



Local Policies – Administration and Governance

Procurement

Effective Date

4/22/2021 – Revised 1/8/2024

Purpose

This policy covers guidelines and processes for use by Northeast Iowa Workforce Development Board (NEIWDB) for the procurement of supplies, equipment, and other services with federal and non-federal funds. When purchasing with federal funds all procurement regulations must be met regardless of the guidelines and processes outlined in this policy. These policies are adopted to ensure that such materials and services are obtained in an effective manner.

The standards contained herein do not relieve the agency of the contractual responsibilities arising under its contracts. NEIWDB is the responsible authority, without recourse to the awarding agency, regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurement entered into in support of an award or other agreement. This includes disputes, claims, and protests of award, source evaluation or other matters of a contractual nature. Matters concerning violation of statute are to be referred to Federal, State, or local authority, as may have proper jurisdiction.

The procedures that are outlined below are intended to provide the Northeast Iowa Workforce Development Board (NEIWDB), contractors, and subrecipients with guidance in determining the appropriate method of procurement to be used as well as procedures to follow in order to maintain compliance with all Federal, State and Local laws, rules, and regulations.

Background

WIOA Sec. 184(a)(3)(A) require each State (including the Governor of the State), local area (including the Chief Elected Official for the area), and provider receiving funds under this title, to comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget (OMB). OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule Title 2 of the Code of Federal Regulations; 2 CFR 200.

Policy

Procedures are in place to ensure that unnecessary or duplicative items or services are not purchased, to ensure that conflict of interest has been avoided, code of conduct has been established, and to ensure that positive efforts have been made to utilize small business and minority-owned business sources for procurement.

NEIWDB has established a code of conduct for Board members and employees engaged in the awarding and administration of contracts using grant funds. The code of conduct is attached to and made a part of



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these procurement policies. Violation of the code of conduct shall be grounds for disciplinary action including removal from the Board or termination of employment. An official position may not be used for personal gain, nor shall a board or staff member engage in any business transaction, none have a financial or other interest, direct or indirect, which is a conflict with the proper discharge of duties. Announcement of a potential conflict must be made and refrain from further discussion or voting. No board member or staff shall, without proper authorization, disclose confidential information concerning the procurement of property and services administration or affairs of the Board. Nor shall they use such information to advance the financial or other private interest of themselves or others.

Federal regulations require that written standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent shall participate in the selection; award or administration of a contract supported for Federal funds if a real or apparent conflict of interest would be involved. Included are employees, officers or agents and any member of his or her immediate family, partner, or organization which employs or is about to employ any of the parties, has financial or other interest in the firm selected for an award.

No Board member or staff shall, without proper authorization, disclose confidential information concerning the procurement of property and services, administration, or affairs of the Board. Nor shall they use such information to advance the financial or private interest of themselves or others. Violation of the code shall be grounds for disciplinary action including removal from the Board or termination of employment.

All potential providers and vendors, who have expressed interest in being considered for contracts, will be placed on the bidder's list, and sent solicitations for the areas of services for which they wish to be considered when such awards are due to be made. When possible, attempts will be made to procure minority firms by placing all qualified small and minority businesses and women's business enterprises on the potential vendor's list. Contractors will also be encouraged to take these affirmative steps.

The procurement process for the selection of service providers will take into consideration the provider's ability to meet contract objectives as well as other criteria as determined locally by the NEIWDB. Examples of how the ability to meet the procurement objectives can be demonstrated include, but are not limited to:

- Financial resources, technical qualifications, experience, organization, and facilities adequate to carry out the project.
- Resources to meet the completion schedule contained in the contract.
- A satisfactory performance record for completion of contracts.
- Cost analysis of proposed budget-accounting and auditing procedures adequate to control property, funds, and assets.



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The competitive procurement process for the selection of service providers and One-Stop Operators will occur every four years.

The NEIWDB will ensure that any entity is not debarred, suspended, or otherwise excluded from or ineligible to participate in Federal assistance programs or activities. Information about the selection of contactors and providers will be made available to the public on a regular basis through electronic means, in accordance with the Sunshine Provision.

All negotiations of the contract for or with potential contractors/service providers must be arm's length negotiations. The definition of arm's length negotiation is a negotiation where the parties to the negotiation have equal bargaining power and symmetric information, leading to agreement upon fair market terms.

Methods of Procurement

NEIWDB shall use one of the following methods of procurement, depending upon the nature of goods and services to be secured, and the terms and conditions contained within this policy.

- Micro Purchases
- Small Purchases- Request for Quotes
- Sealed Bids
- Competitive Proposals- Request for Proposals
- Noncompetitive Procurement- Sole Source

NEIWDB shall have the sole discretion to choose whatever procurement method is applicable within these guidelines.

Methods of procurement vary by the size and type of the purchase. In all cases, purchases will be reviewed for cost reasonableness to foster greater economy and efficiency. Applicable NEIWDB policies and procedures should be followed in conjunction with these policy guidelines.

Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the economical approach.

Informal written solicitation documentation shall be used to secure responses from an adequate number of qualified third parties. Information collected should include a description of the item or service needed; proposed time schedule needed; comparison of costs including setup, delivery, taxes, etc.; and reason for selection if other than cost.



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Use of intergovernmental agreements within the state for cooperative procurement or where goods and services have already been evaluated and procured is encouraged to foster greater economy and efficiency, and do not need additional solicitation documentation.

Micro-Purchases

Micro Purchase is simple and informal procurement method to procure goods and services which do not exceed \$10,000.

- Procurement by micro-purchase is the acquisition of supplies or general professional and non-professional services, the aggregate dollar amount of which does not exceed \$10,000 with a single vendor during a fiscal year.
- Micro-purchases may be awarded without soliciting competitive quotations for acquisitions if the price considered to be reasonable.
- To determine if the price is “reasonable”:
 - Research by surveying qualified suppliers in the area;
 - Use experience and personal knowledge of the item(s) being purchased;
 - And review purchase history by comparing previous purchases of similar item(s).
- Micro-purchases will be distributed equitably among qualified suppliers.

NEIWDB may elect to use another method of procurement for purchases under \$10,000 and if it does shall adhere to the requirements pursuant to that method selected.

Small Purchases – Request for Quotes

Threshold: Required for Purchases of \$10,000- \$50,000.00. For purchases where the price is the overriding factor, which involves standardized products or services, and where the aggregate acquisition costs are greater than the micro-purchase threshold (\$10,000) but do not exceed the small purchase threshold (\$50,000.00).

Or services where price is not the overriding factor but are relatively simple and straightforward purchases the NEIWDB may use relatively simple and informal procurement methods by obtaining price or rate quotations from an adequate number of qualified sources but not less than three sources, if three sources are available.

This informal method requires:

- Verbal or written solicitation document
- Free and open competition (up to three quotes)
- Documentation of the procurement process (vendor name, contact method, name of person providing price quoted, date price quote obtained, duration of price quote).



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This informal method does not require:

- Public notice
- Sealed bid (do not share price quotes during the solicitation process)
- Public opening
- Due date for solicitation responses

Sealed Bids

An option for purchases of \$50,000.00 and above is a Request for Bid (RFB). A RFB is always a publicly advertised, formal solicitation.

- The RFB includes well-defined specifications and/or scope of work, including all contractual terms.
- A Request for Bid (RFB) is always publicly advertised. Formal solicitation is required, fixed price (lump sum or unit price) is awarded to the responsible bidder who conformed to all material terms and is the lowest in price.
- The RFB includes well-defined specifications and/or scope of work, including all contractual terms.
- Bids for the goods or services must be received by a set date, time, and place, where they may be publicly opened.

Responsible bidder means a vendor that has the capability in all respects to perform the contract requirements. In determining whether a vendor is a responsible bidder, the board may consider various factors and will be determined by the Executive Committee.

Procurement by sealed bids is most appropriate when there is relatively no difference between the good or service offered by one vendor from that offered by another. Procurement by sealed bids is not appropriate when the procurement decision will be based on more than price (i.e., quality of the good or service).

Competitive Proposals – Request for Proposals

A Request for Proposal (RFP) is always publicly advertised, formal solicitation and is used when it is not appropriate to use sealed bids and the amount of the contract is over \$50,000. This occurs when other factors in addition to price influence the award decision.

- Purchases of supplies, equipment, and any professional service, including delivery of services of WIOA Title I-B activities, of \$50,000 or more shall be procured through competitive proposal.
- Requests for Proposals (RFP's) will be publicized and solicited from an adequate number of qualified sources.
- Well-defined specifications and/or scope of work and contains all contractual terms and conditions. The RFP solicits two parts to a proposal- technical and cost- from prospective vendors.
- Description of required services or components, clear description of any technical requirements, and evaluation factors and their relative importance will be identified in the proposal.



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- Responses will be reviewed and evaluated based on consistent grading methods for each proposal. Review Committees will be established for evaluating delivery of WIOA Title I-B services and One-Stop Operator duties.
- After an evaluation of all proposals submitted, a contract is awarded to the provider who submits the proposal most advantageous to NEIWDB.

The NEIWDB shall use Request for Proposals when the conditions are not appropriate for the use of competitive sealed bidding, micro-purchases, small purchases, or non-competitive proposals. The technique of competitive proposals is normally conducted with more than one source submitting an offer, a contract is awarded, and the following conditions are met:

- The complex and technical nature of the procurement cannot be described in bid specifications; and
- It is logical to award a contract on factors other than price.
- You anticipate that a good or service expected to cost less than \$50,000 will need to be procured again from the same vendor during the same fiscal year and the aggregate amount of procurements is expected to exceed \$50,000.

When selecting contractors and service providers, award will be made to the responsible firm whose proposal is most advantageous to the program. Selection consideration will be given to such matters as price, contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. An additional price analysis will be conducted if the anticipated award amount is in excess of the Simplified Acquisition Threshold as set by federal guidance.

Contractors will be verified they are not excluded from participation in federal awards.

Contracts will be administered to ensure contractor conformance with the terms, conditions, and specifications. Contractor performance reviews and monitoring shall be done per programmatic requirements.

Records sufficient to detail the history of procurement will be maintained. These records will include but are not necessarily limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

Solicitations for goods and services (requests for proposals or RFPs) should provide for all of the following:

- Requirements that the bidder/offer must fulfill and all other factors to be used in evaluating bids or proposals.
- Funding level range or an up-to amount must be provided in the RFP that ensures the responsibilities in the Statement of Work can be performed.
- Requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards. (45 CFR Part 75.328(c)(1))



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- The specific features of "brand name or equal" descriptions that bidders are required to meet when appropriate. (45 CFR Part 75.328(c)(1))
- A description of the format, if any, in which proposals must be submitted, including the name of the person to whom proposals should be sent.
- The date by which proposals are due.
- Required delivery or performance dates/schedules.
- The release of an RFP for services does not obligate the NEIWDB to accept any or all proposals. The NEIWDB shall be held harmless of any action resulting from any decision not to accept any or all proposals.

Non-Competitive Proposals – Sole Source

Procurement by noncompetitive proposals, or sole source, is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following conditions apply:

- The item 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 awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- After solicitation of a number of sources, competition is determined inadequate.
- The purchases are for equipment or services where the prices are established by law for technical equipment requiring standardization and interchangeability of parts with existing equipment.

Noncompetitive proposals require the mutual discussion and arrangement of terms of a transaction or agreement for the purpose of arriving at a common understanding of contract essentials such as technical requirements, schedules, prices, and terms. For any noncompetitive proposal in excess of the small purchase threshold, written documentation must be included in the records to show why a noncompetitive proposal was used instead of competitive bidding.

Sole Source for Providers

Sole source must only be pursued after a minimum of two attempts to competitively procure, including one attempt that combines the procurement of the Adult and Dislocated Worker service provider with the selection of the One-Stop Operator. Sole source selection of a service provider can only be completed under the criteria outlined in WIOA. Should the NEIWDB request to use sole source procurement for services providers it will submit a formal request to IWD electronically.

The request must include justification that all other options were exhausted and identify the reason for sole source. The NEIWDB will identify the timeline and the activities performed prior to the sole source request and must certify that all appropriate measures consistent with the WIOA and this policy have been taken.

The following documentation will be included with the request for sole source:



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- Copy of the RFP or IFB
- Proof of the announcement medium used (newspaper, social media)
- Documentation showing how long the announcement was posted
- The name of the entity to which the sole source is to be awarded
- Documentation showing that the entity has the capacity and ability to perform the one-stop operator functions, **OR**
- Documentation showing that the entity has the capacity and ability to perform the functions required to provide career services and/or youth workforce innovation opportunity activities.
- Well-defined specifications and/or scope of work and contains all contractual terms and conditions. The RFP solicits two parts to a proposal- technical and cost- from prospective vendors.
- Description of required services or components, clear description of any technical requirements, and evaluation factors and their relative importance will be identified in the proposal.
- Responses will be reviewed and evaluated based on consistent grading methods for each proposal. Review Committees will be established for evaluating delivery of WIOA Title I-B services and One-Stop Operator duties.
- After an evaluation of all proposals submitted, a contract is awarded to the provider who submits the proposal most advantageous to NEIWDB.

Rejection of Bids or Proposals

A bid/proposal response that fails to provide the required forms or which does not comply with the specifications, terms, and conditions of the RFB or RFP may be considered non-responsive and rejected. Unless stated otherwise in the solicitation documents, submissions that include an alternate bid/proposal are unresponsive and subject to disqualification.

Cancellation of Solicitation

The NEIWDB may cancel a solicitation at any time during the procurement process prior to signing a contract if the requirement stated in the solicitation no longer exists, funds are lacking, the board decides not to proceed with the solicitation, or for any other reason.

Procurement Records

The NEIWDB must develop and maintain a record/file of each relevant procurement sufficient to detail the significant history of the procurement and support the procurement decisions made. The record should include the following information as appropriate for the type of procurement performed:

- A description of the item(s) being procured.
- Evidence of NEIWDB involvement in the decision-making and planning process.
- A copy of the solicitation package (RFP/RFQ/RFB).
- A copy of the public notification.
- Bidder's list
- A copy of each bid received.



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- Results of all reviews and evaluations for all proposals received and score sheets completed during the evaluation process.
- The name of the selected provider or vendor, the amount of the procurement, and the delivery date of the good or service.
- Copy of any submitted grievances and the resolution of each.
- Risk analysis determinations and special award/ contract conditions, if appropriate.

Contract Provisions

In the limited contracts in excess of the simplified acquisition threshold as stated in this policy, the majority of contract provisions required for WIOA expenditures include:

- Termination for cause and convenience
- Termination for default
- Damages
- Compliance with WIOA
- Access to Contractors records
- Maintenance of records
- State energy conservation.
- EEO/ADA/Drug Free workplace provisions as appropriate.
- In instances of NEIWDB acting as a pass-through entity every subaward will be clearly identified as such and include the information as required in § 200.331

RFP attachments must address:

- Anti-lobbying certificates
- Debarment and Suspension certificate

Affirmative Action considerations will be made in making effort to solicit and utilize small business, minority-owned firms, and women's business enterprises, whenever possible. This will include gaining access to the Chamber list of minority owned and small businesses and actively seeking bids.

Right to File a Grievance

Any organization making an application under an RFP has the right to file a grievance related the RFP process within five (5) business days of the award announcement.

- All grievances must be made in writing and must fully identify any contested issues and/or policy or procedural violations.
- Subjective interpretations by evaluators are not subject to protest or grievance.

A bidder may file a grievance in writing, with the NEIWDB Executive Director, who will then have ten (10) days in which to reach an informal written resolution of the grievance.



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Should the grievance not be resolved within ten (10) days, the bidder may submit in writing a protest to the NEIWDB Executive Committee .

The Executive Committee will then have twenty (20) days to reach a formal written decision.

A hearing is not right under this NEIWDB grievance policy.

- No further appeals will be allowed.
- This does not prohibit the bidder from seeking other resolutions in addition to those allowed by the Northeast Iowa local area.
- Any further resolutions taken by the bidder outside of this policy will be handled by the CEOs in the Northeast Iowa local area.

Standards of Conduct

The proper operation of a democratic process requires that actions of Board members and employees be open and impartial; that decisions and policy be made in the proper channels of NEIWDB organizational structure; that neither Board membership nor NEIWDB staff positions shall be used for personal gain; and that the public have confidence in the integrity of the Board and its staff. In recognition of these goals the Council has established a written Code of Ethics for all Board members and staff.

Any officer, employee, or agent of the NEIWDB who is either:

- engaged in negotiations with a potential contractor.
- has arrangements concerning prospective employment with a potential contractor; or,
- has a 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. This prohibition also extends to:
 - an immediate family member of any officer, employer, or agent of the grantee/sub-grantee.
 - a partner or organization who employs any officer, employee, or agent of the grantee/sub-grantee.

Additionally, no NEIWDB member shall participate in the selection or in the awarding of a contract if a conflict of interest is involved.

This provision does not prohibit a community-based organization, educational agency, employer, or other service provider represented by an NEIWDB member from receiving a contract for the provision of training and/or services to participants.

However, when such a conflict of interest arises, LWDB members must abstain from voting on the award and disclose all financial/non-financial information of the contractor. No employee, officer, or agent of



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the NEIWDB shall participate in the selection, awarding, or administration of a contract if a conflict of interest exists. No contract will be awarded to any NEIWDB member or entity with which he/she is affiliated which results in direct personal gain to that NEIWDB member. NEIWDB officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from service providers, potential service providers (i.e., persons who perform services of the type contracted for), or parties to grants.

Confidentiality and Non-Disclosure

Information will not be disclosed to anyone who is not directly involved in the procurement process relating to the intent to implement a procurement, the amount of funds available, or any related data, until that information is made known to all bidders through a notification of the intent to solicit or dissemination of a Request for Proposal (RFP) or Request for Quote (RFQ).

Technical and cost/price information from any proposal must not be disclosed to anyone not officially involved in the procurement process while the procurement is still in progress.

Certain technical or proposal information that a bidder has designated as proprietary or trade secret, and with which NEIWDB concurs, must not be disclosed to other bidders, even after the award is made and publicized.

The number of names of bidders will not be disclosed to anyone not officially involved in the procurement process until the contract is awarded and the decision is made public.