

Sole source procurement or by noncompetitive proposals is used only when the award of a contract is documented to be infeasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances applies:

- The item(s) is available only from a single source;
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
- The Federal or State awarding agency authorizes noncompetitive proposals in response to a written request from TWC BOARD; or
- After solicitation of a number of sources, competition is determined inadequate.

All procurement activities shall allow for open and free competition among potential vendors for services. Awards for contracts are made to vendors who can provide services that are the most advantageous to the workforce system regarding service, price, specific factors, and meeting the needs of the individuals served with funding that is under the purview of TWC Board. A current list of potential and approved vendors is maintained and used when soliciting for services. The list of potential programming providers is maintained by type of programming they can potentially provide. These lists are updated annually to include the names, addresses, and, to the extent possible, e-mail addresses.

TWC Board and/or CEO approval is not needed to purchase goods, services and equipment if the purchase is \$5,000 or less. The TWC Board Executive Director can authorize such purchases.

Any officer, employee, or agent of TWC Board or any of its contractors who is either (a) engaged in negotiations with a potential provider, (b) has arrangements concerning prospective employment with a potential contractor, or (c) has financial interest in a potential contractor may not participate in the review, award, or administration of a contract for a potential contractor. Such relationships constitute a conflict of interest.

VII. Procurement Procedures

A. The following procurement guidelines will be adhered to:

- Avoid purchasing unnecessary items.
- Where appropriate, make an analysis of lease and purchase alternatives to determine which would be most economical and practical procurement using Federal funds.
- Ensure that solicitations for goods and services provide for all of the following:
- A clear and accurate description of the technical requirements for the material, product, or service to be procured--in competitive procurements, such a description shall not contain features which unduly restrict completion;
- Requirements which the bidder/offeror must fulfill and all other factors to be used in evaluating bids or proposals;
- A description, whenever feasible, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards;

- The specific features of ‘brand name or equal’ descriptions that bidders are required to meet when such items are included in the solicitation;
 - Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
- B. Make positive efforts to use small businesses, minority-owned firms, and women’s business enterprises, whenever possible.
- C. Use procuring instruments (e.g., fixed price contracts/agreements, cost reimbursable contracts/agreements, purchase orders, and performance-based contracts/agreements) that are appropriate for the particular procurement and for promoting the best interest of the program or project involved.
- D. Initiate contracts/agreements with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. (Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources.)
- E. On request, make available for the local, state or federal awarding agencies, pre-award review and procurement documents.

VIII. Cost/Price Analysis

Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicators, together with discounts. Cost analysis is the review and evaluation of each element of cost to determine if it is reasonable, allowable and able to be allocated.

IX. Procurement Records

Procurement records and files for purchase in excess of the small purchase threshold shall include the following at a minimum:

1. Basis for contractor selection,
2. Justification for lack of competition when competitive bids or offers are not obtained, and
3. Basis for award cost or price.

Action Required: This information will be disseminated to organizations and individuals engaged in the purchases of goods and services using funds under the purview of The Workforce Connection Board (TWC Board).

Inquiries: Questions regarding any aspect of this Procurement Policy should be directed to the TWC Board Executive Director.

Date Effective: Immediately