



## **NORTH COUNTRY WORKFORCE DEVELOPMENT BOARD**

### **Procurement Policy**

### **Adopted Sept. 8, 2017**

The purpose of these guidelines is to provide direction to North Country Workforce Development Board (NCWDB) employees regarding procurement and purchasing activities to ensure compliance with federal and state procurement standards.

#### **A. INTERNAL PROCEDURES**

##### **Procurement by the NCWDB**

The NCWDB will use competitive selection in all procurements to ensure the following:

- Maximum open and free competition to the greatest extent possible;
- Equal procurement opportunities for small and emerging or other business organizations and enterprises, such as women's, minority, disabled veterans and disadvantaged business enterprises;
- All Request for Proposals (RFP), Solicitations of Interest (SOI) and Request for Bids (RFB) incorporate a clear description of services or products to be purchased by the NCWDB, and identify all requirements which each bidder must fulfill to qualify;
- Costs of products and services are reasonable, allowable, and allocable, as well as necessary for operating the programs that area being contracted by the NCWDB;
- Selection of the proposal that is in the best interest of the NCWDB, when all factors are considered;
- Some form of cost or price analysis shall be made and documented in the procurement files in connection with every procurement action, including contract modifications.

##### **Procurement by NCWDB Contractors and Service Providers**

The requirements placed on the NCWDB are passed through to contractors and service providers who receive Workforce Innovation and Opportunity Act (WIOA) or other federal/state funds. Each procurement shall advise those bidding of the need to provide the NCWDB with information on their special efforts to utilize small business, minority owned firms and women's business enterprises when they are subcontracting any element of their bid or proposal.

Positive efforts shall be made by all recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of federal awards shall take the following steps to further this goal.

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1. Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
2. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
3. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
4. Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
5. Use the 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 solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.

In addition to the competitive bidding requirements, and the small business and open and equal economic opportunity requirements stated above, contractors and service providers must meet the following conditions in their subcontracting:

- Subcontracting with other providers for goods and services to perform a contract with the NCWDB requires prior approval by the NCWDB.

## **B. LEGAL REQUIREMENTS/GENERAL GUIDELINES**

The NCWDB receives federal and state job training funds that are subject to applicable federal and state guidelines.

These Procurement Guidelines have been established to ensure fiscal accountability, prevent fraud and abuse, and specify minimum procurement requirements as stipulated in:

- OMB Circular A-110, Uniform Administrative Requirements for Non-Profits, including Higher Education and Hospitals
- OMB Circular A-122, Cost Principle for Non-Profits
- Title 20 CFR 667.200.
- Title 29 CFR, 95, 95.40 through 95.48.
- Title 29 CFR, 97.36.
- Other funding authority, as appropriate for grants received

At a minimum, all NCWDB procurement activities will include consideration of the following:

1. Procurement activities will be conducted in a manner that provides open and free competition to service providers and vendors while providing economy and quality to the NCWDB. Where appropriate, an analysis shall be made to avoid purchase of unnecessary or duplicate items. The pre- or post purchase price or cost analysis ensures that the service or product is purchased at a reasonable cost and is necessary for the operation of the service or the use of the product. Such analysis shall be documented during the approval process and filed with the records of the procurement. The use of federal excess and surplus property wherever possible is encouraged.
2. Use of non-competitive, sole source procurement will be on a case-by-case exception, in accordance with OMB Circular A-110. Each case must be justified, approved by appropriate staff and then

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documented in the procurement files. The requirement for open competition also applies to special grants awarded to the NCWDB as the result of a solicitation from USDOL or other federal agencies and a proposal developed in collaboration with special partners. Such awards do not waive any grant requirements and/or procedures. For example, if an application identifies a specific sub-contractor or service provider as collaborating in the design or provision of services, the award of the grant does not provide the justification or basis to sole source the procurement of those services, thereby avoiding open competition for the provision of the planned services. Should the Grantor give its approval and exempt the need for competition that would be a condition stated in the grant awarded. Most likely, after receiving such an award, open procurement would be required.

3. Requirements which bidders or respondents must fulfill as well as other factors such as deliverables, basis for payments, etc., to be used in evaluating bids or proposals will be clearly stated in the procurement documentation.
4. All procurements, including those by contractors and subcontractors, funded with federal funds, shall establish procedures to encourage the participation of bidders certified as small and emerging or other business organizations and enterprises, such as women's, minority, disabled veterans and disadvantaged business enterprises. Such certification shall be documented in the Request for Qualifications. (See Section D. Definitions.)
5. Bidders or respondents will be notified immediately, in writing, of any changes to procedures that occur during the procurement process.
6. Staff is to follow the written procedures established for each procurement transaction.
7. Appeals by bidders or potential bidders over contract awards will be processed in accordance with the appeal process set up in the RFP, SOI and/or the NCWDB proposal award appeals process. See Attachment A.
8. Checks on potential conflict of interest will be performed by the Finance Director to ensure no employee, officer, or agent of the NCWDB shall participate in the selection, award, or administration of a contract supported by government funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee or agent, any member of his or her immediate family or an organization that employs or is about to employ any of the parties indicated above has a financial or other interest in the firm selected for an award. See Conflict of Interest provisions in the Workforce Development Board (NCWDB) By-laws and Adirondack Community Action Programs, Inc. Employee Handbook, section 1010 (Ethics) in accordance with 29 CFR 95.42 and 20 CFR 667.200 (a) (4).
9. Procurement files will be established and maintained for a period of six (6) years.
10. In addition, the requirements for procurement of WIOA program services are summarized below:
  - Award of a contract will be made only to bidders who demonstrate their effectiveness in delivering comparable or related services based on the following: demonstrated performance goals; reasonableness of costs to provide the services proposed; quality of training/service; characteristics of participants; and the ability to perform successfully under the terms and conditions of a proposed contract (elements contained in the RFP).
  - Determination of demonstrated performance will be made prior to a final contract award through the proposal evaluation process, and will take into consideration the following:
  - The adequate financial resources or ability to obtain them;

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- The ability to meet the program design specifications at a reasonable cost, as well as the ability to meet performance goals;
  - A satisfactory record of past performance in related activities;
  - A satisfactory record of integrity, business ethics and fiscal accountability;
  - The necessary organization, experience, accounting and operational controls; and
  - The technical skills to perform the work;
  - At the close of evaluation and after recommendations for award are made, the bidders shall be informed of the recommendation given their proposal and informed of the time and place at which the NCWDB boards shall receive the recommendations for their approval;
  - Contract award will also include the following provisions: clearly specified deliverables, or services and performance, and the basis for payment; compliance with WIOA regulations, or regulations of other funding sources, and, assurance of non-discrimination and equal opportunity as required by WIOA, or other funding authorities;
  - Finally, sufficient records documenting the entire procurement process, including documentation of the pre-or post-purchase price or cost analysis, public notice, bid packages, evaluation and selection documents, board agenda items, including cost comparison or other financial analysis, and board minutes, will be maintained for future audit;
11. Only service providers who meet specified criteria for inclusion on the State- approved Eligible Training Provider List (ETPL), and are approved by the NCWDB are eligible to receive Individual Training Account (ITA) funding through WIOA. (See Attachment C.)
  12. Intervals between cycles of procurement will be no longer than three years, unless a longer cycle is allowed by the funding source as an exception to the rule, and approved by the NCWDB, as the administrative entity for WIOA and successor workforce programs, and/or the NCWDB, as appropriate.
  13. WIOA funds will not be used to duplicate facilities or services available (with or without reimbursement) from other Federal, State, or local resources, unless it is demonstrated that alternative services or facilities would be more effective or more likely to achieve performance goals.

## **C. RESPONSIBILITIES**

### **Competitive Procurements**

1. The Finance Director, with the Executive Director, is responsible for drafting and issuing the appropriate procurement instruments, e.g., RFP, SOI, or RFB.

Procurements less than \$5,000 will follow Small Purchases procurement procedures (see D. 4.), unless special considerations require another method. The Executive Director shall approve every procurement document before it is to be issued. After approval, the procurement document will be issued.

2. The Finance Director will maintain a Procurement Log that includes a timeline and information on funding source and funding level.
3. The Finance Director, with the Executive Director, is responsible for all the information related to program design and/or bid specifications (including independent cost estimate, determined with assistance from the Finance Department), expected outcomes, procurement schedule, evaluation factors, etc., and for preparing and drafting the procurement instruments and other related documents. Responsibilities include publishing the procurement notice, receiving the proposals or bids, and

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evaluating those proposals or bids. Proposal Evaluation Tools will be developed in consultation with the Manager and Executive Director.

4. The Finance Director, with the Executive Director, is also responsible for submitting recommendations for contract awards based on the results of the evaluation to the appropriate NCWDB regional board for approval, including documentation of the cost or price analyses, and reasonableness of costs, as determined with the assistance of the Finance Department.

### **Procurement Log**

1. The Finance Director shall maintain a log of all procurements at and above the Small Purchase Threshold of \$5,000. Procurement Log will include:

- a. Procurement description;
- b. Funding Source;
- c. Procurement Type (e.g., competitive or bids);
- d. Category: Vendor or Service Provider/Contractor;
- e. Issuance date;
- f. Public notice date;
- g. Proposal submittal date;
- h. Date(s) of contract(s) awards by appropriate Board(s);
- i. Contractor(s) selected as a result of the procurement;
- j. Contract number(s);
- k. Contract sector, (e.g., governmental, CBO);

2. The Finance Director will be responsible for the custody of the procurement instruments and other related documents.

### **Small Purchases**

Procurements for goods or services that cost less than \$5,000 will follow Small Purchases procedures. Documentation of Small Purchases procurements, including price lists or cost analyses, will be kept in the Finance Department. Other documentation includes catalogs and price comparisons for such repeat purchases as office supplies. Documentation of bids and price comparisons for Small Purchases made by Purchase Orders shall also be maintained in the records for those Purchases Orders.

### **Record Retention**

Procurement files will be retained for a minimum of six (6) years following submission of the final expenditure report for each procurement's grant funding cycle.

## **D. DEFINITIONS**

1. **Procurement** - For the purpose of these guidelines, the term "procurement" includes any acquisition that obligates or expends funds or resources, in particular purchases of property, equipment, materials, supplies, and program or administrative services. All procurement activities shall be governed by the requirements specific to their funding source (federal or state law as appropriate).
2. **Competitive Procurement** - This method is used when the purchase is \$5,000, or more, or when more than one source submits an offer and a fixed-price or cost-reimbursement type award is made. The procedures for competitive proposals may be followed for a purchase of under \$5,000 if the NCWDB

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determines there is a specific need for such procedures. Competitive procurement is generally used to select contractors and vendors to provide program services, or consultants under a service agreement, and specifically used when factors other than price are important in the selection decision.

3. Non-Competitive Procurement (sole source) - Non-competitive, or sole source procurement is conducted through soliciting a proposal from only one source only after competition is determined inadequate, or certain circumstances apply. (See Section E.4.) The use of non-competitive procurement must be minimized to the extent practicable, and, in every case, must be justified, approved by the Executive Director and documented in the procurement file.
4. Small Purchases - Small purchases are made from vendors for goods or services with a total cost of under \$5,000, normally procured through a Purchase Order. The NCWDB has identified 3 categories of small purchases and the required documentation for each. See E.1. Documentation and records of all Small Purchases, including the pertinent Purchase Orders and bids, as identified above, and price/cost analyses, shall be maintained by the Finance Department for monitoring and audit purposes.
5. Eligible Training Provider List (ETPL) – The ETPL is a listing of providers and their training programs that are determined eligible to be funded by WIOA Individual Training Accounts. WIOA requires the State, in consultation with the local NCWDB, to establish procedures governing how training providers may apply for initial listing on the ETPL (See Attachment C).
6. Request for Qualifications/Information (RFQ/RFI) - The RFQ/RFI is an administrative pre-qualification process used by the NCWDB to determine whether an organization meets the basic administrative and financial requirements to receive NCWDB funds for training programs. The RFQ/RFI also captures information on the certification of small and emerging or other small business organizations and enterprises, such as women’s, minority, disabled veterans and disadvantaged business enterprises to ensure equal economic opportunity in NCWDB procurement process of awarding contracts.

Organizations that meet these requirements are placed on the Qualified Agencies List (QAL). Organizations on the QAL must still submit program proposals to be considered for specific contracts and funding. A RFQ/RFI must be updated annually. It must be current at the time of procurement for the organization to be considered for contracting.

7. Cost Reimbursement Contract - A cost reimbursement contract defines payments to be made to contractors based on actual costs incurred that meet allowable expenditures, with no fee (or profit) received beyond costs, including any approved indirect cost charges for contractors with a rate approved by a cognizant agency. Reimbursement is made up to a predetermined amount that the contractor may not exceed. Cost reimbursement is the most common contracting method used by the NCWDB and must be used in all procurement contracts with government agencies.
8. Fixed-Fee Contract - A fixed-fee contract is a performance-based contract in which the fees for the training and placement of a client or the fees for the provision of a service or product is established for benchmark payment purposes and payment remains the same regardless of the actual costs incurred to fulfill the contract. Other forms of fixed-fee contracts may also be used.

## **E. PROCUREMENT METHODS AND DOCUMENTATION**

1. Small Purchases/Request for Bids - Small purchases are made from vendors for goods or services costing less than \$5,000, following procedures established for use of Purchase Orders. The following provides guidelines for the justification of this method of procurement:

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<u>Dollar Range of Purchase</u>	<u>Contacts and Method</u>
\$1 to \$999	1 quote or price*
\$1,000 to \$4,999	2 documented quotes** ***
\$5,000 to \$ 10,000	3 documented quotes** ***

\*This purchase is defined as a small purchase under \$1,000 and not as non-competitive or sole source procurement.  
\*\*Unless sole source justification exists. (See Section E. 4.)  
\*\*\*Unless using NYS contract(s)

A price analysis should be conducted prior to purchase to establish that the price is fair and reasonable. Price analysis always includes comparison of prices, such as market prices, catalog listings, or prior contracts or purchases. Lowest price is the normal criteria for selecting goods and services. Qualifications of the vendor, availability of the goods or services, quality and location are some additional factors that could influence the procurement.

The documentation for the price analysis will contain the basis for vendor selection, and if the basis is something other than price, staff will prepare written documentation describing the additional criteria for selection, the relevance of the criteria to the need and benefit, and the relative advantage of the offering from the selected vendor. Documentation should be retained for the length of time indicated in section C. Responsibilities.

For the “1 quote or price”, the sales receipt is sufficient documentation of the quote or price. An approved vendor list is not required for “1 quote or price” purchases.

For the “1 quote or price” and “2 documented quotes”, the documentation can include product or service catalogs, current price lists, or telephone contact with the vendors to obtain quotes (e.g., a memo which reflects the oral quotations by source, and is signed by the involved staff). Catalogs and price lists should be updated annually.

For the “3 documented quotes”, a Request for Bid (RFB) is required for small purchases between \$5,000 and \$ 10,000. At least three (3) quotes must be solicited/received from vendors that can reasonably be expected to provide the goods or services needed.

An RFB shall indicate the quantity, time frames and all other requirements of the product or service sought. The RFB must either be provided in writing to the vendors or transmitted as uniformly as possible over the telephone or by email. To be considered, the response must be signed and dated by the vendor.

For acquisition of property with a **per unit cost of \$5,000 or more**, and any of the cost of which would be charged to WIOA grant funds, prior approval by the NYSDOL is required. This requirement applies to all recipients of WIOA funds, including subcontractors.

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2. Solicitation of Interest (SOI) – From time to time, when there is need for the services of specialized consultants or agencies, an SOI may be issued. The SOI will seek to engage small and emerging or other small business organizations and enterprises, such as women’s, minority, disabled veterans and disadvantaged business enterprises. The initial step may not necessarily result in a contract, but only in the creation of lists of pre-qualified persons or firms. These lists should be current and include enough qualified sources to ensure open and free competition in the small purchases of goods and services. Bids for goods and services, primarily small purchases, can be procured directly from those on the list). The lists may be opened annually for new vendors or providers.

The elements of the SOI procurement process include: a public notice preceding the SOI issuance; a standard application package; a documented method for selecting the service provider (may be based on factors such as start dates, price/costs, geographic location, demonstrated performance, access to basic services, etc.); a written contract standard agreement; and documented demonstrated performance of vendor.

Once the vendor is qualified, they would be added to the established vendor list. Those vendors who are not on the list will not be considered for selection by the NCWDB. All selections will be documented in the case files, and in any instance when the lowest priced vendor is not chosen, the justification will be documented.

3. Request for Proposals (RFP) - An RFP is used to procure program services or consultant services. The RFP is a set of documents that describes the product(s) or service(s) that enables a potential contractor to submit a proposal. The RFP will include information that staff needs to evaluate proposals submitted. It is the most common form of solicitation and is used when:

- a) The nature of the service needed precludes developing a specification or purchase description so precise that two bidders would have an identical understanding or approach to the requirements.
- b) In addition to price, other factors are appropriately considered in making the award, such as financial capacity, prior experience and quality of program design.
- c) Two or more responsible providers are likely to be willing and able to effectively compete for the award.
- d) Other considerations in using the RFP process are as follow:
  - i) Proposals shall be solicited from an adequate number of qualified sources to permit reasonable competition.
  - ii) The RFP must identify all significant evaluating factors, including price or cost where required and their relative importance.
  - iii) A review and evaluation of proposals received will be conducted by staff and outside reviewers, and documented in the procurement file, as appropriate.
  - iv) Contract awards shall be made to the responsible bidders whose proposal is most advantageous to the NCWDB. Price and other factors will be considered and documented. Unsuccessful bidders will be notified promptly.

An “open” RFP may be used in some instances so that proposals may be processed throughout the year, evaluated as training needs are justified, and funded, as additional funds are available.

(See detailed guidelines in Attachment D on the structure and content of the RFP and in Attachment A on the various steps of an RFP).

4. Non-Competitive Procurement (Sole Source) - The circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

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- a) The item is available only from a single source;
- b) Public exigency or emergency-- when the urgency for the requirement will not permit a delay incident to competitive solicitation;
- c) The federal grantor agency authorizes noncompetitive negotiation;
- d) After solicitation of a number of sources, competition is determined inadequate;

Sole-Source procurements include on-the-job training (OJT) awards to employers, except OJT brokering awards, which shall be selected competitively, Vocational schools providing classroom training, to which individual WIOA-enrolled clients are referred for training, may be selected non-competitively. (See Attachment C for more on ITA/ETPL providers). In all other cases, procurement by non-competitive proposals may be used only when it is not feasible under small purchase or competitive procedures, and at least one of the circumstances identified above apply.

In the case of the award to the NCWDB of a special discretionary grant in which the funding source requires the participation of one or more entities in the development and implementation of the program being procured, non-competitive procurement may be permitted if allowable under the conditions of the grant award and specifically authorized by the grant officer in the grant. All other providers under that discretionary grant must be procured competitively. Being named in the proposal does not in itself justify a non-competitive process for awarding subcontracts.

The following steps will be followed in the use of non-competitive procurement:

- a. Determination by staff that one of the four conditions for non-competitive procurement identified above have been met;
- b. The appropriate staff submits a written request for approval to use non-competitive procurement to Finance Director and Executive Director before proceeding. The request must contain the following:
  - Justification for sole source being used (sole supplier, emergency, unique capacity, or required by federal or state regulations),
  - Description of the proposed service provider's unique or special capacity to fill the requirement,
  - Description of services to be provided,
  - An initial cost estimate/price analysis for the project/program, prepared by the department manager, with assistance from the Finance Department,
  - Information such as budget, cost allocation plan, period of performance, performance outcomes or deliverables, and reasonableness of costs with which to prepare a final cost analysis and complete negotiations.
  - Formal approval of the request as signed off by the Executive Director will be kept in the procurement file with a copy of the contract file.
- c. The Executive Director shall inform the NCWDB of any sole source/non-competitive procurements in excess of the small purchases threshold to the appropriate NCWDB for approval to contract. The notification shall provide complete justification for the award, as well as the basis for determining the reasonableness of cost;
- d. Documentation - Documentation, by dollar amount, of the procedures used for each procurement method is summarized in Attachment B. Such documentation and all other records must be kept by Procurement or Finance staff in an organized fashion and for a period indicated in C. 3.

## **F. PROCUREMENT PRICING**

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For all procurement activities, an independent cost estimate, cost analysis and/or price analysis will be conducted.

1. Independent Cost Estimate - Prior to receiving any proposal from a bidder or respondent, regardless of the procurement method being used, the involved staff will conduct an independent estimate with the assistance of the Finance Director, to determine the estimated cost of the product or service to be purchased.
2. Price Analysis - Price analysis is a comparison of the lump sum prices being proposed and is used to determine the reasonableness of a proposed contract price. It is used when price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulations. This will be completed with assistance from the Finance Director.
3. Cost Analysis - A cost analysis is an evaluation of the separate elements that make up the total cost of a proposal or price. If a price analysis cannot be done, then a cost analysis will be completed, with assistance from the Finance Department. A cost analysis is also required when a sole source procurement method is used. The analysis will consider the following as to the costs, that they are:
  - Allowable,
  - Allocable,
  - Reasonable.

A cost analysis, if applicable, may be performed by the Finance Director during the RFP evaluation process to examine, element-by-element, reasonableness of costs and related information presented in the cost and pricing data submitted by bidders. The method and degree of cost analysis is dependent on the facts surrounding each procurement.

4. Lease vs. Purchase Analysis - Whichever analysis is completed will include an analysis of the costs of lease vs. purchase to determine which would be the most economical and practical procurement.
5. Documentation - The request for award of contract to the Workforce Development Board shall include cost or price analysis, and cost comparison, as prepared by the Finance Director.

Documentation of the evaluation of proposals, including pre-or post-price analysis or cost analysis, and other factors influencing the scoring, shall be stored in the master contract file, which is maintained by the Finance Director. The file should include the authorization to contract with the successful bidder, i.e., Board agenda providing cost comparisons and price analysis, as well as the request for approval, and minutes of the meeting recording the board action.

The documents shall be retained in accordance with the requirements for retention of records and be available for audit for the total period of the procurement cycle, which includes any extensions of the initial contract. The records shall be available for the required number of years from the date of the submission of the final expenditure report of the last contract in that procurement.

## **G. DISPOSITION OF PROPERTY**

Disposition of property will be completed in accordance with Administrative Procedure C-5 titled **Property Storage/Repair/Disposition/Loss** and NYS 29 CFR 95.

### **Attachments:**

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- A - Request for Proposal Steps
- B - Summary of Procurement Procedures and Documentation
- C - Eligible Training Provider List Procedures
- D - Request for Proposal Content
- E - Request for Approval to Charge WIOA Funds (Form)

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## ATTACHMENT A REQUEST FOR PROPOSAL STEPS

### 1. PREPARATION FOR A REQUEST FOR PROPOSALS

Providing equal procurement opportunities for small and emerging or other business organizations and enterprises, such as women's, minority, disabled veterans and disadvantaged business enterprises requires the issuance of public notice when the RFP is ready for publication. The Finance Director shall make the notification through an announcement in a local public medium (e.g., newspaper) or other media, for a minimum of 7 days, which covers the entire service area. The organizations listed on an RFP mailing list and a Qualified Agencies List may be individually notified. A copy of the RFP is available electronically on the website [www.ncworkforce.com](http://www.ncworkforce.com) and is available in hard copy at each of the OneWorkSource Centers and the NCWDB office.

Establish proposal evaluation procedures, including:

- Identification of staff responsibilities for completing proposal evaluation and for summarizing evaluation results;
- Standard worksheet or check list for determining responsiveness of each proposal;
- Description of evaluation criteria and a standard evaluation worksheet to be used in recording the evaluations of each proposal;
- Analysis of costs to verify allowability and to determine reasonableness;
- Description of methods for ensuring independence of ratings by those involved in the evaluation process;
- Identification of policy and process by which selection of awardee(s) will be made (see "Appeals Process & Access to Proposal Information" on page 2).
- Notification of all bidders of their status as a result of the evaluation process and date of the request for approval of recommendations at the appropriate NCWDB and appropriate committee.

Determine if bidders' conference will be conducted. If one is conducted, notify all parties to whom the RFP has been distributed. This notification can be included in the RFP.

Respond to questions regarding the RFP and the submission requirements. Record all responses, except those that are clearly answered in the RFP. Provide a written copy of the responses to all parties to whom the RFP has been distributed. This should be provided in a timely manner to ensure that all respondents are aware of the responses when preparing their proposal.

Receive and log in proposals. Establish a method for recording the date and time of arrival of proposals. Ensure that only proposals received by the deadline specified in the RFP qualify for the evaluation process. Establish a single location for receipt of proposals, and document receipt of proposals using a log-in sheet or a date/time stamp.

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Identify complete and timely proposals. Pre-screen proposals on a pass/fail basis for compliance with format requirements of the RFP. Identify certifications for small and emerging or other business organizations and enterprises, such as women's, minority, disabled veterans and disadvantaged business enterprises.

Convene the Evaluation Committee, which may include NCWDB or Youth Committee members, depending on the importance of the RFP, to evaluate proposals that meet the initial qualifications. (Note: a minimum of 3 members is required for any RFP panel.) Review the technical merits of these proposals based on the criteria contained in the RFP.

Proposals will be evaluated for the quality of their response to the information requested in the RFP, and consideration of accompanying budgets and reasonableness of costs to provide the proposed services. If an initial price-analysis had not been completed, a cost analysis of the proposals shall be prepared, with the assistance of the Finance Department. Reasonableness of costs must be determined and documented at each stage of the evaluation of proposals.

In 1998, NCWDB oversight boards identified a minimum evaluation score (or equivalent ratio) must be obtained for a proposed program to receive further consideration under a RFP. Proposals that receive a minimum evaluation score of 850 points (or equivalent ranking) may be awarded a contract or placed on the NCWDB's Qualified Proposals List. Proposals placed on the Qualified Proposals List are not guaranteed funding then or at a later date. However, should additional funds become available from the funding cycle in which they were evaluated, they may be considered for funding as part of that procurement,

Awards are not made on the basis of the lowest cost, but are evaluated and scored for quality of staff and of program, which is reflected in the ranking of the scores, which includes cost as a key factor. Make the award(s) and finalize the contract(s). Follow established procedures for formal notification of respondents of the results of the evaluations and selection process.

## **II. APPEALS PROCESS & ACCESS TO PROPOSAL INFORMATION**

The following outlines the appeals and information access process for all NCWDB competitive Requests for Proposals (RFP).

- 1.** Valid criteria for an appeal is for a violation of one of the following:
  - a.** The procurement process as outlined by the RFP and/or
  - b.** Federal and/or NCWDB procurement guidelines
  
- 2.** An appeal would not be allowed:
  - a.** To contest scores or rating system or dissatisfaction with the evaluation results unless there is a violation of the process, or
  - b.** By those other than RFP respondents.
  
- 3.** The Appeals process shall consist of the following steps:
  - a.** A written letter of appeal shall be delivered to the Executive Director;
  - b.** The written appeal must be received by the NCWDB and/or Workforce Development Board within 5 business days from the date when the RFP recommendation is publicly posted on the NCWP website and/or by other means of communication with respondents;
  - c.** The NCWDB shall have 72 hours to determine if the criteria for an appeal are met and to respond to a written appeal;

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- d. A valid appeal would be brought through the same recommendation/governance structure as referenced in the RFP for approval of contract awards and presented along with options to address the appeal, as developed by Executive Director; and
  - e. Final resolution of a valid appeal shall end with the NCWDB
- 4.** The NCWDB's and/or Workforce Development Board's procurement policy in regards to access to the following information will be as follows:
- a. Evaluation Scoring
    - i. RFP evaluation scores that are used to determine the recommended bidder will be presented to the committees/boards of the NCNCWDB in accordance with the process detailed in each RFP.
    - ii. Information in regards to scores will contain the average scores by section of the RFP and final average scores.
    - iii. Sections of the RFP will be defined in the RFP.
  - b. Evaluation score information that will not be presented includes:
    - i. Individual reviewer scores or individual reviewer names.
- 5.** Access to Score Sheets and Comments
- a. Individual score sheets and comments used during the evaluation process will be provided in the form of summaries as prepared by Executive Director. Actual individual scores sheets will not be disclosed. These summaries will be provided to applicants of the RFP who submit a written request.
  - b. Requests for this information shall be responded to within 10 business days of the NCWDB and appropriate committee reviewing the final contract recommendations and any appeals submitted.
  - c. The purpose for releasing this information is for technical assistance and continuous improvement and not for the purpose of an appeal.
- 6.** Access to other applicant's proposals will be granted in accordance with the New York State Public Records Act.
- a. Applicants may submit written requests to access other proposals submitted.
  - b. Requests for this information will be responded to within 10 business days of the NCWDB reviewing the final contract recommendations and any appeals submitted.
  - c. Any information marked proprietary by applicants will be redacted.
  - d. Available proposal sections may be duplicated at a charge per page as established by the NCWDB

*Adopted by the NCWDB on 9/8/2017*





## ATTACHMENT B

### SUMMARY OF PROCUREMENT PROCEDURES AND DOCUMENTATION

<b>\$ Amount</b>	<b>Procedures</b>	<b>Documentation</b>
Under \$1,000	<u>Small purchases</u> : 1 quote or price	Approved requisition with description of goods/services needed and sales receipt
		-
\$1,000 - \$4,999	<u>Small purchases</u> : 2 documented quotes	<ul style="list-style-type: none"> <li>- Approved requisition with description of goods/services</li> <li>- Price lists or telephone contacts (memo signed by staff) to obtain quotes</li> </ul>
		-
\$5,000 - \$10,000	<u>Request for Bids (RFB)</u> : Three (3) written quotes or bids. Price analysis to be conducted prior to purchase	<ul style="list-style-type: none"> <li>- Approved requisition with description of goods/services</li> <li>- Copy of RFB</li> <li>- Written quotes/bids received</li> <li>- Price analysis, including documented basis for vendor selection</li> </ul>
\$10,000 or more	<u>Competitive Proposals</u> : Solicited through a Request for Proposals (RFP). Public notice of RFP must be made. A review committee must be established to evaluate proposals. A cost analysis is required if bidders are asked to submit specific elements of costs. A price analysis is required if price reasonableness can be established on basis of catalog or market price.	Documentation package includes: <ul style="list-style-type: none"> <li>- Copy of RFP</li> <li>- Copy of public notice</li> <li>- Independent estimate</li> <li>- Copy of each proposal</li> <li>- Cost and/or price analysis (catalog or price list if needed)</li> <li>- Bidder's name on QAL</li> <li>- Rationale for selection of vendors/contractors with rating sheets used for proposal evaluation</li> <li>- Rationale for type of agreement used (i.e., cost reimbursement, fixed fee)</li> </ul>

*Adopted by the NCWDB on 9/8/2017*





<b>Non-Competitive</b>		
\$1,000 or more	<p><u>Non-competitive Procurement (Sole Source)</u>: Submission of written request for use of sole source by division head. Request must provide appropriate justification (sole supplier, emergency, exigency, etc.). Formal approval of request by CEO, COO or Chief Legal Counsel before procurement initiated.</p>	<ul style="list-style-type: none"> <li>- Written request for using sole source by division head which includes:</li> <li>- Justification</li> <li>- Description of goods/services needed</li> <li>- Other information on \$ amount, period of performance, method of payment, etc.</li> <li>- Approval signed off by CEO, COO, or Chief Legal Officer</li> <li>- Copy of contractual agreement on sole source</li> </ul>

NOTE: Procurement files will be retained for a minimum of 6 years following submission of the final expenditure report for each procurement cycle.

*Adopted by the NCWDB on 9/8/2017*





## ATTACHMENT C

### ELIGIBLE TRAINING PROVIDER LIST (ETPL) INITIAL ELIGIBILITY PROCEDURES

#### A. PURPOSE

Section 122 of the Workforce Innovation and Opportunity Act (WIOA) requires states and local Workforce Development Boards (WDB) to establish a list of vendors who are eligible to receive Individual Training Account (ITA) payments for client referrals funded under WIOA.

The Workforce Innovation and Opportunity Act (WIOA) requires states to establish and maintain a list of training providers eligible to receive WIOA funds for training services. The WIOA legislation requires training providers to go through two separate procedures for listing on the ETPL; initial eligibility and subsequent eligibility. Initial eligibility establishes a schools qualifications and suitability to be placed on the ETPL. Subsequent eligibility requires the school to report certain performance data to remain on the ETPL.

New York State issued its ETPL policy and procedures. The policy includes the subsequent eligibility requirement. However, in 2003, the State requested and the Department of Labor (DOL) approved a waiver that allows the State to postpone the implementation of subsequent eligibility. It was the State's intent to implement subsequent eligibility and the consumer report card that would follow when they had the systems in place to do so.

Following are procedures adopted by the NCWDB for the operation of the ETPL.

#### B. PROCEDURES

##### ETPL Application

Provide application packet to interested training providers with instructions to complete both "Training Provider Application" and "Training Program Application". The procedures of this process may be changed periodically through Operations Issuances.

##### REVIEW AND APPROVAL PROCESS

1. Review applications for initial eligibility based on the State and NCWDB requirements to meet one of the following criteria:
  - a. Postsecondary institutions eligible under Title IV of the HEA and offering program leading toward an associate degree, baccalaureate degree or certificate.

*Adopted by the NCWDB on 9/8/2017*



- b. Programs that are registered under the NAA, or provide on-the-job training in the construction industry in accordance with WIOA Section 122, and are approved by the Bureau of Apprenticeship and Training (BAT), for those programs that operate in California under the jurisdiction of BAT
  - c. Accreditation by an institution recognized by the federal Department of Education.
  - d. Approval by the New York State Department of Education.
  - e. Approval by the Chancellor's Office of the State University of New York.
  - f. In addition to the above criteria, a program that has been substantially modified in goals and/or curriculum shall be considered a new program subject to an initial eligibility determination only if the regulatory body over the program has required that it be submitted to that body for approval as a new program.
2. Following the verification of data elements, a site visit may be conducted.

*Adopted by the NCWDB on 9/8/2017*





**ATTACHMENT D  
REQUEST FOR PROPOSAL (RFP) CONTENT**

**GENERAL INFORMATION**

1. Issuance date
2. Name address and telephone number of organization and contact person
3. Name, address, telephone number and location of the person to whom the proposal is to be submitted.
4. Instructions on the number of copies to be submitted and the required format
5. Deadline date and time for submission of proposals.
6. Any other requirements (i.e., responsiveness criteria) that must be satisfied in order for the proposal to be considered for evaluation
7. Table of contents
8. Signature and date block for the respondent
9. Statement of Work
10. General Requirements
11. Glossary (optional)
12. Bidders Conference
13. RFP Questions & Answers and Addendum
14. Request for Qualifications (optional)

**SPECIFICATIONS**

1. Minimum and maximum amount of funding for the contract
2. Post procurement price analysis, with assistance of Finance Department

**STATEMENT OF WORK**

1. Background of project content
  - General requirement description
    - a. Related projects
    - b. Statutory or regulatory foundation
2. Project Objectives
  - a. Purpose
  - b. Program outcomes
3. Scope of work
  - a. Population to be served
  - b. Number to be served
  - c. Training or services to be provided
4. Period of Performance
5. Performance Standards
6. Reporting Requirements

*Adopted by the NCWDB on 9/8/2017*



## **CONTRACT REQUIREMENTS**

1. Title Page
2. Table of Contents
3. Contract Summary
4. Contract Standards
5. Statement of Work
6. Attachments
  - a. Program Operating Plan
  - b. Expenditure Plan
  - c. Operating Budgets
  - d. Performance Management Policy
  - e. Program Narrative
  - f. Glossary of Terms
  - g. Contract General Provisions
7. Incorporated by Reference
  - a. Operations Manual
  - b. Contractor's Proposal

## **REPRESENTATIONS AND INSTRUCTIONS**

1. Request for Qualifications and Other Required Certifications
  - a. Corporate Information, including status as minority or disadvantaged enterprises
  - b. Financial Information
  - c. Prior Experience
  - d. Drug free workplace Certification
  - e. Debarment or suspension Certification
  - f. Lobbying Certification
2. Instructions, conditions and notice to respondents
  - a. The approximate date of the award notification
  - b. Description of the disputes process for contesting the proposal process
  - c. Description of the procedure for responding to respondents' inquiries
  - d. Including the date, time and place of a respondents' conference if one is planned

## **EVALUATION FACTORS FOR AWARD**

1. Evaluation criteria, including pre-or post- price analysis, and, or cost analysis.
2. Evaluation categories and weights for each category
3. Notification of evaluation recommendations and appeal process
4. Notification that funding recommendations are submitted to appropriate Councils and Boards for approval and authorization to execute contracts.

NOTE: The structure, format, and content of each RFP will vary with the type of procurement (program services or consultant services) and the needs of the program to be procured, and therefore, may not include all of the items listed above. The standard content may be changed by the Finance Director or Executive Director to improve the effectiveness of the RFP.

*Adopted by the NCWDB on 9/8/2017*

