DRAFT DIRECTIVE
COVER PAGE

PROCUREMENT POLICY MANUAL

GENERAL INSTRUCTIONS

The attached directive is being issued in draft to allow the Workforce Development Community to review and comment prior to final issuance.

Submit any comments by email no later than **Saturday, August 29, 2026.**

All comments received within the comment period will be considered before issuing the final directive. Commenters will not be responded to individually. Rather, a summary of comments will be released with the final directive.

Comments received after the specified due date will not be considered.

Email: Anabel.Rodriguez@tularewib.org
Include "Draft Directive Comment" in the email subject line.

Mail: Workforce Investment Board of Tulare County
Attn: **Anabel Rodriguez**
309 W. Main St., Ste. 120
Visalia, CA 93291

If you have any questions, contact **Anabel Rodriguez** at 559-713-5200

WORKFORCE INVESTMENT BOARD
OF TULARE COUNTY
PROCUREMENT POLICY MANUAL

Revised July 2026

309 W. Main Street, Suite 120, Visalia, CA 93291

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INTRODUCTION

The purpose of these procurement requirements is to ensure that goods and services funded under the Workforce Innovation and Opportunity Act (WIOA) are obtained in an effective and compliant manner, consistent with applicable federal statutes, executive orders, and implementing regulations.

WIOA and its implementing regulations establish procurement standards designed to ensure that the best overall value is obtained for each WIOA dollar expended. While cost is an important consideration, the regulations do not require selection based solely on the lowest price. Rather, procurement processes must support free and open competition and provide a level playing field for all qualified competitors, bidders, and proposers.

This manual establishes the procurement policy applicable to the Workforce Investment Board of Tulare County (WIB) and its subrecipients for the acquisition of goods and services under WIOA. Covered procurements include supplies, equipment, administrative services, and programmatic services obtained through contracts or other procurement mechanisms. Additional procurement-specific requirements and evaluation criteria will be provided through individual solicitations or Requests for Proposals (RFPs) issued by the WIB.

Program administration under WIOA is governed by regulations codified in 20 CFR Part 683. Procurement-related requirements include direction and referral to applicable guidance in 29 CFR Part 2900, including Department of Labor (DOL) regulations, which address exceptions. Collectively, these regulations reflect consistent federal intent that procurement policies must ensure free and open competition and secure the best possible price.

This manual is not intended to function as a stand-alone document. Procurement requirements both affect and are affected by other areas of WIOA administration, including fiscal oversight, property management, contract administration, and program monitoring. This document supplements the legal authorities cited in the References section and is intended to be applied in coordination with all applicable governing requirements.

References

This manual references and makes every attempt to be consistent with Federal, State, and local rules, regulations, and policies, including but not limited to:

- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128, as amended
- Title 2 Code of Federal Regulations (CFR) Part 200 (Uniform Guidance), as amended
- Title 2 CFR Part 2900 (Department of Labor Exceptions)
- Title 20 CFR Parts 675–688 (WIOA Regulations)
- Title 34 CFR (WIOA Joint Provisions)
- California State Contracting Manual (SCM), Department of General Services, Volume 1,

Chapter 5

- Workforce Services Directive (WSD) 16-10, Property – Purchasing, Inventory, and Disposal
- WSD 22-13 Selection of AJCC Operators and Career Service Providers
- WSD 17-08 Procurement of Equipment and Related Services
- WSD 16-16 Allowable Costs and Prior Written Approval
- WSD 16-14 Selection of AJCC Operators and Career Service Providers
- WSD 16-05 WIOA Closeout Requirements
- WSIN25-17 Federal Adjustment of Dollar Amounts and Rates
- Workforce Investment Board of Tulare County adopted policies and procedures, as amended

PART I
General Procurement Requirements

All procurement activities conducted by the WIB and its subrecipients shall comply with the following requirements:

1. **Competition**
   Procurements shall be conducted in a manner that provides full and open competition and shall utilize procurement methods authorized under applicable federal regulations.

2. **Noncompetitive Procurement**
   Noncompetitive (sole source) procurement shall be used only under the circumstances authorized by 2 CFR § 200.320 and shall be supported by a written justification documenting the basis for the noncompetitive procurement, appropriate approvals, and compliance with all applicable federal requirements.

3. **Cost and Price Analysis**
   A cost or price analysis, as applicable, shall be performed for all procurement actions, including contract modifications, to determine the reasonableness of proposed costs or prices.

4. **Profit and Program Income Limitations**
   Procurements shall not result in excess program income for nonprofit or governmental entities or excess profit for for-profit entities. In determining the allowability and reasonableness of profit, consideration shall be given to factors including, but not limited to:

   - The complexity of the work to be performed;
   - The level of risk assumed by the contractor; and
   - Prevailing market conditions within the applicable geographic area.

5. **Deliverables and Basis for Payment**
   Procurement documents and contracts shall clearly define required deliverables, performance expectations, and the basis for payment.

6. **Intergovernmental Agreements**
   Procurement transactions between the WIB and units of state or local government shall be conducted on a cost-reimbursement basis.

Applicability and Core Procurement Standards

This procurement manual establishes the procurement standards and procedures that the WIB and its subrecipients must follow when acquiring goods and services funded with WIOA funds.

Procurement activities conducted by the WIB and its subrecipients shall comply with applicable federal regulations, including 2 CFR 200 Uniform Guidance, WIOA requirements, and applicable state and local policies.

Contractors that provide goods or services to the WIB or its subrecipients are not subject to these procurement procedures; however, they must comply with all applicable contract terms, required federal provisions, and conditions set forth in the executed agreement.

1. **Competition and Procurement Integrity**
   Procurements shall be conducted using methods that provide full and open competition. Individuals who develop specifications, prepare or evaluate specifications, make award recommendations, or otherwise participate in a procurement process shall not compete for or benefit from that procurement. This restriction applies to all procurement methods and contract types.

2. **Evaluation Factors**
   Procurement decisions shall consider both price and the demonstrated ability of the proposer or contractor to meet all required specifications and performance requirements.

3. **Avoidance of Unnecessary or Duplicative Purchases**
   Procurements shall avoid unnecessary or duplicative acquisitions of goods or services. Existing inventory and surplus property shall be reviewed and utilized, when feasible, prior to initiating a new purchase.

4. **Affirmative Steps to Ensure Participation**
   The WIB and its subrecipients and or contractors shall take affirmative steps to utilize minority-owned businesses, women's business enterprises, and labor surplus area firms in accordance with 2 CFR § 200.321 when feasible.

Responsibility

The WIB may elect to utilize supplies, equipment, and services procured through the County of Tulare Purchasing Department, or it may procure such items independently in accordance with the WIB's procurement policy. While the WIB maintains its own procurement policy under the WIB/Local Elected Official Administrative Services Agreement, the policy aligns with the County's purchasing standards and applicable federal, state, and local requirements.

The WIB's procurement responsibilities include, but are not limited to, the following:

- **Approval of Property Purchases**
  Review and approval of property purchases by WIB subrecipients prior to acquisition when required by the monetary thresholds established in the applicable subrecipient agreement and the WIB Contract Management Guide.

- **Purchasing Training and Program Services**
  Procurement of training and related services from subrecipients and eligible training providers in accordance with WIOA requirements.

- **Contract Approval and Execution**
  Approval of contracts for services and training. The Workforce Investment Board of Directors (referred to as the "Board") has delegated authority to the WIB Executive Director to execute contracts on behalf of the WIB in accordance with WIB-approved limitations.

- **Contract Amendments**
  Approval of contract amendments. The WIB Executive Director is authorized to execute amendments on behalf of the WIB, consistent with delegated authority.

- **Delegated Signature Authority**
  The WIB has, by formal resolution, delegated authority to the Executive Director to execute contracts and contract amendments on behalf of the WIB without their prior approval when the total contract amount does not exceed the pre-approved WIB limit, unless otherwise restricted by law or WIB policy.

  All contracts or contract amendments exceeding the pre-approved Board limit do not carry automatic Executive Director signing authority and shall be submitted to the WIB for review and approval prior to execution, unless otherwise expressly authorized by the WIB.

- **Technical Assistance**
  Provision of technical assistance to subrecipients related to procurement requirements and compliance. Technical assistance may include guidance on procurement planning, appropriate procurement methods, development of solicitations, cost and price analysis, documentation requirements, and applicable federal, state, and local procurement regulations. The WIB may also provide clarification of procurement policies and assistance in addressing procurement-related findings or corrective actions identified through monitoring or oversight activities. Provision of technical assistance does not relieve subrecipients of their responsibility to conduct procurements in accordance with applicable laws, regulations, and established procurement policies.

- **Procurement Confidentiality**
  Procurement activities shall be conducted in a confidential and ethical manner. WIB staff and WIB Directors involved in procurement must not disclose advance purchasing

information, proposal or evaluation criteria, negotiations with bidders, or internal deliberations related to a procurement.

Full and Open Competition

All procurement transactions conducted by the WIB, its subrecipients, and contractors shall be conducted in a manner that provides full and open competition in accordance with applicable federal requirements, including Title 2 CFR Part 200 (Uniform Guidance) and Title 2 CFR Part 2900 (DOL Exceptions).

Procurement methods shall be structured to ensure that all qualified bidders, proposers, or offerors are offered an equal opportunity to compete for an award. Procurement requirements, specifications, and evaluation criteria shall be directly related to goods or services being procured and shall not unnecessarily restrict competition.

Practices Restrictive of Competition

The following practices are considered restrictive of competition and are prohibited unless otherwise justified and permitted under applicable federal regulations. This list is not exhaustive:

1. Placing unreasonable requirements on firms or organizations in order for them to qualify to do business;
2. Requiring unnecessary experience and excessive bonding;
3. Non-competitive contracts to consultants that are on retainer contracts;
4. Non-competitive pricing practices between firms or between affiliated companies;
5. Organizational conflicts of interest;
6. Specifying only a “brand name” product instead of allowing “an equal” product to be offered, and describing the performance of other relevant requirements of the procurement and
7. Any arbitrary action in the procurement.

Competitive Solicitations and Failed Competition

Competitive procurement methods, including Requests for Proposals (RFPs), Requests for Quotes (RFQs), and Requests for Qualifications (RFQuals), shall be conducted in a manner that promotes meaningful competition.

For purposes of procurement conducted, a competition may be deemed unsuccessful when fewer than two responsive submissions are received for the same scope of work or service. The WIB's definition of a failed competition, along with their rights and options in the event of such failure, will be included in the RFP.

Procurement Documentation

For all procurement actions, including RFPs, RFQs, and/or RFQuals, the WIB and its subrecipients shall maintain documentation sufficient to detail the significant history of the procurement. Procurement records shall include the following, as applicable:

Table 1. Procurement Record Contents	
Document Type	**Description**
Procurement Method and Contract Type	Documentation supporting the selection of the procurement method and contract type.
Solicitation and Public Notice	Copies of solicitation documents, public notices, and contractor, vendor or bidders notification lists.
Pre-Award Communications	Agendas and minutes from bidders' conferences, if conducted, and written responses to all clarifying questions.
Proposals, Statements of Qualifications, and Evaluations	Copies of all proposals, quotations, or statements of qualifications received; evaluation criteria; scoring documentation; and the rationale for selection or rejection of offerors.
Award Determination	Documentation of the selected contractor's demonstrated capability and, when applicable, justification for award to an offeror that did not receive the highest score or ranking.
Negotiations	Memoranda of negotiations, as applicable.
Protests and Grievances	Copies of any protests or grievances received and documentation of their resolution.
Cost or Price Analysis	Documentation supporting the reasonableness of costs or prices.

Procurement records shall be retained and made available for monitoring, audit, and review in accordance with applicable record retention requirements. Refer to attachment A.

Contract Certifications

Debarment and Suspension

The WIB, its contractors, and its subrecipients shall not make any awards at any tier to any entity or individual that is debarred, suspended or is otherwise excluded from participating in Federal assistance programs.

All entities receiving WIOA funds shall comply with debarment requirements in accordance with 2 CFR Part 200, including certification requirements applicable to federal financial assistance. The WIB shall ensure appropriate verification of eligibility prior to award, in accordance with applicable federal requirements.

Lobbying Certification

The WIB shall require all contractors and subrecipients receiving WIOA funds at or above applicable federal thresholds to certify that no federal funds have been or will be used for lobbying activities. Lobbying certifications shall be obtained and maintained in accordance with 2 CFR Part 200 and applicable federal law.

PART II
PLANNING

A description of how employment and training needs will be met in Tulare County is included in the content of the Strategic Four-Year Local Plan. The content and time frames outlined in the Plan dictate procurement for programmatic services and identify funds available for employment and training needs. The WIB strives to provide the maximum level of services directly to the client population. The planning process will include:

1. Identification of training or services that are consistent with the Local Plan, designed to meet the needs of participants.
2. Review of labor market information for demand occupations.
3. Review of demographic information with emphasis on non-traditional employment for women.
4. Targeting hard-to-serve youth and adults.
5. Reviewing the Plan with a focus on performance, i.e. placement, wage rates, retention, skill attainment, and training needs.
6. Identification of other procurement needs, i.e. consultants, equipment, furniture, space, etc., that may be required for program operation.

The WIB shall conduct procurements at intervals of not less than once every four years.

Contract Type Selection

Selection of the contract type will be based on a combination of factors, including experience, size, and the complexity of the procurement and service delivery as described in the Statement of Work. Further, when selecting the contract type, the following will be considered:

1. **Price Competition**
   Effective price competition will provide a basis for pricing fixed price contracts.

2. **Price Analysis**
   The degree to which price analysis, with or without competition, provides a reasonable pricing standard for fixed price contracts.

3. **Cost Analysis**
   The cost estimate made by subrecipients will be considered, particularly in the absence of effective competition. The type of organization, i.e., CBO, Private for Profit, or Public Agency, is a factor in cost reimbursement contracts.

4. **Risk Assessment**
   An analysis of the risk level associated with the potential contractor or existing subrecipients.

Only cost reimbursement contracts will be used when dealing with local governmental agencies. A determination will always be made prior to issuance of a contract, and the determination will be documented in the contract file.

Preparing for a Competitive Procurement

The process for a competitive procurement includes the following:

- Prepare a Request for Proposal, Quote or Qualification (RFP, RFQ or RFQual), including response timelines, and ensuring sufficient time for all phases of the procurement process to be carried out. Establish proposal evaluation procedures.
- Issue a public notification of the procurement through an announcement in a local public medium (e.g., newspaper, social media) or media that, minimally, covers the entire service area. Provide a copy of the RFP/RFQ to any party requesting it. Issue a notification by disseminating the RFP/RFQ to entities on the current, applicable proposal list.
- Make a record (e.g., log) of all inquiries received regarding the procurement and the submission requirements. Respond in writing to all inquiries, except those that are clearly answered in the solicitation, and distribute copies of all inquiries and written responses on a timely basis to all parties to whom the solicitation has been distributed. Issue clarification updates weekly to ensure timely, accurate information is distributed to all potential bidders.
- Hold a proposers' conference after distributing the RFPs/RFQs. When such a conference is held, all parties to whom the solicitations have been distributed will be notified of the date, time, and place of the conference. This notification will be included in the RFP/RFQ itself. Document in writing each question answered at the conference and provide this information as an addendum to the solicitation package to any subsequent requesters of the RFP/RFQ.
- The date and time proposals are received will be noted in order to ensure that only proposals received by the due date and time qualify for the evaluation process.

PART III
CODE OF CONDUCT

The WIB and its staff will take every reasonable step to maintain the integrity of the procurement of goods and services using funds provided under the Workforce Innovation and Opportunity Act (WIOA). The WIB and its staff shall conduct all acquisitions in an impartial manner, free from personal, financial, or political gain. The WIB and staff will avoid all situations that may give rise to a suggestion that any decisions were influenced by prejudice, bias, special interest, or personal gain.

During the procurement of goods, training, or other services, WIB Directors and staff will not disclose proposal or procurement solicitation information, including:

- Procurement plans,
- Advance solicitation information prior to the release of the Request for Proposals (RFP),
- Proposal technical and cost/price information,
- Relative scores or standings of offerors prior to award,
- Confidential or proprietary information, or
- The disclosure of information to one or more offerors that is not made to all offerors in order to maintain confidentiality and objectivity when dealing with offerors, contractors, proposers, or subrecipients.

Furthermore, WIB Directors agree to be bound by and governed by the Standards of Conduct adopted in its bylaws and contained in this document, as well as the grant or Subgrant Agreement with the State of California that provides funds for use by the Local Workforce Development Area.

The WIB and its staff will take every reasonable step to maintain fairness and objectivity in the proposal review process. The WIB and its staff shall conduct all proposal reviews in an impartial manner, free from personal, financial, or political gain. The WIB Board of Directors and staff will avoid all situations in this process that may give rise to a suggestion that any decisions were influenced by prejudice, bias, special interest, or personal gain.

The following actions by offerors, bidders, contractors, or subrecipients, their executive or management staff, employees, and Board of Directors are strictly prohibited:

1. Payment of gratuities to agency staff or board members;
2. Receipt, solicitation, or offering of kickbacks;
3. The obtaining of or attempts thereof to obtain confidential procurement information not made available to all offerors, bidders, or proposers;
4. Improper communication with WIB staff or board members, i.e., attempts to influence procurement/funding decisions.

Conflict of interest

This section addresses the need to maintain a written code of standards of conduct governing the performance of people engaged in the award and administration of WIOA contracts and subgrants. No WIB Director shall engage in any activity, including participation in the selection of subrecipients or contractors, the award of, or administration of a contract funded with WIB/WIOA funds, if a conflict of interest, real or apparent, would be involved. A conflict of interest would arise when any of the following has a financial or other interest in the business or organization selected for the award:

1. The WIB Director;
2. Any member of the WIB Director's immediate family;
3. The Director's business partner; or
4. An organization that employs the WIB Director or is about to employ the Director.

To ensure transparency and compliance with state ethics requirements, WIB Directors, Executive Director, and Deputy Directors shall complete and file a Statement of Economic Interests (Form 700) annually in accordance with the California Political Reform Act and the applicable Conflict of Interest Code.

The officers, employees, or agents of the awarding agency will neither solicit nor accept gratuities, favors, or any monetary value from subrecipients, contractors, or other providers of services.

During the procurement process, i.e., after offers have been made or proposals have been submitted, WIB Directors or staff shall not communicate with current subrecipients or contractors, potential subrecipients or contractors regarding the procurement. This could lead to a breach of the procurement and be a cause for elimination of the prospective subrecipient, contractor, or other providers of service, which could fatally damage the integrity of the procurement process.

Additionally, in accordance with the Political Reform Act (Cal. Gov. Code § 87407) no WIB Director or staff shall make or participate in making or use their position to influence any procurement, contract, action or proceeding in which the WIB has the authority to make decisions relating to a prospective subrecipient, or proposer with whom the WIB Director or staff is negotiating or has any arrangement concerning prospective employment.

Post-Employment Conflict of Interest

In accordance with the Political Reform Act (Cal. Gov. Code § 87406.3) and county ordinances (Tulare County Ord. Code pt. I, ch. 29), former employees and members of the WIB, who were required to file Form 700 statements of economic interest during their employment or membership, shall not represent, assist, or advise a prospective contractor, subrecipient, or proposer in connection with a procurement, contract, grant, or other action or proceeding in which the WIB has the authority to make funding decisions for a period of one year following separation from employment or membership. Former employees are permanently prohibited from using confidential or non-public procurement information obtained during their employment with the WIB to provide an unfair competitive advantage to any contractor, subrecipient, or proposer.

Organizational Conflict of Interest

The WIB shall take reasonable steps to prevent organizational conflicts of interest in procurements funded under WIOA (2 CFR § 200.318(c)(2)). An organizational conflict of interest may arise when a contractor, consultant, or other entity participating in the development of specifications, procurement documents, or evaluation criteria has an unfair competitive advantage in the resulting procurement.

Entities that assist in the development of procurement documents, statements of work, or evaluation criteria may be prohibited from competing for the resulting contract unless the conflict is mitigated or waived in accordance with applicable regulations.

Contractors and subrecipients shall disclose any actual or potential organizational conflicts of interest to the WIB prior to contract award and throughout the term of the contract

Confidentiality

A seal of confidentiality must be maintained around all procurements. Offerors are required to submit sealed bids or proposals, which are securely handled and stored. People involved in any aspect of procurement must not reveal or disclose information to anyone outside the official group involved in reviewing offers and making contract award decisions.

Confidentiality also applies to other actions, before the review and award phases. No information should be disclosed to anyone about the Statement of Work, the funds available, or related data until that information is made known to all offerors, through publicizing the intent to solicit or disseminating the RFP. Information must be given to all offerors and potential offerors equally.

Voting

Each WIB Director is entitled to one vote and may participate fully in the voting process. However, a Director shall not cast a vote, participate in deliberation, or otherwise use their official position to influence any decision involving:

1. Any decision on the provision of services by that Director (or any organization that the Director represents, or
2. Any decision or matter that would result in a financial benefit to that Director, or in which the Director knows, or has reason to know, that the Director or a member of the Director's immediate family would receive a financial benefit.

Violations and Sanctions

If a violation of Part IV, Methods of Procurement, is alleged, the WIB Chair shall conduct a review or cause a review to be conducted to determine whether a violation has occurred.

If a determination is made that a violation has occurred and the procurement or a portion thereof has been tainted, the WIB will cancel the procurement or the portion impacted, and the proposal/ offeror involved will not be permitted to participate in the procurement.

Further, if it is determined that a WIB Director or WIB staff member was involved in or contributed to the violation, those individuals will not participate further in the procurement.

Other remedies may include an administrative penalty of up to $5,000 for each violation (Gov. Code 91005(b) and 91005.5) (California Political Reform Act of 1974 as amended).

Levine Act

WIB Directors who are also elected officials shall comply with the requirements of California Government Code Section 84308 (Levine Act) for all applicable procurement and contracting actions, including any required disclosures, recusals, and campaign contribution restrictions. Additional information regarding the Levine Act can be found at the California Legislative Information website.

PART IV
METHODS OF PROCUREMENT

The following methods of procurement shall be used when purchasing goods and services with Workforce Innovation and Opportunity Act (WIOA) funds. All procurement transactions must be conducted in a manner that provides full and open competition and is consistent with 2 CFR 200.319.

Procurement Type and Threshold

The appropriate procurement method is generally determined by the per-transaction value of the procurement and the type of goods or services being purchased.

Table 1. Procurement Methods and Competition Requirements		
Procurement Method*	**Threshold**	**Competition Requirement**
Informal Procurement		
Micro Purchase	Not exceeding $15,000	One quote is required. Price must be determined to be reasonable. Multiple quotes are not required; however, when practicable, staff should distribute purchases equitably among qualified vendors.
Small Purchase	Exceeding $15,000 but not exceeding $350,000	Two quotes required. Price or rate quotations must be obtained from two sources. Quotes may be obtained from catalogs, price lists, or written vendor quotes.
Formal Procurement		
Competitive Sealed Bid	Exceeding $350,000	Three bids are required. Formal sealed bids obtained through a publicly advertised Invitation for Bid (IFB) from an adequate number of qualified sources. The award is made to the lowest responsive and responsible bidder.
Competitive Proposal	Exceeding $350,000	Two proposals are required. Competitive proposals obtained through a publicly advertised Request for Proposal (RFP) from an adequate number of qualified sources. The award is made to the responsible offeror whose proposal is most advantageous, considering price and other evaluation factors.

Noncompetitive Proposal (Sole Source)	Any	Procurement conducted through solicitation of a single source only when one of the five conditions under 2 CFR § 200.320(c) is met and appropriately documented.

*The type of procurement method is generally determined by the "per transaction" value of the procurement, the type of good or service being purchased.

- "Per transaction" is a single solicitation for a single item (i.e., copy machine), group of related items (i.e., office furniture), or a specified service (i.e., staff training).
- Purchases are not to be broken down into smaller components to avoid more stringent procurement requirements.

Note: A Request for Qualifications (RFQual) is a solicitation method that may be used, when appropriate, in conjunction with the applicable RFP or RFQ procurement method described in this policy. The procurement requirements remain governed by the estimated value of the procurement and the applicable procurement thresholds.

Informal Procurement Method

When the value of the procurement for property or services under a Federal award does not exceed the Simplified Acquisition Threshold (SAT), formal procurement methods are not required (2 CFR 200.320 (a)). The use of informal procurement methods to expedite the completion of its procurement and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include:

a. Micro Purchase
b. Small Purchase

Micro Purchase

Not exceeding $15,000

The Micro Purchase procurement method is used when the "per transaction" value of a purchase at the *Micro-Purchase Threshold,* currently $15,000 per WISN25-17 and may be used without soliciting competitive quotations if the price is reasonable. To the extent practicable, Micro Purchase must be distributed equitably among qualified bidders.

This method requires at least one (1) documented quote. The Procurement Lead should ensure, at a minimum, the quote includes goods/services to be rendered, quantity, and price. The quote can be obtained through:

- Contact with potential contractor in writing.
- Prices from websites or internet searches.

- Prior receipts, invoices, or quotes less than twelve (12) months old.
- Hard copy catalogs and price lists should be updated at least annually.

Proper Documentation

WIB Staff are required to use Attachment C – Small Purchase and Micro Purchase Form.

Proper documentation includes the following:

1. Micro-Purchase and Small Purchase Request Form
2. Quote(s) received
3. Copy of the purchase document (i.e., sales receipt, contract, paid invoice)

Small Purchases

Exceeding $15,000 but not exceeding $350,000

The small purchase procurement method, as defined in EDD Directive WSD 17-08 may be used when the “per transaction” value of a purchase of equipment or services is at the Simplified Acquisition Threshold (currently $350,000 per WISN25-17 and FAR Subpart 2.1).

The process provides for relatively simple and informal methods that are sound and appropriate for the specific type of procurement involved.

The following guidelines for small purchases will apply for:

Purchases with a total value exceeding $15,000 but not exceeding $350,000 require a minimum of two documented quotes from approved providers/contractors. Quotes may be obtained in writing form contractors, current catalogs, or published price lists. Catalogs or price lists used for this purpose must be dated within the past year. This method requires at least two documented quotes obtained through a Request for Bid (RFB).

Note: A contractor selected from Tulare County Purchasing’s prequalified list may be used in lieu of the small purchase process.

A proposed small purchase or contract for an amount above the simplified procurement threshold may not be divided into several purchases or contracts for lesser amounts to circumvent the Small Purchase threshold limits.

Note: *Sole Source Justification:* If only one (1) bid is obtained, and that bidder is deemed to be responsible, then the Noncompetitive Proposal process may be used.

Proper Documentation

WIB Staff are required to use Attachment C – Small Purchase and Micro Purchase Form.

Proper documentation includes the following:

1. Micro-Purchase and Small Purchase Request Form
2. Quote(s) received
3. Sole Source Justification, *if applicable*
4. Copy of the purchase document (i.e., sales receipt, contract)
5. All providers contacted and considered, with prices offered using current catalogs, price lists, prior sales receipts, or formal quotes, depending on the purchase amount

Formal Procurement Method

When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, formal procurement methods are required (2 CFR 200.320 (b). Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 CFR 200.319 or paragraph (c) of 2 CFR 200.320.

The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold, or a value below the simplified acquisition threshold, the non-Federal entity determines to be appropriate:

a. Sealed Bid
b. Competitive Proposal
c. RFQual

Competitive Sealed Bids

In this procurement method, bids are publicly solicited, and a firm-fixed-price contract (lump sum or unit price) in excess of $350,000 is awarded to the responsible bidder whose bid conforms to all material terms and conditions of the Invitation for Bid (IFB) and represents the lowest price. Competitive sealed bidding is most effective when procurement specifications clearly and adequately describe the item or service being purchased.

When competitive sealed bids are used, the following procedural requirements apply:

- Publicly solicited or advertised to an adequate number of known suppliers;
- Provide sufficient time to respond;
- Clearly state specifications, bidding processes, and dates;
- Define the quantity, timeframes, product requirements, specifications, and pertinent attachments of the good or service being purchased;
- Notify contractors of the purchase requirements and require sealed bids to be submitted to the specified physical location or electronic submission platform by the specified date and time;
- Distributed in writing (including fax or email) to qualified respondents and posted on Subrecipient's website.

When electronic bid submission is permitted, the Procurement Lead shall ensure that the electronic submission process maintains the confidentiality, security, and integrity of sealed bids until the official public bid opening.

To promote full and open competition consistent with the nature and requirements of the procurement, a diligent effort shall be made to obtain at least three competitive sealed bids whenever possible. Bidders must be provided sufficient time to respond prior to the bid opening date. Reasonable efforts will be made to publicize the IFB to the widest practicable area of circulation.

The IFB must clearly define the goods or services being procured, including all specifications necessary for bidders to submit a responsive bid. All bids will be opened publicly at the time and place specified in the IFB.

The WIB must document and provide justification for any bids that are rejected.

The Procurement Lead is responsible for developing, maintaining, and organizing all IFB procurement documentation for future reference and for monitoring or auditing purposes.

Proper Documentation

Proper documentation includes the following:

- Independent Price Estimate
- Final Version of IFB
- Distribution list, public notice (i.e., website posting) & other methods of publication
- Bid(s) received
- Cost or Price Analysis
- Award notification letter(s)
- Non-selection notification letter(s)
- Sole Source Justification (if applicable)
- Copy of the purchase document (e.g., contract or purchase order)

Competitive Proposals (formerly called Competitive Negotiation)

Competitive Proposals is a method of soliciting proposals from an adequate number of qualified sources through a publicly announced Request for Proposal (RFP) or Request for Qualifications, as applicable, and guided by the particular solicitation issued. This method is used when conditions are not appropriate for sealed bids and when factors other than price must be considered, in accordance with 2 CFR § 200.320(b)(2). Negotiations or discussions may be conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursement type contract is awarded. If competitive proposals are used, the following procedural requirements will apply:

1. The solicitation of competitive offers will follow a process for advertising,

evaluation, and award in accordance with the competitive standards contained in this policy. Reasonable effort will be made to publicize the solicitation to the widest practicable area of circulation.

2. To promote reasonable competition that is consistent with the nature and requirements of the procurement, proposals will be solicited from an adequate number of qualified sources. All efforts to obtain competition will be documented. The RFP will be distributed in writing (including fax or email) to qualified respondents and posted on the WIB's website.
3. The solicitation will include a clear and accurate description of the procurement requirements and must identify all significant evaluation factors and their relative importance.
4. Contractors will be notified to submit a proposal based on the requirements of the RFP to a specified location by a specified date and time for evaluation.
5. A technical evaluation of proposals received, including review by staff and/or Local Workforce Development Area committees, will be completed and documented. All proposals will be considered on their merits, and written documentation of the technical evaluations will be retained.
6. The review committee will make a recommendation identifying the proposal that best meets the requirements of the solicitation.
7. Contract awards will be made to the responsible, responsive proposer whose proposal is most advantageous to the WIB. In making an award, price and other factors will be considered and documented. A cost or price analysis must be performed in accordance with 2 CFR 200.324. Unsuccessful offerors will be notified promptly.
8. Documentation supporting the proposal evaluation and award decision will be maintained for monitoring and auditing purposes. A public notice of intent to award will be issued prior to contract execution, and unsuccessful offerors will be notified promptly.

At least two competitive bids must be received.

- If only one bid is received during a Competitive Proposal process, a written justification must be prepared documenting the limited participation. The justification should identify the firms and individuals contacted during the solicitation process and be maintained in the Master Contract File and submitted with procurement requests, if applicable. If the sole bidder is determined to be responsible, the procurement may proceed under the Noncompetitive Proposal (Sole Source) process, provided the required sole source justification is completed and retained in the procurement file.

Proper Documentation

Proper documentation includes the following:

- Final Version of RFP and, as applicable, the RFQual

- Justification for the use of the competitive proposal method
- Distribution list, public notice (i.e., website posting) & other methods of publication
- Bidders conference information
    a. Date, location, platform
    b. Presentation (if applicable)
    c. Attendance roster of conference
    d. Questions gathered prior and during conference and answers

- Proposals received
- The subrecipient's estimate of the potential purchase price
- WIB staff, WIB Board, and evaluators signed disclosure forms
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the proposer and the cost or price analysis
- Justification for the selection of the subrecipient selection
- The public notice of intent to award
- Winning Quote response letter(s)
- Losing Quote response letter(s)
- Sole Source Justification, if applicable
- Conflict of Interest Disclosure
- Certificate of Insurance (COI)
- Copy of the purchase document (i.e., sales receipt, contract)
- Copy of the award documents

Request for Qualifications (RFQual)

A RFQual is a solicitation method used to evaluate prospective contractors or subrecipients based on demonstrated qualifications, experience, technical capacity, and past performance. An RFQual may be used when qualifications are more important than price during the initial phase of the procurement process.

The use of an RFQual does not alter the procurement requirements established by this policy. All procurements utilizing an RFQual shall comply with the applicable procurement requirements based on the estimated value of the procurement.

RFQuals may be used under the following circumstances, but not limited:

- When procuring specialized or professional services where technical expertise and experience are essential.
- Identify the most qualified vendors first, with the option to request the price later.
- Establishing a prequalified pool of vendors for future procurements, including prior to issuing a Request for Proposal (RFP) or conducting price negotiations.

- Evaluating firms based on qualifications when the scope of work or project requirements make qualifications more appropriate than price during the initial phase of the procurement process.

Proper Documentation

Proper documentation includes the following:

- Justification for the use of the RFQual solicitation method.
- Copy of RFQual.
- Public notice and distribution documentation.
- Pre-proposal conference information, including questions and answers, if applicable.
- Qualifications statements or proposals received.
- Evaluation criteria and scoring methodology.
- Individual evaluation and scoring sheets.
- Documentation supporting the selection recommendation.
- Notice of Intent to Award, if applicable.
- Award documentation or executed contract.

Non-Competitive Proposal Method

Competitive procurement is the preferred method for acquiring goods and services. However, Federal regulations recognize limited circumstances in which competition is not feasible. In those situations, the WIB may use the Noncompetitive Proposal (Sole Source) procurement method, provided the requirements of 2 CFR § 200.320(c) and this policy are satisfied.

Non-Competitive Negotiation (Sole Source)

Noncompetitive procurement (sole source) is a procurement method in which a proposal is solicited from only one responsive bid and responsible bidder, or, after soliciting multiple sources, competition is determined to be inadequate. The WIB permits noncompetitive procurement only when competitive procurement methods are infeasible and only under the conditions authorized by applicable federal regulations.

Allowable Circumstances

Noncompetitive procurement may be used only when one or more of the following conditions apply:

1. A public exigency or emergency exists that will not permit a delay resulting from competitive solicitation;
2. The goods or services are available from only a single source;
3. The procurement is expressly authorized by the State of California or the applicable federal or pass-through entity;
4. After solicitation of multiple sources, competition is determined to be

inadequate; or

5. The solicitation results in no more than one responsive submission.

Noncompetitive procurement shall be minimized to the maximum extent practicable.

Cost and Justification Requirements

A cost or price analysis shall be conducted for all noncompetitive procurements. The rationale for the use of the noncompetitive method, along with the justification for the provider selection and the justification for the contractor or subrecipient selection, shall be carefully documented and retained in the procurement file.

Required documentation for noncompetitive procurement shall include, as applicable:

- Justification for the use of the noncompetitive method, including an explanation of why other procurement methods were not feasible and which allowable condition was met;
- An independent estimate of the anticipated cost.
- Copies of any solicitation documents issued, if applicable (RFQ/IFB/RFP).
- Documentation of contractor responsibility and cost or price analysis;
- Justification for selection of the contractor or provider;
- A copy of the executed award or contract.
- Noncompetitive procurement will be minimized to the extent practicable.

Exceptions from Competitive Procurement

The following program activities are excluded from competitive procurement requirements, except as noted:

<u>On-the-Job Training (OJT):</u> Competitive procurement requirements do not apply to OJT employers. Competitive procurement requirements apply only to the procurement of OJT brokering services, if applicable.

<u>Institutions of Higher Education:</u> Training services provided through individual training accounts (ITA) are excluded from competitive procurement when delivered by eligible training providers listed on the State's Eligible Training Provider List (ETPL) and when the cost falls within the applicable small purchase thresholds. Training services shall be described in the provider’s published catalog, price list, schedule, or other materials made available to the general public.

Procurement of commercially available training packages shall be conducted in accordance with applicable WIB directives governing ETPL policies and procedures.

List of Bidders

The WIB shall maintain, lists of, contractors and subrecipients, as applicable. Such lists shall be reviewed and updated annually and shall include a sufficient number of sources to ensure full and open competition.

Subrecipient versus Contractor

The classification of an entity as a subrecipient or contractor shall be determined based on the substance of the relationship, not the type of organization. An entity may function as a contractor in one context and a subrecipient in another.

In general:

- A **subrecipient** is accountable to the WIB or pass-through entity for the use of funds and is measured against the objectives of the federal award.
- A **contractor** provides goods or services within normal business operations, offers similar goods or services to many purchasers, and is not subject to programmatic compliance requirements of WIOA.

Definitions and criteria for determining subrecipient versus contractor status are provided in Chapter VII- Definitions of this manual.

Selection of Subrecipients

The primary consideration in selecting agencies or organizations to deliver services within a Workforce Development Area shall be the demonstrated effectiveness of the agency or organization in providing comparable or related services based on documented performance, the likelihood of meeting performance goals, cost-effectiveness, quality of training, and the characteristics and needs of participants.

Funds provided to the WIB under the WIOA shall not be used to duplicate facilities or services available, with or without reimbursement, from Federal, State, or local sources. An exception may be made only when it is demonstrated that alternative services or facilities would be more effective or more likely to achieve the WIB's performance goals.

Educational agencies in the WIB service area are provided the opportunity to deliver educational services that are consistent with the identified needs of participants served by the WIB. Alternative agencies or organizations may also be used if it can be shown to be as effective or more effective in providing services in enhancing a more effective or would have greater potential to enhance participants’ continued occupational and career growth.

The WIB will not fund any occupational skills training program unless the level and content of skills provided in the program are in accordance with guidelines, priorities, and performance goals established by the WIB.

Proposal Evaluation

Upon receipt, proposals shall be reviewed by staff to determine if the submissions are responsive to the solicitation. This will include an assessment as to their completeness and compliance with the solicitation requirements. Responsive proposals will be distributed to the WIB Directors who are appointed to conduct reviews, ratings, and to selected Administrative staff with instructions that:

1. The number and identities of offerors shall not be disclosed during the proposal evaluation and review process.

2. Technical, cost, or price information from proposals shall not be disclosed to any individual not officially involved in the procurement, while the procurement is in progress. Disclosure of such information to competing offerors/proposers could compromise the integrity of the procurement process. Technical or proposal information that the offeror has designated as a trade secret shall not be disclosed to other offerors, even after the award is made and publicized.

3. The WIB Program Committee shall be responsible for proposal review, rating, and development of funding and service level recommendation*(s)* for submission to the WIB. Other WIB Directors may participate in this confidential process. They must do so only if they have been appointed by the WIB Chairperson, and it must be ensured that no conflict of interest exists. Representatives of agencies or organizations that have submitted proposals may be invited, at the discretion of the Committee or WIB, to answer specific questions as needed. To prevent violation of the procurement process, individuals, directors, and staff not designated by the WIB Chair are excluded.

4. After completion of the proposal review and rating the Program Committee will prepare recommendations to be submitted to the WIB for approval.

Proposals will be evaluated systematically using a standard developed and approved by the WIB as described in each specific solicitation. Evaluation criteria include, but are not limited to, program cost, past and projected performance, demonstrated administrative and fiscal capability of the organization, prior experience in delivering training or similar services, ongoing performance of a current subrecipients or a combination of these factors.

Evaluation Criteria

Potential offerors will find rating criteria published as a part of the solicitation package. The evaluation criteria should tell offerors which aspects of a proposal will be important to the WIB in selecting a subrecipient or contractor. Evaluation factors may include, but are not limited to, the following:

1. **Qualifications of Agency Personnel:**
   Education and past experience affect an individual's ability to perform professional work. The success of WIB funded programs relies on staff capacity and expertise. Consequently, this is a common factor used in the evaluation of proposals for WIB funded awards. This factor may be expressed as Key Personnel, Qualifications of Personnel, Staffing, or Staff Capability.

2. **Experience, Management and Administration:**
   Every WIB activity (e.g., enrollment, training, and job placement) has its own set of problems and pitfalls. Successful performance often requires knowledge of where those problems are likely to occur and a familiarity with ways to solve them. This applies to both individuals and organizations. Experience is often the best teacher. Thus, the organization's familiarity with the type of work to be performed can be important to success.

   In addition to determining whether an organization has performed similar work, evaluators may consider how effectively the organization has performed on comparable projects. Organizational structure and management approach may also impact the ability to accomplish program objectives. Evaluation may include the organization's proposed management structure, quality assurance and quality control procedures, communication and reporting processes, and systems for recordkeeping, supportive service payments, and reporting to the WIB.

3. **Past Performance**
   Past performance may be evaluated based on the offeror's record of performance on prior or current contracts or grants.

   For offerors who have not previously contracted with the WIB, demonstrated experience performing work similar to the requirements of the RFP will be evaluated. This review may include the offeror's relevant project history, organizational capacity, qualifications of key personnel, and past performance on comparable projects or procurements.

   For offerors who have previously contracted with the WIB, past performance under prior WIB agreements may be considered as part of the evaluation process. This review may include the offeror's ability to meet contractual obligations, comply with applicable federal, state, and local requirements, deliver services within established timelines, and effectively manage programmatic and fiscal responsibilities associated with prior WIB-funded activities.

Contract Pricing

Price Analysis

A price analysis is the process of examining and evaluating a proposed price without evaluating the estimated cost elements and proposed profit. It is used to determine whether a price is fair and reasonable and may be based on catalog or market prices of commercial products sold in substantial quantities to the general public, prices set by law or regulation, historical pricing, competition, or other relevant benchmarks, in accordance with 2 CFR § 200.324.

Price analysis includes a number of techniques:

1. Comparison of competitive price quotations or proposals.
2. Comparison of prior quotations and contracts with current quotations for the same or similar items.
3. Use of benchmarks or parametric relationships to point up apparent gross differences. Examples are: cost per placement, price per instruction hour, price per participant/training hour, etc.
4. Comparison of prices on published price lists with published market prices of commodities, together with discount or rebate schedules.
5. Comparison of proposed prices with independent cost or price estimate developed by WIB Administrative staff.

Price analysis is required for applicable procurements. When multiple competitive proposals are received for the same contract, price reasonableness may be supported through competition, and the price analysis may be limited to comparing proposals and documenting the basis for selection. If, however, there are wide ranges among proposed prices, or other factors raise questions regarding reasonableness, additional analysis must be conducted.

Cost Analysis

Cost analysis will differ from price analysis in the level of review conducted. Price analysis examines the total price as the single pricing factor under consideration, cost analysis segregates the total price into various cost elements, and these diverse component parts are individually assessed. This review includes analysis and evaluation of (1) the supporting data submitted by the offeror, (2) the cost elements, and (3) the factors the offeror considered in projecting from that data to develop the estimate of cost to perform the specified work. The method and degree of cost analysis are dependent on the facts surrounding each procurement.

Cost analysis is required when price analysis alone is not sufficient to determine that the price is fair and reasonable for a product or service. A cost analysis must be performed and documented for every cost reimbursement procurement.

The offeror will certify that to the best of its knowledge and belief, the cost data are accurate, complete, and current at the time of agreement on price. Contracts or modifications negotiated in reliance on data provided by the offeror may be adjusted if it is discovered that the data is not accurate, complete, or current.

Elements of Cost Analysis

In performing cost analysis, the assigned staff must perform discrete functions. First, they must verify the cost and pricing data submitted and evaluate the cost elements in that data. This includes judging the necessity for and reasonableness of proposed costs. It also includes evaluating the offeror's cost trends on the basis of current and historical cost or pricing data. This function also includes conducting a technical appraisal of the estimated labor, material, and other requirements proposed.

A second element of cost analysis is the comparison of costs proposed by offerors with other data. This data includes actual costs incurred by the same offeror in the past. Cost analysis can also compare the current proposed costs with previous cost estimates from the same offeror or from other offerors for the same or similar items. It is quite appropriate and helpful to compare an offeror's costs with those proposed by other offerors in the same procurement. Another important comparison that can be made is with the WIB's independent cost estimate.

A cost analysis will be performed on all contracts awarded on a sole source basis and for all contract modifications where additional funds are obligated.

After costs are identified, they are evaluated to determine the allowability of individual items. Necessity, reasonableness, allocability, application of applicable contract cost principles, and the WIOA statute and regulations are considered. The cost principles for specific types of entities can be found in 2 CFR. Subpart E – Cost Principles.

Relation of Cost Analysis and Price Analysis

While there are similarities between the two types of analysis and they often are performed together, there are distinct differences. Cost analysis focuses on what the work "should" cost a particular offeror, assuming reasonable economy and efficiency. The method necessarily involves a review of costs as they impact on the offeror's proposal.

Price analysis is not concerned with any single offeror's methods or situations. It focuses on a comparison between the amount proposed and a benchmark amount that is considered fair and reasonable for successfully accomplishing the work. Price analysis also deals with a question of what the work "should" cost - but it is in a more normative or prescriptive context. Here, it is used in the sense of, "What amount reflects a going rate for the goods or services in the market, in general?" Price analysis focuses on what the buyer should pay to ensure that reasonable value is received, as opposed to the cost analysis, which focuses on how much a proposer needs to receive to ensure that it recovers its costs and commercial agencies make a fair profit.

The WIB or subrecipients will not use a "cost plus percentage of cost" or “percentage of construction costs” method of contracting when procuring goods or services using WIOA funds in accordance with 2 CFR § 200.324.

Profit

The following factors will be considered in determining whether income or profits are excessive:

1. Complexity of work to be performed;
2. The risk borne by the contractor;
3. The contractor's investment;
4. The amount of subcontracting;
5. The quality of the contractor's record of past performance;
6. Industry profit rates in the surrounding geographical area;
7. Market conditions in the surrounding geographic area.

Independent Estimate

An independent estimate shall be prepared for all procurement actions, including small purchases, prior to receipt of proposals or quotations. The independent estimate shall reflect the WIB’s assessment of the anticipated cost of the goods or services being procured and shall be used as a tool in conducting cost or price analysis.

The independent estimate shall be developed before issuance of the solicitation or, at a minimum, prior to evaluation of responses. The estimate may be based on:

- Historical pricing from prior or similar contracts;
- Current market research;
- Published pricing or catalogs;
- Contractor financial information, when available.
- Estimated labor, materials, and other direct costs associated with the procurement.

When multiple awards are anticipated, independent estimates shall be developed in advance to facilitate the valuation of pricing and to support the required cost or price analysis.

If procurement is conducted through an established pre-approved vendor list with current publicly available pricing, documentation demonstrating price reasonableness may satisfy the independent estimate requirement, provided such documentation is retained in the procurement file.

Independent estimates and supporting documentation shall be maintained as part of the procurement record in accordance with 2 CFR § 200.318(i).

PART V
Protest and Appeal Procedures

In accordance with WIOA and applicable federal regulations, including 2 CFR 200.318(k), the WIB shall maintain written procedures for handling and resolving procurement protests and funding appeals.

Right to Appeal

Each proposer responding to an RFP, RFQ, or RFQual issued by the WIB shall have an opportunity to appeal the WIB Boards funding decision, subject to the requirements set forth below.

All proposers will receive a written statement of the WIB's funding decision. Should a proposer wish to appeal the WIB's decision, they must provide written notice to the Executive Director of the WIB within five working days of the postmarked date or email receipt date of the notice of award status.

The appeal must clearly state the basis for the protest and include substantive supporting evidence.

Grounds for Appeal

Appeals shall be limited to one or more of the following grounds:

1. A clear and substantial error of facts relied upon in the decision;
2. Unfair or improper conduct in the decision-making process;
3. An illegal, improper act or violation of law or regulation; or
4. A legal basis that, if substantiated, would materially affect the funding decision.

Required Contents of Appeal

To be considered, an appeal must include:

- The full name, address, and telephone number of the appellant;
- A complete statement of the grounds for appeal, including the specific issue(s) in dispute and the legal or factual basis supporting the protest; and
- A statement of relief sought.

Appeals must clearly identify the procedural issue being contested.

Review Process

Upon receipt of a timely and complete appeal, the WIB shall convene an Appeal Review Panel composed of the WIB Chair, WIB Executive Director, members of the Program Committee, and other designees as selected by the WIB Chair.

The Appeal Review Panel may, at its discretion, request additional information or meet with the appellant. The Appeal Review Panel will issue a written determination and forward its recommendation to the full WIB.

The decision of the WIB shall be final. No further local administrative appeal shall be available.

Non-Appealable Matters

The following are not subject to appeal:

- Proposals disqualified for failure to meet the submission deadlines;
- Technical ratings or scoring determinations made by review panels or committees;
- Final funding decisions issued in accordance with this procedure are not subject to appeal.

Part VI
CONTRACTING REQUISITES

To enter into a contract or subaward with the WIB, an entity must:

1. Be legally authorized to enter into contracts and demonstrate the capability to operate the proposed program or provide the required services, including relevant organizational and staff experience.
2. For new program activities, demonstrate the ability to commence operations within 30 days of the beginning of the contract period.
3. Provide current fiscal audits and monitoring reports demonstrating the ability to properly manage and account for WIB funds.

    a. If compliance issues are identified, a corrective action plan must be approved by the WIB Executive Director prior to award.
    b. New subrecipients or contractors shall be subject to a pre-award survey risk assessment prior to funding.
4. Be an Affirmative Action/Equal Employment Opportunity (AA/EEO) employer. If selected for funding, an entity must submit its AA/EEO Plan for review prior to contract execution. Entities without an approved AA/EEO Plan may adopt the WIB's plan, if permitted.
5. When applicable, provide a certificate of insurance prior to contract execution, including:

    a. Commercial General Liability insurance with a combined limit of not less than $1,000,000;
    b. Workers' Compensation coverage as required by law; and
    c. Designation of the County of Tulare and the Workforce Investment Board as additional insureds as applicable.
6. Demonstrate good standing with applicable governmental agencies, including registration or professional licensure authorities.

Required Contract Clauses

The type of agreement entered into by grantees or subgrantees (including State and governmental grantees) may be fixed price or cost reimbursement, depending on the method of procurement and goods or services being procured.

Each agreement funded under WIOA or other Employment and Training Administration (ETA) grant programs must contain the applicable contract provisions required by 2 CFR 200, Appendix II, as appropriate to the type and dollar value of the contract. Required provisions include, as applicable:

- For all contracts in excess of the simplified acquisition threshold, administrative, contractual, or legal remedies in which contractors violate or breach contract terms. The clause must also provide for sanctions or penalties, as appropriate.

- For all contracts in excess of $10,000, provisions addressing termination for cause and termination for convenience by the non-federal entity, including the process for exercising such provisions and the basis for settlement.
- Compliance with Equal Employment Opportunity provisions identified in 41 CFR Part 60.
- Compliance with the Davis-Bacon Act (40 U.S.C. 3141-3148), as applicable, for construction contracts in excess of $2,000.
- Notice of awarding agency requirements and regulations related to reporting obligations, as applicable.
- Notice of awarding agency requirements and/or regulations related to patent rights, copyrights, and rights in data.
- Compliance with record retention requirements as specified in 2 CFR 200.334 – 200.337.
- Compliance with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 – 3708) for contracts in excess of $100,000 that involve the employment of mechanics or laborers.
- Compliance with Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants (37 CFR Part 401) for any small business or nonprofit organization.
- Compliance with the Clean Air Act (42 U.S.C. 7401 – 7671q.) and the Federal Pollution Control Act (33 U.S.C. 1251 – 1387) for any contract in excess of $150,000.
- A provision requiring that contracts must not be issued for any entity listed on the Excluded Parties List System in the System for Award Management (SAM).
- Compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) for contractors bidding over $100,000.
- Compliance with Section 6002 of the Solid Waste Disposal Act (42 U.S.C. § 6962) and 40 CFR Part 247, requiring procurement of EPA-designated items containing recovered materials when the value of such items purchased during the fiscal year exceeds $10,000.
- A provision that anyone who provides WIOA services must abide by the WIOA equal opportunity and nondiscrimination provisions of Section 188 and 29 CFR Part 38.
- A provision that all subrecipients of the funding must adhere to the Uniform Guidance, DOL Exceptions, and corresponding WIOA administrative requirements.

Additional Required Provisions

Grantees and subgrantees must also include additional provisions under WIOA or other ETA grant programs, as appropriate. These include provisions related to the following:

- A requirement to perform a cost or price analysis in connection with every procurement action, including contract renewals, in accordance with 2 CFR § 200.324.
- Applicability of the appropriate ETA program and administrative regulations.
- Compliance with Audit requirements is detailed in 2 CFR 200 Subpart F – Audit Requirements, as applicable.

Part VII
Use of Attachments

Attachments A–E are provided as reference tools to support procurement activities. While these forms may be used as a guide, their use is not mandatory. Staff may utilize alternative formats, provided that all required procurement standards, documentation, and regulatory requirements are met.

Attachment A – Price Analysis Form
Attachment B – Cost Analysis Form
Attachment C – Small Purchase and Micro Purchase Form (WIB use only)
Attachment D – Youth Services Budget Sheet
Attachment E – Career Services Budget Sheet

Part VIII
DEFINITIONS

<u>Allowability</u>: The determination of whether an expense can be charged to a contract, either as a direct or an indirect charge.

<u>Bilateral Modification</u>: A change in a contract that requires the agreement and signature of both parties involved.

<u>Breach of Contract</u>: Occurs when a party fails to perform a contractual duty of immediate performance.

<u>Catalog Price</u>: A price published in a catalog, price list, schedule or other form regularly maintained by a manufacturer or supplier that is published or made available for inspection by buyers. To represent a valid indicator and serve as a point of reference, the prices must be those that a substantial number of purchasers in the general public are currently paying.

<u>Contractor</u>: An entity that receives a contract as defined in 2 CFR 200.22 Contract.

<u>Cost Analysis</u>: The element-by-element examination of the estimated or actual cost of contract performance to determine the probable cost to the vendor. This is a more detailed and costly method than price analysis, both in terms of time and manpower.

<u>Cost Reimbursable</u>: (sometimes referred to as a cost reimbursement contract) A contract under which the awarding agency reimburses all reasonable, allowable, and allocable costs incurred in performing the work up to a predetermined ceiling that the awardee may not exceed (except at its own risk) without the approval of the Contracting Agency.

<u>Fixed Price Agreement</u>: An agreement under which the price and payment are contingent on delivery of the specified goods or services.

<u>Invitation For Bid (IFB)</u>: A solicitation document used in a competitive procurement process to obtain bids for goods or services at a lump sum or unit price.

<u>Market Price</u>: The price currently established in the usual and ordinary course of trade between buyers and contractors (sellers) in a transaction where the parties are free to bargain. The price must be established from sources independent of the contractor (sellers).

<u>Price Analysis:</u> The process of examining and evaluating a proposed price without evaluating its individual cost elements or proposed profit. This process determines whether the price is fair and reasonable.

<u>Procurement</u>: For purposes of this policy, the term "procurement" includes any acquisition action that obligates WIOA funds for the purchase of equipment, materials, supplies, and program or administrative services beginning with the process for determining the need and ending with contract completion and closeout. Procurements funded with non-WIOA funds will be governed by the requirements specific to federal or state granted funds or California Law for the public trust corporations, as appropriate.

<u>Program Income</u>: Income received by the subrecipient or contractor directly generated by a grant or contract supported activity, or earned only as a result of the grant or contract.

Program Income includes:

- Income from fees for services performed and from conferences;
- Income from the use or rental of real or personal property acquired with grant or subgrant funds;
- Income from the sale of commodities or items fabricated under a grant or subgrant;
- Revenues earned by a governmental or private non-profit subrecipient(s) under either a fixed-price or reimbursable award that exceed the actual costs incurred in providing services; and
- Interest income earned on advances of subgrant funds.

Program Income does not include:

- Rebates, credits, discounts, refunds, etc., or interest earned on them,
- Taxes, special assessments, levies, fines, and other such governmental revenues raised by a recipient or subrecipient;
- Income from royalties and license fees for copyrighted material patents, patent applications, trademarks, and inventions developed by a recipient or subrecipient; or
- Proceeds from the sale of property purchased with WIOA funds.

<u>Reasonableness</u>: A cost or price that does not exceed what one would expect an ordinarily competent and prudent person to charge when conducting business in a competitive environment.

<u>Request for Proposal (RFP)</u>: The solicitation document that invites offers from subrecipients or contractors for the delivery of a specific type of service. It includes a description of the product(s) or service(s) desired that enable a potential subrecipient or contractor to submit a proposal. The RFP will include information necessary for an objective evaluation and comparison to similar proposals. The RFP is the specific term applied to a solicitation where negotiation is used.

An RFQ is appropriate when:

1. The nature of the service needed precludes developing a specification or purchase description so precise that all proposers would have an identical understanding or approach to the requirements; and
2. Cost is not the only factor considered in making an award.

Request for Quotation (RFQ): A solicitation document that is used to acquire the price(s) and pertinent information needed from a subrecipient/contractor. Since the quotation is not a formal offer, the awarding agency must reach a bilateral negotiated agreement before a binding contract exists. An RFQ differs from an RFP in that it simply asks for a price based on standard specifications that are generally known or apply industry wide.

It is appropriate to use an RFQ when:

1. A complete, adequate, and realistic specification or purchase description is available; and
2. There are at least two responsible contractors who compete effectively for the award; and
3. The procurement lends itself to a firm fixed-price contract and selection of a contractor based wholly on price that is appropriate and reflective of the nature of the products or service being purchased.

Responsible Entity: An entity determined to:

1. Have adequate financial resources to perform the contract or the ability to obtain such resources; be able to comply with the required or proposed delivery or performance schedule, taking into consideration all existing commercial and business commitments;
2. Have a satisfactory performance record;
3. Have a satisfactory record of integrity and business ethics;
4. Possess the needed organization, experience, accounting, operational control, and technical skills or ability to obtain them;
5. Have adequate production, construction, or technical equipment and needed facilities or the ability to obtain them; and
6. Be qualified and eligible to receive the award under applicable law and regulation.

Responsive Proposal: A proposal or bid that meets all requirements of the solicitation adequately, and the submitted document does not constitute a substitute or counteroffer. When a bidder substitutes a "like item," the submittal is considered non-responsive when the like item fails to meet published specifications. The same principle holds when the proposal is a substitute or counteroffer.

Solicitation: The practice of issuing or distributing an Invitation for Bid, Request for Proposal, or any other document, such as a Request for Quotation, issued by a purchasing agency for the purpose of obtaining bids, quotations, or proposals for goods or services.

Subaward: Means an award provided by a pass-through entity to a subrecipient for the subrecipient to contribute to the goals and objectives of the project by carrying out part of a Federal award received by the pass-through entity. It does not include payments to a contractor, beneficiary, or participant.

Subrecipient: A non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program. The Uniform Guidance provides definitions for distinguishing a subrecipient under 2 CFR 200.93 from a contractor under 2 CFR 200.1.

Unilateral Modification: A modification made and signed solely by the contracting agency in accordance with the terms and conditions of the contract.

Unilateral Right: A legal action that may be taken by the contracting agency in accordance with the terms and conditions of the contract.

PRICE ANALYSIS WORKSHEET

Proposal Number: ___________________________________
Offeror: ___________________________________

PART I: General

1. The proposed price is a catalog price: Choose an item.
   a. If yes, was price verification made: Choose an item.
   b. If yes, date of catalog or price list: Click or tap here to enter text.
2. How was verification performed:
   Click or tap here to enter text.
3. Was a discount offered: Choose an item.
4. Will a discount be sought: Choose an item.

PART II: Primary Comparison

	This Offeror	Offeror 2	Offeror 3	Offeror 4
Price per participant	$________	$________	$________	$________
Total price	$________	$________	$________	$________
Price per instruction hour	$________	$________	$________	$________
Price per participant/instruction hour	$________	$________	$________	$________

PART III: Secondary Comparison

	This Offeror	Offeror 2	Offeror 3	Offeror 4
Price per placement	$________	$________	$________	$________
Total unit price	$________	$________	$________	$________

Note: In using past contracts, ensure prices were competitive and evaluations reasonable.

PART IV – Narrative

Provide a brief narrative regarding the reasonableness of the proposed prices:

Click or tap here to enter text.

Proposed new price: $________________

Rationale:

Click or tap here to enter text.

PART V – Staff Signatures: Reviewer

Name/Title: ____________________________ Date: ________________

Signature: _____________________________

COST ANALYSIS WORKSHEET

Complete blue input cells only. Review fields and totals calculate automatically.

PART I – GENERAL

Proposal Number		**Offeror / Proposer**	

#	General Review Question	Response	Problems / Comments
1	Proposer's computations checked and verified		
2	All necessary cost elements included		
3	Proposer's supporting documentation and justification complete		

PART II – SPECIFIC COSTS

#	Cost Element	Proposed Cost	Necessary / Reasonable	Primary Basis for Judgment	Other Basis Detail	Comments / Concerns / Problems
1	Staff Costs					
2	Fringe Benefits					
3	Materials – Training / Program					
4	Materials – Office Supplies /					
5	Facilities					
6	Staff Travel					
7	Accounting / Audits					
8	Legal Services					
9	Supportive Services					

COST ANALYSIS WORKSHEET

Complete blue input cells only. Review fields and totals calculate automatically.

PART I – GENERAL

Proposal Number		**Offeror / Proposer**	

#	General Review Question	Response	Problems / Comments			
10	Program Income / Propers					
11	Subcontracts					
12	Other (Specify)					
	Total Proposed Cost	**$0.00**				

AUTO REVIEW METRICS

Total items marked Yes	0
Total items marked No	0
Items flagged for review	0
Entered cost lines	0

PART III – PROFIT / FEE

Proposer Type	
If Non-Profit, no profit allowable	
Amount of Profit Proposed	
Total Other	

COST ANALYSIS WORKSHEET

Complete blue input cells only. Review fields and totals calculate automatically.

PART I – GENERAL

Proposal Number		**Offeror / Proposer**	

#	General Review Question	Response	Problems / Comments
Profit as % of Total Other Costs			
Profit Determination			
Basis for Judgment			
Profit Objective to be Negotiated ($ or %)			

PART IV – CONCLUSIONS

1. Specific additional cost justifications needed

2. Recommended adjustments to specific cost elements

COST ANALYSIS WORKSHEET

Complete blue input cells only. Review fields and totals calculate automatically.

PART I – GENERAL

Proposal Number		**Offeror / Proposer**	

#	General Review Question	Response	Problems / Comments

3. Any other comments about the cost/price proposal

PART V – SIGNATURE(S)

Prepared By		**Date**	
Reviewed By		**Date**	
Approved By		**Date**	

Flag

$0.00

0.0%

Workforce Investment Board of Tulare County
Micro-Purchase and Small Purchase Request

Small Purchase Procedures - Small purchase procedures may be used for the procurement of goods or services with a per transaction value that exceeds the micro-purchase threshold but does not exceed the Simplified Acquisition Threshold (SAT) (currently $350,000).

Procurements within this range require price or rate quotations from an adequate number of qualified sources, with a minimum of two documented quotes required by WIB policy. Quotes may be obtained from catalogs, published price lists, or written responses from vendors. Catalogs or price lists must be dated within the past 12 months.

A contractor on the WIB's prequalified list or Tulare County Purchasing's prequalified list may be used in lieu of obtaining multiple quotes, provided the price is determined to be reasonable.

Procurements may not be artificially divided into multiple transactions to avoid competition requirements or to remain below the Simplified Acquisition Threshold.

Micro-Purchase Procedures – Micro-purchase procedures may be used for the procurement of goods or services with a per-transaction value of $15,000 or less. These purchases may be awarded without soliciting competitive quotations if the price is determined to be reasonable, and, to the extent practicable, must be distributed equitably among qualified suppliers.

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1. **Describe the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision.**

2. **Please attach the price(s) offered from current catalogs, price lists, websites, prior sales receipts (from within the last year), or quotes for all providers contacted/considered.**

3. **Price Determination (Complete appropriate section based on selected procurement procedure).**

   ☐ **Micro-Purchase** ($15,000 and under)– Use this section to enter all quotes obtained. Only one price quote is required.

Firm Name	Price Quote	Selected Contractor(x)
1.	$	☐
2.	$	☐
3.	$	☐

☐ **Small Purchase ($15,001 - $350,000)** - Use this section to compare price quotations obtained from an adequate number of qualified sources (at least two) in accordance with **Small Purchase Procedures**.

Firm Name	Price Quote	Selected Contractor (x)
1.	$	☐
2.	$	☐
3.	$	☐

4. Why was the contractor selected, including how the contractor met any additional criteria?

5. Indicate recommended funding source(s) if known.

Funding Source(s)	1.	2.	3.

Staff Name __________ Staff Signature __________ Date __________

Supervisor Approval __________ Date __________

Executive Director Approval __________ Date __________

ADULT PROGRAM BUDGET SHEET

Agency Name:		**Contract No.:**	
Contract Term:		**Activity Name:**	
Mod Number:			

LINE ITEM	PROGRAM COSTS	TOTAL	% OF WIOA PROGRAM	NON WIOA RESOURCE
STAFF COSTS				
1	Salaries			
2	Fringe Benefits			
3	**SUB-TOTAL STAFF COSTS**	**0**		
OPERATING COSTS				
4	Advertising			
5	Building Maintenance			
6	Building Rent			
7	Conference			
8	Duplicating/Printing			
9	Equipment Maintenance			
10	Equipment Purchases			
11	Equipment Rental			
12	Instructional Supplies			
13	Insurance			
14	Office Supplies			
15	Telephone			
16	Vehicle Expense			

17	Other Operating Expenses			
18	**SUB-TOTAL OPERATING COSTS**	**0**		
19	**TOTAL STAFF & OPERATING COSTS**	**0**		
PARTICIPANT COSTS				
20	Participant Wages (Work Exp. & Intern.)			
21	Support Services			
22	Other Participant Program Costs			
23	OJT Employer Reimbursement			
24	**SUB-TOTAL PARTICIPANT COSTS**	**0**		
25	**TOTAL CONTRACT AMOUNT**	**0**		

Note: All program costs must be identified in the format above at proposal submission. Any services or equipment not identified will not be considered.

THIS BUDGET WAS PREPARED:

Prepared Method:		**Program Name:**	
Software Version:			
BY:			
Name:		**Title:**	
Date:			

YOUTH BUDGET COVER SHEET

Contract Term:		**Program Name:**	
Mod Number:			

		PROGRAM COSTS				
LINE ITEM	**BUDGET CATEGORY**	**IN SCHOOL PROGRAM**	**OUT OF SCHOOL PRG.**	**TOTAL**	**% OF GT**	**NON-WIOA RESOURCE**
STAFF COSTS						
1	Salaries			-		
2	Fringe Benefits			-		
3	**SUB-TOTAL STAFF COSTS**	**-**	**-**	**-**		**-**
OPERATING COSTS						
4	Advertising			-		
5	Building Maintenance			-		
6	Building Rent			-		
7	Conference			-		
8	Duplicating / Printing			-		
9	Equipment Maintenance			-		
10	Equipment Purchases			-		
11	Equipment Rental			-		
12	Instructional Supplies			-		
13	Insurance			-		
14	Office Supplies			-		
15	Telephone			-		
16	Vehicle Expense			-		

17	Other Operating Expenses			-		
18	**SUB-TOTAL OPERATING COSTS**	-	-	-		-
19	**TOTAL STAFF / OTHER OPERATING COSTS (Line 3 + 18)**	-	-	-		-
PARTICIPANT COSTS						
20	Participant Wages (Work Exp, Intern)			-		
21	Support Services			-		
22	Other Participant Program Costs			-		
23	OJT Employer Reimbursement			-		
24	**SUB-TOTAL PARTICIPANT COSTS**	-	-	-		-
25	**GRAND TOTAL (GT) (Line 19 + 24)**	-	-	-		-

30% OR MORE OF ALL YOUTH FUNDS MUST BE SPENT ON OUT-OF-SCHOOL YOUTH ACTIVITIES
(Out-of-School Youth does not include Alternative Education)

Note: All program costs must be identified in the format above at the time of proposal submission. Any services or equipment not identified will not be considered during the contract year.

OSY % of GT:

THIS BUDGET WAS PREPARED:

Prepared Method: **Program Name:**

Software Version:

BY:

Name:		**Title:**	
Phone:		**Date:**	