

PROCUREMENT

The Workforce Development Board of Rock Island, Henry & Mercer Counties, herein referred to as WDB, requires the practice of ethical, responsible and reasonable procedures related to purchasing, agreements, and contracts and related forms of commitment. The policies in this section describe the principles and procedures that all staff shall adhere to in the completion of their designated responsibilities. The goal of these procurement policies is to ensure that materials and services are obtained in an effective manner and in compliance with the provisions of applicable federal statutes and grant requirements.

Responsibility for Purchasing-

All WDB staff or their designees shall have the authority to initiate purchases on behalf of their department, within the guidelines described here. WDB staff shall inform the Fiscal Agent, Rock Island Tri-County Consortium (RITCC), all individuals that may initiate purchases or prepare purchase orders.

The Fiscal Department of RITCC shall be responsible for processing purchase orders. The WDB has approval authority over all purchases and contractual commitments, and shall make the final determination on any proposed purchases where budgetary or other conditions may result in denial.

Code of Conduct in Purchasing (2CFR Part200.318(c)(1))-

Ethical conduct in managing WDB's purchasing activities is absolutely essential. Staff must always be mindful that they represent the Board of Directors and share a professional trust with other staff members and the general membership.

- Staff shall discourage the offer of, and decline individual gifts or gratuities of value in any way that might influence the purchase of supplies, equipment, and/or services.
- Staff shall notify their immediate supervisor if they are offered such gifts.
- No officer, board member, employee or agent shall participate in the selection of a contractor (vendor) if a real or apparent conflict of interest would be involved. Such a conflict would arise if an officer, board member, employee or agent, or any member of his or her immediate family, his or her spouse or partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in the contractor (vendor) selected.
- Officers, board members, employees and agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors (vendors) or parties to sub-agreements.

- Unsolicited gifts with a value of \$25 or less may be accepted with the approval of the Executive Director.

Competition (2CFR Part 200.319)-

In order to promote open and full competition, purchasers will:

- Be alert to any internal potential conflicts of interest.
- Be alert to any noncompetitive practices among contractors (vendors) that may restrict, eliminate or restrain trade.
- Not permit contractors (vendors) who develop specifications, requirements, or proposals to bid on such procurements.
- Award contracts to bidders whose product or service is most advantageous in terms of price, quality, and other factors.
- Issue solicitations that clearly set forth all requirements to be evaluated.
- Reserve the right to reject any and all bids when it is in the organization's best interest.
- Not give preference to state or local geographical areas unless such preference is mandated by Federal statute. (200.319(b))

Procurement Procedures

- WDB shall avoid purchasing items that are not necessary or duplicative for the performance of the activities required by a federal award. (2 CFR Part 200.318(d))
- Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical and practical procurement. (2 CFR Part 200.318(d)). This analysis should only be made when both lease and purchase alternatives are available to the program.
- Purchasers are encouraged to enter into state and local inter-governmental or inter-entity agreements where appropriate for procurement of use of common shared goods and services. (2 CFR Part 200.318(e))
- Documentation of the cost and price analysis associated with each procurement decision in excess of the simplified acquisition threshold (\$150,000) shall be retained in the procurement files pertaining to each federal award (2 CFR Part 200.323)

- RITCC, on behalf of the WDB, will maintain records sufficient to detail the history of the procurement including: (2 CFR Part 200.318(i)
 - a) Rationale for the method of procurement
 - b) Selection of contract type
 - c) Contractor (vendor) selection or rejection; and
 - d) The basis for the contract price.
- RITCC shall make all procurement files available for inspection upon request by a federal awarding agency.

Nondiscrimination Policy

All contractors (vendors) who are recipients of funds, or who proposes to perform any work or furnish any goods under agreements with WDB, shall agree to these important principals:

- Contractors (vendors) will not discriminate against any employee or applicant for employment because of race, religion, color, sexual orientation, or national origin, except where religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of the contractor (vendor).
- Contractors (vendors) agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

Procurement Table:

Purchase Amount	Authority	Documentation	Evaluation
< \$3000	WIB Staff	Evidence of solicitation not required. Purchases should be distributed among community contractors	Receipt approved by WIB Staff
\$3000 ≤ \$150,000	WIB Staff WDB President	Minimum of 3 written quotations (catalogue, Internet, written, or RFP)	Documentation of quotes received and how decision was made
>150,000	WIB Staff WDB President Board of Directors	3 written bids (Request for Bids/Proposal)	Documentation includes RFB/P, proposal scoring grids, list of those scoring, and bid winner
Sole Source	WIB Staff WDB President Board of Directors	Defined by: Unique item/service, a public emergency, authorized by WDB, or there is no competition available	Documentation of why this is a Sole Source Purchase and the need for the item/service

Note- this table incorporates the micro-purchase limit of \$3000 in aggregate. Micro purchases may be made without soliciting competitive quotation if the organization considered the price to be reasonable. Organizations must distribute micro-purchases equitably among qualified suppliers. (2 CFR Part 200.320(a))

Required Solicitation of Quotations from Contractors (Vendors)

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

1. A clear and accurate description of the technical requirements for the material, product or service to be procured. Descriptions shall not contain features which unduly restrict competition (2 CFR Part 200.319(c)(1))
2. Requirements which the bidder/offerer must fulfill and all other factors to be used in evaluating bids or proposals. (2 CFR Part 300.319(c)(2))
3. Technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards. (2 CFR Part 200.319(c)(1))
4. The specific features of “brand name or equal” descriptions that bidders are required to meet when appropriate. (2 CFR Part 200.319(c)(1))

5. 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.
6. The date the proposals are due.
7. Required delivery or performance dates/schedules.
8. Clear indications of the quantity(ies) requested and unit(s) of measure.

Evaluation of Alternative Contractors (Vendors) –

Contractors (Vendors) shall be evaluated on a weighted scale that considers some or all of the following criteria as appropriate for the purchase:

1. Adequacy of the proposed methodology
2. Skill and experience of key personnel
3. Demonstrated experience
4. Other technical specifications designated by the department requesting proposals.
5. Compliance with administrative requirements of the request for proposal (format, due date, etc).
6. Contractor’s (Vendor’s) financial stability
7. Contractor’s (Vendor’s) demonstrated commitment to the nonprofit sector
8. Results of communications with references supplied by vendor
9. Ability/commitment to meeting time deadlines
10. Cost
11. Minority – or women-owned business status of contractor (vendor)

12. Other criteria (to be specified by the department requesting proposal)

Not all preceding criteria may apply in each purchasing scenario. However, the department responsible for the purchase shall establish the relative importance of the appropriate criteria prior to requesting proposals and shall evaluate each proposal on the basis of the criteria and weighting that have been determined.

After a contractor (vendor) has been selected and approved by the Executive Director, the final selection shall be approved by others according to RITCC's purchasing approval policies.

Affirmative Consideration of Minority, Small Business, Women-owned Businesses and Labor Surplus Area Firms (2 CFR Part 200.321)-

Positive efforts will be made by RITCC to utilize small businesses, minority owned firms, women's businesses and labor surplus area firms whenever possible. Therefore the following steps shall be taken:

1. Ensure that small business, minority-owned firms, women's business enterprises, and labor surplus area firms are used to the fullest extent practicable. (2 CFR Part 200.321)
2. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small business, minority-owned firms, women's business enterprises and labor surplus area firms. (2 CFR 200.321 (b)(4))
3. Consider in the contract process whether firms competing for larger contracts tend to subcontract with small businesses, minority-owned firms, and women's business enterprises. (2 CFR Part 200.321(b)(6))
4. Encourage contracting with consortiums of small businesses, minority-owned firms, women's business enterprises and labor surplus area firms when a contract is too large for one of these firms to handle individually. (2 CFR Part 200.321(b)(3))
5. Use services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Commerce's Minority Business Development Agency in the minority-owned firms and women's business enterprises. (2 CFR Part 200.321(b)(5))

Availability of Procurement Records (2 CFR Part 200.324(b))-

WDB shall, on request, make available for the federal awarding agency, pre-award review and procurement documents, such as requests for proposals, when any of the following conditions apply:

- The process does not comply with the procurement standards in 2 CFR 200.324(b)(1).
- The procurement is expected to exceed the federally-defined simplified acquisition threshold (\$150,000) and is to be awarded without competition or only one bid is received. (2 CFR 200.324(b)(2))
- The procurement exceeds the simplified acquisition threshold and specifies a "name brand" product. (2 CFR Part 300.324(b)(3))
- The proposed award exceeds the federally-defined simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed-bid procurement. (2 CFR Part 324(b)(4))
- A proposed contract modification changes the scope of a contract or increases the contract amount by more than the amount of the federally-defined simplified acquisition threshold. (2 CFR Part 324(b)(5))

Provisions Included in All Contracts (2 CFR Part 200 Appendix II) –

RITCC includes all the following provisions, as applicable, in all contracts charged to federal awards with contractors (vendors), and subgrants to grantees:

1. Contracts for more than the simplified acquisition threshold currently set at \$150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
2. All contracts in excess of \$25,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

Special Purchasing Conditions –

Emergencies: Where equipment, materials, parts, and/or services are needed, quotations will not be necessary if the health, welfare, safety, etc., of staff and protection of the Organization property is involved. There reasons for such purchases will be documented in the procurement file.

Single Distributor/Source: Sole source purchases may be made when one or more of the following conditions applies:

- The item or service is only available from one source;
- The situation is an emergency and will not permit a delay resulting from competitive solicitation;
- The awarding agency expressly authorizes noncompetitive proposals in response to a written request; or
- After solicitation, competition is deemed inadequate (insufficient bidders).

Receipt and Acceptance of Goods-

A designated individual shall inspect all goods received to verify against the packing slip/invoice all items ordered are received and in good condition. The packing slip/invoice shall be initialed and forwarded to the fiscal office for payment processing.

Contract Administration –

RITCC on behalf of WDB shall be required to have policies and procedures on contract administration (2 CFR part 200.318(b)). Therefore all contract managers will adhere to the following procedures:

1. Contract administration files shall be maintained.
 - a. For each contract greater than \$25,000 a separate file shall be maintained.
 - b. For contracts less than \$25,000 contract records may be combined in a single file.
2. Contract administration files shall contain:
 - a. The required documentation specified in the authorizations and purchasing limits table for the original scope of work and for all the amendments.
 - b. Where the contract work is identified in the grant award or budget, the identification and scope of the work contained in the award or budget, and all approved changes.

3. Authorization of work:
 - a. No work shall be authorized until the contract for the work has been approved and fully executed.
 - b. No change in the work shall be authorized until an amendment to the contract for the work has been approved and fully executed, except as permitted for Special Purchasing Conditions.
 - c. No amendment of a contract for work shall be executed until it has been approved and authorized as required in the Authorization and Purchasing limits table and where required by the terms of the grant award or budget, approved by the funding source.
4. Conformance of work:
 - a. For each grant award, based on the applicable laws, regulations and grant provisions, the Executive Director shall establish and maintain a system to reasonably assure contractor:
 - i. Conformance with the terms, conditions, and specifications of the contract, and
 - ii. Timely follow-up of all purchases to assure such conformance and adequate documentation.
5. The Executive Director of RITCC will authorize payment of invoices to contracts after final approval of work products.