

## PROCUREMENT POLICY

### Workforce Innovation and Opportunity Act Policies and Procedures

EFFECTIVE DATE: November 5, 2021

POLICY #: A402 v.6

#### **I. PURPOSE**

This policy communicates the Workforce Development Council of Seattle-King County (WDC) procedures for the procurement and selection of one-stop operators and service providers under the Workforce Innovation and Opportunity Act (WIOA) Final Rules, and the procurement of other goods and services. All procurements conducted by the WDC will conform to the requirements in this policy, whether through a competitive procurement or as otherwise permitted.

#### **II. BACKGROUND**

WIOA Final Rules govern the procurement and selection of one-stop operators, service providers, goods and services. The Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Commonly known as the OMB Super Circular) also contains procurement requirements in eight consolidated circulars known as the Uniform Guidance document, including requirements for performance-based contracting. This policy follows the Employment Security Department (ESD) Program Policy 5404, Rev. 1, Procurement and Selection of One-Stop Operators and Service Providers.

The WDC is required to conduct open and competitive procurement processes to identify an appropriate one-stop operator and ensure that the number and quality of service providers is sufficient to meet the needs of the local workforce area it serves.

#### **III. POLICY**

The WDC and its subrecipients of WIOA/Federal funds must follow 2 CFR Part 200 on all procurement activities.

Private and philanthropic fund sources are not required to follow Federal procurement standards. However, the Chief Executive Officer (CEO) and WDC staff shall prepare procurement materials for the Finance & Administration Committee's approval. Projects funded by private and philanthropic fund sources will complete all necessary documentation and must follow the WDC's procurement signature procedures.

#### **IV. GENERAL PROCUREMENT STANDARDS**

All procurement processes shall be consistent with current minimum Federal and state regulations and guidance that pertain to the funds being utilized for the contract.

The WDC's Conflict of Interest Policy provides standards of conduct covering conflicts of interest and governing the actions of employees engaged in the selection, award and administration of contracts. No employee, officer or agent may participate in the selection, award of administration of a contract supported by a Federal award if he or she has a real, perceived, or potential conflict of interest. Conflicts of interest must be disclosed in writing when known in advance or announced to the Finance & Administration Committee in advance of discussion or vote. The party with a potential conflict of interest must recuse themselves from any further discussion and/or vote on the matter in question.

The WDC will not discriminate in the procurement and award process against any bidder because of race, color, religion, national origin, political affiliation, sexual preference, gender identity, age, or sex.

The WDC shall ensure that minority-owned businesses are provided the maximum practicable opportunity to compete for contracts.

The WDC will maintain oversight to ensure contractors perform in accordance with the terms, conditions, and specification of their contracts.

Procurement transactions under WIOA and other federal fund source between the WDC and any of its contractors shall be conducted on a cost reimbursement basis as outlined in WIOA Sec. 184(a)(3)(B) and Uniform Guidance.

The WDC, regardless of fund source, will maintain records sufficient to detail the history of all procurements. These records will include, but are not limited to:

- Rationale for the method of procurement
- Selection of contract type
- Review of independent panel, if required
- Basis for contractor selection or rejection
- Basis for contract price

The WDC will award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Considerations include:

- Contractor integrity
- Compliance and public policy
- Record of past performance
- Financial and technical resources

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards provided in 2 CFR 200.319. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft

specifications, requirements, statements of work, invitation for bids, or request for proposals are excluded from competing for such procurements.

## **V. METHODS OF PROCUREMENT**

The WDC will procure goods and services using one of the following methods as outlined in OMB 2 CFR 200.320 for all WIOA and Federally funded programs.

### **Procurement by Micro Purchases (Under \$10,000)**

Procurement by micro purchase is the acquisition of good or services, supplies or property that does not exceed \$10,000.

Purchase of ordinary supplies such as paper, pencils, tablets and other desk items must be secured through purchasing requests and will be the responsibility of the Executive Assistant. Staff requesting special supplies shall make a request to their supervisor.

To the extent practicable, the WDC will contract equitably among qualified suppliers. Micro purchases do not require the solicitation of competitive quotations or bids if the costs are determined to be reasonable.

### **Procurement by Small Purchases (\$10,001 - \$ 250,000)**

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold of \$250,000. If small purchase procedures are used, price or rate quotations must be obtained from three qualified sources, unless fewer than three sources are available.

### **Formal Procurement methods**

As outlined in Uniform administrative Guidance 2 CFR 200.318-326, the allowable forms of competitive procurement processes are as follows:

- 1. Sealed Bids –**  
Sealed Bids are publicly solicited, and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder. For sealed bidding to be used, the condition in 2 CFR 200.320 (c)(1) and the requirements in 2 CFR 300.320 (c)(2) must apply.
- 2. Competitive Proposals –**  
Competitive proposals, used when sealed bids are not appropriate, requires advertising and includes a written method for conducting the technical evaluation. Responses must be solicited from an adequate number of qualified sources, normally with more than one source submitting an offer. The award is either fixed price or cost reimbursable.

### **Noncompetitive Procurement**

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

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 awarding agency authorizes noncompetitive proposals; or
- After solicitation of a number of sources, competition is determined inadequate.

## VI. PROCUREMENT REQUIREMENTS OF WIOA

### Selecting Service Providers

The selection of service providers to carry out employment and training programs under WIOA, Temporary Assistance for Needy Families, or other funds shall conform to all applicable federal and state regulations and the process described in the WDC local plan. The WDC will establish and use criteria, including the ability of service providers to meet performance accountability measures based on common measures, as well as full and open competition consistent with 2 CFR parts 200 and 2900 in addition to applicable state and local procurement laws to procure eligible providers.

Procurements for new service providers or modifications of existing contracts over \$250,000 must be approved by the Finance & Administration Committee.

### Selection of One-Stop Operators

Procurement of One-Stop Operators per Washington State WIOA Title I Policy 5404 Section 3(c)(i) must be designated and certified through a competitive process once every four years and following the principles set forth in the Uniform Administrative Guidance at 2 CFR 200.318-326.

Procurement by noncompetitive proposals (sole source) can be exercised as per local policies if it complies with Federal procurement regulations outlined in 2 CFR 200.320(f) and 20 CFR 678.610 and Federal guidance in TEGL 15-16.

### Suspension and Debarment

Prior to making an award to a subrecipient, staff shall search and print the results from the Excluded Parties Listing System (EPLS) to verify that the individuals and/or organizations are not debarred, suspended or excluded from or ineligible for participation in Federal Assistance Programs, Website is <https://www.sam.gov/SAM/>

### Petition Process

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

Applicant must file via email within seven (7) calendar days from the date of notification letter from the WDC to:

Workforce Development Council of Seattle – King County  
Email: [Operations@seakingwdc.org](mailto:Operations@seakingwdc.org)  
Subject Line: RFP #  
Attention: Executive Office

All petitions must state the basis for the petition in clear terms and provide an alternative the petitioner finds acceptable. The basis of the petition must be a violation of state, Federal, or Local policy applicable to the contracting process.

The WDC will review and investigate all petitions. During any part of the investigation process, the WDC may require additional clarification from the petitioner. Such requests by the WDC must be responded to by the petitioner within the designated timeframe set by the WDC. In the event the petitioner fails to respond within the timeframe, the petition will be dismissed, and no further petition will be accepted relative to the identified RFP.

The WDC CEO or designee will review the petition and issue a written response that will serve as a final decision to the petitioner. A response to the petitioner will be issued no later than two weeks after the submission date (or date specified in the notice of receiving the petition)

The petition will be handled according to the WDC's Complaint Resolution Procedures. If appealed, the effective date of contract award may be delayed pending resolution of the petition.

The WDC reserves the right to renegotiate or reissue a Request for Proposals should a petition for non-award be upheld.

Conflict of Interest (see the WDC Policy A403 - Conflict of Interest)

### **Computer Equipment, Software, and Hardware**

For purchases of computer hardware, software and other electronic devices, requests must be submitted to and approved by the WDC Director of Performance. The Director will review all requests to ensure that hardware, software and other electronic devices meet standards set by the state and the WDC where appropriate. Once approval is made by the Director, the request will be sent to the Chief of Staff or designee for final approval.

### **Small items \$300 or more**

All purchases of \$300 or more such as cameras, photographic equipment, data processing and video cameras, etc. shall be the responsibility of the Director of Performance. Purchases of these items must be reviewed and approved by the appropriate Program Manager and their supervisor. These items should also be received and tagged by the Property Manager. Other purchases over \$300 that are of intrinsic value such as desk, chairs, furniture, etc. shall be the responsibility of the Executive Assistant. Purchases of these items must be made by request to

the Executive Assistant, reviewed and approved by the appropriate and Director, with final approval by the Chief Financial Offer, or designee.

### **Receipt of Goods**

All goods (equipment, supplies, and small tools) must be received by the appropriate staff person responsible for procuring and route the invoice to the Fiscal Coordinator before distribution.

For ordinary supplies and desktop items, the Executive Assistant will inspect the goods against damage and to ensure the shipment is complete. In the event that staff are teleworking, these items will be shipped to the employee's workstation.

For equipment as defined by Washington State Policy, the Director of Performances will receive the equipment, inspect it for defects, and inventory the item(s) accordingly.

Invoices and other items such as packing slips for all goods will be routed to the Fiscal Coordinator.

### **Property Leases**

All long-term property leases/rentals must be made through procurement procedures and approved by the WDC. Short-term rental agreements are those brief in duration (6 months or less) such as a facility rental for meetings or temporary space for staff. Short-term rental arrangements must follow internal processes and require approval by the CEO.

## **VII. REFERENCES**

- OMB Memo M-18-18
- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Sections 107(g)(1), 107(d)(10), 121(d)(1-2), 134(c)(2)(C), and 123
- 20 CFR 678.600-635,679.370(1), 679.410, 679.430, 680.160. 680.300 and 681.400
- OMB Uniform Guidance 2 CFR 200.318-326
- OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Training and Employment Guidance Letter (TEGL) 15-16
- Training and Employment Guidance Letter (TEGL) 23-14, Section 8
- Washington State Employment Security Department WIOA Title I Policy 5404, Revision 1 - Procurement and Selection of One-Stop Operators and Service Providers

### **INQUIRIES**

Workforce Development Council of Seattle – King County  
2003 Western Avenue #250  
Seattle, WA 98121  
Email [operations@seakingwdc.org](mailto:operations@seakingwdc.org)  
Website: seakingwdc.org



## ATTACHMENT

### REQUEST FOR INFORMATION AND PETITION PROCEDURE

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**Informal Debrief Meeting:** The WDC permits applicants to request an informal debriefing meeting to seek clarification of the process or specific feedback on their application submission. Informal debrief meetings do not include review of materials unrelated to the application. This process is available to exchange information, including how to improve future bids and help improve future procurement processes.

**Formal Petition Notification:** This Form is to be utilized when a bidder of record, from an open procurement believes there have been procedural errors, violation of laws or regulations, or unfair or inequitable treatment in the procurement or selection process. Only applicants from the identified procurement may file a petition. This Form must be completed and submitted to the Executive Office of the WDC within seven (7) days of the notification letter. Formal petitions are only accepted via email to the [Operations@seakingwdc.org](mailto:Operations@seakingwdc.org) with a cc to [Contracts@seakingwdc.org](mailto:Contracts@seakingwdc.org).

Procurement Title:	Procurement #:
Requesting Applicant Organization:	
Contact Person:	
Contact Number:	Email:

**Request For:**

- Informal Debrief Meeting
- Formal Petition
- Other, please describe in the box below

**Formal Petition**

Briefly describe the alleged violation that occurred during the RFP review or selection process:

Provide a detailed description of evidence that supports the allegations and assertions:

In support of the claim, please indicate what materials you want to review and/or to be reviewed during the investigation process.

I attest that the claims made against the WDC procurement process are based on information that is factual and accurate to the best of my knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Applicants will be contacted within 5 working days in response to the inquiry. This could include notification that the petition is not merited, request for clarification of request, providing information, access to copies or scheduling a petition conference for further discussion.