

**TITLE: PROCUREMENT
POLICY # 1.4.2-v4**

Type: Administrative Policy

Date Established: 01/01/2011

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Status: Final

Supersedes: Policy # 1.4.2-v3

Purpose

This policy communicates the requirements for procurement under the Workforce Innovation and Opportunity Act (WIOA) and provides guidance regarding the procurement and purchase methods to adhere for allowable costs pursuant to federal regulations and PacMtn procedures.

Policy

1. All procurement transactions for the acquisition of property or services must be conducted in a manner providing full and open competition, consistent with the standards of this policy and 2 CFR 200.320, as revised. Additionally, processes shall align with and adhere to the most current federal and state regulations and guidance that pertain to utilizing the funds.
2. Any discrepancies arising between PacMtn policy and federal or state provisions due to revisions will default to the minimum federal guidance provided.
3. PacMtn policy may set forth stricter requirements than those provided by federal and state guidance. However, in no case will PacMtn policy fail to meet the minimum federal and state requirements.
4. PacMtn will comply with all policies on codes of conduct and conflict of interest during purchasing and procurement activities.
5. PacMtn will conduct all procurement transactions in a manner providing full and open competition, as required by the revised federal regulations.
6. Procurement procedures will be consistently applied when using non-federal and federal funds.
7. Procurements and purchases will be based upon funding and budget availability and must align with the goals and objectives approved in the PacMtn budget.
8. Noncompetitive procurement proposals must meet the minimum federal qualifications outlined in 2 CFR 200.320(c) and require prior approval by the CEO or their designee before execution of the contract.

Policy Guidelines

Methods of procurement vary by the size and type of purchase. In all cases, purchases will be reviewed for cost reasonableness to foster greater economy and efficiency. Applicable PacMtn policies and procedures should be followed in conjunction with these policy guidelines.

Micro-Purchases

1. Procurement by micro-purchase is the acquisition of supplies or general professional and non-professional services, the aggregate dollar amount of which does not exceed \$15,000 (or \$10,000 for funding issued prior to October 1, 2024).
2. Micro-purchases may be awarded without soliciting competitive quotations if the price is considered reasonable based on research, experience, purchase history, or other information, and supporting documentation is maintained.
3. Micro-purchases will be distributed equitably among qualified suppliers.
4. Purchase cards may be used as a payment method for micro-purchases.

Simplified Acquisition Threshold

1. Purchasing supplies, equipment, and general professional and non-professional services between \$15,000 or (\$10,000 for funding issued prior to October 1, 2024) and up to the Simplified Acquisition Threshold (SAT) will be deemed small purchases.
2. Equipment and capital improvement purchases of \$10,000 or more using federal funds require prior approval from the awarding agency.
3. Where appropriate, an analysis of lease versus purchase alternatives, and any other appropriate analysis to determine the economic approach will be conducted.
4. Informal written solicitation documentation shall be used to secure responses from at least three sources. The information collected should include a description of the item or service needed; proposed time schedule; comparison of costs including setup, delivery, and taxes; and the reason for selection if other than cost. The use of intergovernmental agreements where goods and services have already been evaluated and procured is encouraged and does not require additional solicitation documentation.
5. Purchases of services related to the delivery of Workforce Innovation and Opportunity (WIOA) Title IB subrecipient services, including one-stop operations, even if under the SAT, will have additional requirements. These include:
 - i. **Risk Assessment and Internal Evaluations:** As part of the risk assessment process, internal evaluations will be conducted to thoroughly assess an organization's ability to manage a grant. These evaluations will include a review of the organization's experience with managing federal funds, including compliance with federal regulations such as 2 CFR Part 200, as well as their history of fiscal accountability and clean audits. Additionally, the assessment will examine the organization's past performance with similar grants, particularly those involving Youth, Adult, and Dislocated Worker (DW) funding under WIOA, focusing on their ability to meet programmatic and financial requirements. Only subrecipients involved in WIOA funding will be included in the risk assessment process to ensure alignment with federal compliance and accountability measures. Key factors such as staff capacity, operational infrastructure, internal controls, and previous performance outcomes will also be evaluated. Furthermore, the evaluation will consider the organization's ability to comply with reporting requirements, maintain data integrity, and adapt to changing program needs or federal priorities. This comprehensive approach

ensures that grant funds are entrusted to entities capable of achieving desired outcomes while adhering to all regulatory and financial standards.

Competitive Proposals

1. Purchases of supplies, equipment, and any professional service, including delivery of WIOA Title I-B activities, above the SAT shall be procured through competitive proposals.
2. Requests for Proposals (RFPs) will be publicized and solicited from an adequate number of qualified sources.
3. Proposals will identify required services or components, technical requirements, and evaluation factors with their relative importance.
4. Responses will be reviewed and evaluated based on consistent grading methods. Review Committees will be established for evaluating WIOA Title I-B services.
5. Contractors and service providers will be selected based on the proposal most advantageous to the program, considering price, integrity, public policy compliance, past performance, and financial/technical resources. Price analysis is required for awards exceeding the Simplified Acquisition Threshold.
6. Contractors will be verified to ensure they are not excluded from federal awards. Measures will be taken to ensure objectivity and eliminate unfair competitive advantage. Restrictions on competition, including unreasonable requirements, unnecessary experience, or specifying brand names without allowing alternatives, will not be imposed.
7. Contracts will be monitored to ensure conformance with terms, conditions, and specifications. Contractor performance reviews will be conducted per programmatic requirements.
8. Procurement records detailing the rationale for procurement methods, contract type selection, contractor selection or rejection, and the basis for contract price will be maintained.
9. Bidders will be notified of procurement results and may file appeals within seven calendar days. Appeals will follow PacMtn's complaint resolution procedures, potentially delaying contract award effective dates.

Noncompetitive Proposals

1. Procurement by noncompetitive proposals, or sole source, is allowed under the following conditions:
 - a. The item is available only from a single source.
 - b. Public exigency or emergency will not permit delay from competitive solicitation.
 - c. Written authorization for non-competitive procurement is provided by the federal awarding agency or pass-through entity.
 - d. Competition is deemed inadequate after solicitation of several sources.
2. Noncompetitive proposals for selecting one-stop operators, eligible training providers, etc., must follow WIOA guidance.

Administrative Procedures

1. **Selecting a One-Stop Operator:** Our plan to conduct a competitive procurement process with at least 30-day public notice through PacMtn's website and other media outlets complies with federal requirements. The CFR mandates that the Local Workforce Development Board (WDB) must select the OSO through a competitive process at least once every four years. Providing adequate public notice is essential to ensure full and open competition.
2. **Procurement Frequency:** Conducting the procurement process every four years is in direct accordance with federal regulations, which require that the selection of the OSO occurs at least once every four years.

3. **Alignment with Federal Requirements:** Ensuring that all procurements align with federal requirements for public notice, evaluation, and contractor performance is consistent with the Uniform Administrative Guidance outlined in 2 CFR 200.318-326. This guidance emphasizes the importance of maintaining oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Note: The procurement policy specifically allows for the use of a state-predetermined approved vendor without requiring three bids, provided that the vendor has been vetted and designated as an approved supplier through the state's procurement process. This exemption streamlines purchasing by eliminating the need for competitive bidding when utilizing vendors that have already met the state's criteria for pricing, quality, and compliance, ensuring efficiency while maintaining accountability in procurement practices.

References

Public Law 113-128 - Workforce Innovation and Opportunity Act of 2014 (WIOA), including Sections:

- 107(d)(10): Functions of Local Workforce Development Boards
- 107(g)(1): Certification and Oversight of One-Stop Operators
- 121(d)(1-2): One-Stop Delivery System Requirements
- 123: Eligible Providers of Youth Workforce Investment Activities
- 134(c)(2)(C): Coordination of Activities with One-Stop Partners

OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)

ESD Policy 5404R1 - Procurement & Selection of One-Stop Operators & Service Providers (Effective 11/30/2021)

Code of Federal Regulations:

2 CFR 200.313 - 316: Property Standards

- 2 CFR 200.317 - 326: Procurement Standards
- 29 CFR 95: Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- 29 CFR 97: Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
- 29 CFR 98: Governmentwide Debarment and Suspension (Non-procurement)

PacMtn Policies:

- Policy 1.1.1-v1: Conflict of Interest
- Policy 1.4.5: Allowable Cost and Prior Approval Requirements
- Policy 1.5.1: Property Management and Inventory

Attachment

Attachment 1: Request for Information and Appeals Process

DATE APPROVED: 07/23/2015, 04/05/2021, 08/01/2022

**Direct Inquiries to:
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Attachment 1



REQUEST FOR INFORMATION and PROCESS APPEALS

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

Formal Appeal: This Form is to be utilized when a bidder of record from an open procurement believes there have been procedural errors, violation of laws or regulations, or unfair or inequitable treatment in the procurement or selection process. Only official bidders from the procurement may file an appeal. This Form must be completed and submitted to the CEO of PacMtn within the time specified in the RFP. Forms may be submitted electronically via email to Contracts@pacmtn.org.

Copies: Bidders and the public may also request copies of submitted bids. Copies of bids will not be available until after the award and distribution of award information or posting of such information electronically for public review, the bids, quotes, and proposals of all bidders shall be open to public inspection.

Requesting Applicant Organization:	
Procurement Process:	
Contact Person:	
Mailing Address:	
Email:	
Phone:	

Request For: **Copies of Bids**
 Informal Debrief Meeting
 Formal Appeal
 Other

Formal Appeal

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

Provide a description of evidence that supports your allegations and assertions:

In support of your claim, please indicate what materials you want to review and/or to be reviewed during the Appeal Process:

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

Signature

Date

You will be contacted within 3 working days in response to the inquiry. This could include notification that the appeal is not merited, requests for clarification of request, providing information, access to copies or scheduling an appeals conference for further discussion.

Date Received: _____ **By:** _____

Final Dispensation: Attach other sheets, as necessary.