

LWA14
WIOA PROCUREMENT POLICY

The fiscal agent shall be responsible for effecting appropriate regulations and procedures for securing services, supplies, and equipment at the lowest possible cost consistent with satisfactory standards for quality and service. The fiscal agent, in accordance with good administrative practices, is responsible for settlement of all contractual and administrative issues arising out of procurement in support of a grant. These include, but are not limited to, source evaluation, protests, disputes, and claims. Violations of law will be referred to local, State, or Federal authority having proper jurisdiction.

CODE OF CONDUCT

The fiscal agent in order to maintain the integrity of the expenditure of public funds and to avoid any questionable or improper conduct will take every reasonable course of action. The expenditure of funds will be administered in an impartial manner, free from personal, financial or political gain. The fiscal agent's executive staff and employees will avoid situations, which give rise to suggestions that any decision was influenced by prejudice, bias, special interest or personal gain. Staff members in a position to make or influence a procurement decision in which that person has an economic interest are required to disqualify themselves from participation in procurement decisions. Conflict of interest standards may be violated whenever improper participation occurs, regardless of outcome.

Members of the Workforce Innovation Board of Western Illinois and the Chief Elected Officials Consortium of Western Illinois, standing committee, board subcommittee or workgroup convened to advise and/or participate in board activities must neither participate in any decision-making capacity, nor cast a vote on, or contribute to any part of an evaluation process (developing criteria, scoring, reviewing responses) for the provision of services by such member, or any organization which that member directly represents, or such members' general partner or outside business endeavor, or any organization that the member serves on or is an employee of that business or organization. Nor on any matter which would provide any direct financial benefit to that member or that member's immediate family defined as member's spouse, member's children, and member's brother or sister.

Persons and entities involved in the competitive process to select a one-stop operator using Federal funds must be free of apparent or real conflicts of interest. Under the Uniform Guidance at 2 CFR 200.318(c)(1), conflicts of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.

Consistent with WIOA sec. 121(d)(4)(A), disclosure of any real or apparent conflict of interest, whether individual, or organizational. Written standards of conduct must identify the process for recusal of individuals or organizations that are members of the WIB who disclose a real or apparent conflict of interest.

As specified in 20 CFR 678.610(c) and in conformity with 20 CFR 679.430 for demonstrating internal controls and preventing conflict of interest, the written standards of conduct must include a description of the use of firewalls to mitigate conflict of interest in circumstances including, but not limited to, situations where an entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process, as well as situations where the non-Federal entity uses a sole source selection.

TRANSPARENCY AND RESPONSIBILITY

The entire procurement process must be performed under a process that promotes transparency and responsibility from the planning phase to the closeout phase.

The Western Illinois Works officers, employees, or agents shall neither solicit nor accept gratuities from service providers/contractors or potential service providers / contractors.

All procurement transactions shall be conducted in a manner that provides open and free competition. Competition accomplishes key objectives and assures that prices paid are reasonable, encourages innovation and quality, and supports the integrity and independence in selection procedures.

Information the WIB is required to make available to the public includes written conflict of interest policy, procurement policies, the procurement solicitation, entities that have submitted bids or proposals, an abstract of those bids or proposals, the identity of the selected one-stop operator, and total award amount and duration of the contract with the one-stop operator. Such awards and contracts will be posted on the WIB's website, as required.

SELECTION PROCEDURES

Procurement procedures shall not restrict or eliminate competition.

Solicitation of offers shall incorporate a clear and accurate description of the technical requirements for the services to be procured. The description shall include a statement of the qualitative nature of services to be procured and establish standards to which the service must conform. All requirements to be fulfilled and all factors to be used in the evaluation of proposals shall be clearly stated in solicitation of offers.

Awards shall be made to service providers that demonstrate the ability to meet objectives of proposed procurement.

Primary consideration in the selection of agencies or organization will be the effectiveness of the agency or organization in delivering services based on demonstrated performance. Such a determination shall be made in writing and criteria may include: adequate financial resources; ability to meet the program design specifications at a reasonable cost; the ability to meet performance goals; a satisfactory record of past performance; a satisfactory record of integrity, business ethics, and fiscal accountability; necessary organization accounting and operational controls, and the technical skills to perform the work. Consideration in selection of agencies or organizations may be given to agencies or organizations that may be considered high risk.

Criteria determination of high-risk status may include: history of unsatisfactory performance; financially unstable; has not conformed to terms and conditions of previous award; has a management system which does not meet the regulations. If the agency or organization is determined to be high risk, special funding restrictions that address the high-risk status may be included in the award. The agency or organization will be notified in writing of the funding restrictions, the reasons for imposing them, the corrective actions that must be completed before they will be removed and the timeframe for completing corrective action, and the method of requesting consideration of the restrictions imposed. Funding restrictions may include but are not limited to: payment on a reimbursement basis; additional monitoring; establishing additional prior approvals, requiring additional and/or more detailed financial or performance reports.

Proper consideration will be given to community based organizations, appropriate education agencies, and training programs operated by the private sector in occupations for which demand exceed supply.

Prior to releasing procurement awards the Excluded Parties List System (EPLS) and the System for Award Management (SAM) must be reviewed to confirm the bidding agencies are approved for consideration. The Excluded Parties List System includes information regarding the entities debarred, suspended, proposed for debarment, excluded or disqualified under the non-procurement common rule, or otherwise declared ineligible from receiving Federal contracts, certain subcontracts, and certain Federal assistance and benefits. This information may include names, addresses, DUNS numbers, Social Security Numbers, Employer Identification Numbers or other Taxpayer Identification Numbers, if available and deemed appropriate and permissible to publish by the agency taking the action. The Excluded Parties List System may be accessed at www.sam.gov.

Both current and potential federal grantees are required to register in System for Award Management in order to receive Grants.gov-advertised grant awards, Recovery Act funds, or any other federal financial assistance by the federal government. Potential grantees may be private non-profit agencies, educational organizations, state and regional agencies, etc. Grantees are required to complete a one-time registration to provide basic information relevant to procurement and financial transactions. Registrants must update or renew their registrations at least once per year to maintain an active status. System for Award Management may be accessed at www.sam.gov.

Consideration in the selection of training programs will be given to:

Training in occupations determined to be in sectors of the economy that have high potential for sustained demand or growth.

Development of programs which contribute to occupational development, upward mobility, development of new careers, overcoming sex stereotyping in occupations traditional for the opposite sex.

Commercially available training packages, including advance technology, may be purchased off the shelf prices, if such packages are purchased competitively and include performance criteria.

Appropriate education agencies shall have the opportunity to provide educational services, unless it is demonstrated that alternative agencies would be more effective. Standards and procedures with respect to awarding of academic credit and certifying educational attainment in programs conducted shall be consistent with all requirements of applicable Federal, State and local laws and regulations.

The fiscal agent shall not fund any occupational skills training program unless the level of skills provided in the program are in accordance with guidelines established by the Workforce Board.

Funds shall not be used to duplicate facilities or services available in the area, unless it is demonstrated that alternative services or facilities would be more effective.

No funds will be used for public service employment, sectarian activities, customized or skill training at a relocating establishment, and on-the-job training resulting from a displaced employee.

A list shall be maintained of potential service providers who have expressed an interest, in writing, in being considered for awards. All potential service providers, who have expressed an interest, shall be sent requests for proposals for the area or areas of service for which they wish to be considered.

Every effort will be made by the fiscal agent to assure that small and minority firms and women's business enterprises be utilized whenever possible. Qualified small and minority firms and women's business enterprises will be placed on solicitation lists and notified whenever they are potential sources. Consideration will be given dividing total requirements and to establishing delivery schedules in solicitations to accommodate and/or encourage participations by small and minority businesses and women's business enterprises.

EQUAL EMPLOYMENT OPPORTUNITY

As a condition to the award of funding under WIOA from the Department of Labor, the Contractor assures, with respect to operation of the WIOA-funded training or activity, that it will comply fully with the nondiscrimination and equal opportunity provisions in Sec. 188 of the Workforce Investment Act of 1998; USDOL Regulation 29 CFR Part 38, as amended; USDOL Regulations at 29 CFR Parts 31 and 32, including the Nontraditional Employment for Women Act of 1991; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973 as amended; Title IX of the Education Amendments of 1972, as amended; the Age Discrimination Act of 1975 as amended; the Civil Rights Restoration Act of 1987; Executive Order 12250; Age Discrimination in Employment Act of 1967; Federal Equal Pay Act of 1963; Illinois Equal Pay Act of 2003; U.S. Department of Labor Regulations at 28 CFR Part 42, Subparts F & H; Title VII of the Civil Rights Act of 1964, as amended Victims Economic Security and Safety Act; the Veterans' Priority Provisions of the "*Jobs for Veterans Act*", Public Law 107-288.

RIGHT TO APPEAL

Any respondent who has submitted a response to the RFA may appeal the decision of the contract award. The process for appealing the decision is as follows:

All protest, appeal or complaints must be submitted in writing via email to LWA14 at lwa14@grics.net within (5) working days of the award announcement. The appeal must include justification for the appeal in the request. The appeals process will allow for a hearing, if requested, and a decision will be made within ten (10) working days of the appeal submission.

TYPES OF PROCUREMENT

Service providers shall be selected by one of the following methods: non-competitive proposals, competitive proposals, sealed bids, or small purchase procedures in accordance with the procedures listed below.

Non-Competitive Proposals

Non-competitive proposals may be used only when the award of a contract does not conform to small purchase, sealed bids or competitive proposals and one of the following circumstances exists:

- a. The Provider / contractor is determined to be the only known source available to perform the work as required.
- b. A public emergency for the requirement will not permit delay in implementation resulting from competitive solicitation.
- c. After solicitation of a number of sources, competition is determined inadequate.

In the event that attempts at securing a minimum of two (2) responsive offers fail and it is determined that competition is inadequate, it is required that arms-length negotiations on technical cost aspects be carried out and documented. A written record of the negotiating process should be maintained sufficient to demonstrate that the objectives of lowest price, fairness, impartiality, and independence have been appropriately safeguarded in the absence of competition.

Competitive Proposals

Service Providers shall be selected by requests for proposals, requests for application, or invitations for bid. The solicitation process will be carried out in a manner so as not to directly or indirectly limit the bidding to any one bidder. A minimum of three (3) bids will be secured and the absence of three (3) bids will require justification. Competitive bidding may be conducted formally or informally, depending upon the circumstances. All competitive bids are publicly solicited. Agencies identified on the service provider listing will be sent copies of the solicitation documents for the areas in which they have expressed an interest. Advertisements will be placed in the appropriate local paper and public service announcements may be made in the media. If appropriate, bids shall be opened publicly at the time and place specified in the solicitation documents. Any and all bids may be rejected if the bidders cannot demonstrate ability to meet the requirements of the solicitation documents. The fiscal agent must notify unsuccessful bidders within thirty (30) days of the decision. Competitive bid threshold is \$150,000.00.

Request for proposal (RFP)

The RFP is appropriate when there are no established standards associated with the performance of a service or program requirement. The RFP's statement of work will clearly define the service to be performed by means of specifications or minimum requirements, quantities, performance dates, and a statement of quality expected. The development of the RFP will include how consideration will be allocated between price and quality of service, the method of conducting technical evaluations of proposals received and selection of procedures for awardees. The responsible bidder is determined to have the qualifications, competency, experience, technical and financial resources to carry out the work as stated and expected. The response to solicitation documents must be in accordance with the instructions and requirements of documents, including responding by using a required format. The award would be made to the responsible bidder whose proposal is most advantageous to the program with price and other factors considered, except that any and all proposals may be rejected if the potential bidder cannot meet the requirements of the RFP.

Invitation for BID (IFB)

An invitation for bid (IFB) consists of a publicly solicited offer for a firm-fixed-price contract. The solicitation document contains a precise statement of work and complete specifications of work to be performed. The IFB is appropriate for use when purchasing services for which there is a known industry/professional standard governing the quality and tests for acceptability for the work to be performed. The service provider's qualifications, terms, conditions, and requirements are stated, permitting only one interpretation. Bid comparisons and provider selections are based solely on the basis of price. Agencies identified on the service provider list will be sent copies of the IFB, when appropriate. The IFB will be advertised in the appropriate local newspaper a minimum of ten (10) working days prior to the bid submission due date. Bids shall be opened publicly at the time and place specified in the IFB. If appropriate, an award shall be made by written notice to the bidder whose bid meets the specifications of the IFB, including responding by using a required format, and is the lowest in price received. Any and all bids may be rejected if the bidders cannot demonstrate or meet the conditions of the IFB.

ONE STOP OPERATOR

Information about the selection and certification of the one-stop operators will be made available to the public on a regular basis through electronic means and open meetings (WIOA secs. 101(g) and 107(e)) and made available to auditors and Federal reviewers. Information will be posted to the WIB website.

When selecting a one-stop operator, awards will be made to responsible entities that possess the ability to successfully perform under the terms and conditions of the proposed procurement. Consideration will be given to the entity's integrity, compliance with public policy, record of past performance, and financial and technical resources (2 CFR 200.318(h)).

OSO Selection Timeline:

Spring 2017 – OSO operator RFA issued.

July 1, 2017 – Selection process completed and contract issued.

June 1, 2018 – Performance review completed and contract extended thru June 30, 2019.

Spring 2019 – OSO operator RFA issued.

RIGHT TO APPEAL

Appeals will follow the LWA 14 process. One Stop Operator selection appeals may be submitted to the Executive Committee of the WIB.

BIDDER'S CONFERENCE

A bidder's conference may be held for competitive procurement following public announcement in the local paper, WIB website and/or in the solicitation package. The purpose of the bidder's conference is to clarify the proposal request document and to respond to questions. If new or correcting information is given during the conference, it will be made available to all who received the solicitation package.

EVALUATION OF BID RESPONSE

An evaluation tool will be developed for each proposal. The fiscal agent will complete the evaluation too. The fiscal agent will conduct research as necessary to evaluate the proposals. The Fiscal Agent prohibits the use of imposed instate or local geographical preferences in the evaluations of bids or proposals except in those cases where applicable Federal statutes expressly mandate or encourage preference. The primary consideration in selection of agencies or organizations will be the effectiveness of the agency or organization in delivering services based on demonstrated performance. Criteria for performance may include, but are not limited to, ability to meet performance goals; quality of training; characteristics of participants; and cost. Each eligible proposal will be reviewed and a proposal review summary will be completed and attached to the proposal. A cost or price analysis will be performed with each procurement action. The method or degree of analysis for each procurement action is dependent upon the facts surrounding the solicitation. Independent estimates may be made prior to the receipt of bids or proposals based on catalog or market prices of commercial products sold in substantial quantities to the general public. All cost will be evaluated to determine they are allowable, reasonable and necessary.

The fiscal agent will maintain records, which detail the history of procurement. The records will include, but are not limited to: method of procurement and criteria for selection or rejection of a service provider.

Information contained in the proposals submitted by offerors/bidders is maintained in a manner that is confidential, to avoid the use of the information to another offeror/bidder's advantage and to prevent collusive bidding.