



## **SOUTH BAY WORKFORCE INVESTMENT BOARD**

### **PROCUREMENT POLICIES & PROCEDURES MANUAL**

The following references are incorporated into the South Bay Workforce Development Board's Procurement Policies and Procedures Manual.

#### **REFERENCES:**

- 2 CFR Chapter I and II, Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule,
- Sections 200.313- 200.326 and 200.317-200.326
- Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Sections 107(d)(10), 107(g)(1), 121(d)(1&2), 123, and 134(c)(2)(C)
- OMB Circular A-122
- SBWIB Directive No. 17-04, Code of Conduct and Conflict of Interest Policy
- Title 34 CFR WIOA, "Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule" • California State Contracting Manual, Subject: Chapter 5: "Competitive Bidding Methods" (April 2015)
- Workforce Services Directive WSD16-10, Property - Purchasing, Inventory, and Disposal (November 10, 2016)
- WSD16-05, WIOA Closeout Requirements (July 29, 2016)
- WSD16-14, Selection of AJCC Operators and Career Services Providers (December 19, 2016)
- WSD16-16, Allowable Costs and Prior Written Approval (February 21, 2017)
- WSD17-08, Procurement of Equipment and Related Services

**Up-dated: April 2019**

*SBWDB is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Special requests for services, aids, and/or special formats need to be made by calling (310) 970-7774 TTY.*

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*Approved by the Executive Committee Minutes: May 10, 2017*

**SOUTH BAY WORKFORCE DEVELOPMENT BOARD (SBWDB)  
PROCUREMENT POLICIES AND PROCEDURES**

**PURPOSE**

This policy provides guidance to the South Bay Workforce Investment Board, Inc.'s procurement staff on the methods for the procurement of goods and services obtained regardless of the funding source and sets forth the requirements provided by the Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule Title 2 of the Code of Federal Regulations; 2 CFR 200.

**BACKGROUND**

WIOA Sec. 184(a)(3)(A) requires each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under this title to comply with the appropriate uniform administrative requirements for grants and agreements applicable for the type of entity receiving the funds, as promulgated in circulars or rules of the Office of Management and Budget (OMB).

OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Rule Title 2 of the Code of Federal Regulations; 2 CFR 200 supersedes and streamlines requirements from OMB Circulars A-21, A-87, A-110, A-122, A-89, A-102, A-133 and the guidance in Circular A-50 on Single Audit Act follow-up. 2 CFR 200, also referred to as the "Super Circular", consolidates the guidance previously contained in the aforementioned citations into a streamlined format that aims to improve both the clarity and accessibility of the guidance.

The effective date of 2 CFR 200 is December 26, 2014. Fiscal policies and OMB Circulars A-87, A-110, A-122 and A-133 requirements are still in effect for funding distributed *prior* to December 26, 2014. Funding awarded after December 26, 2014 must be in compliance with 2 CFR 200.

Procurement standards referenced in 2 CFR 200.110 and 200.317 – 200.326, allow for non-federal entities to continue to comply with procurement standards in previous OMB guidance for one additional fiscal year after this part goes into effect (June 30, 2016).

**DEFINITIONS**

***Acquisition cost*** means the cost of the asset including the cost to ready the asset for its intended use. Acquisition cost for equipment, for example, means the net invoice price of the equipment, including the cost of any modifications, attachments, accessories, or auxiliary apparatus necessary to make it usable for the purpose for which it is acquired.

Acquisition costs for software includes those development costs capitalized in accordance with generally accepted accounting principles (GAAP). Ancillary charges, such as taxes, duty, protection in transit insurance, freight, and installation may be included in or excluded from the acquisition cost in accordance with the subrecipient's regular accounting practices. (2 CFR 200.2)

**Agreement** is a duly executed and legally binding contract; the act of agreeing.

**Bidder's Conference** is an open exchange between purchasers (e.g. subrecipients) and vendors (bidders) to help ensure a clear understanding on contract requirements.

**Competitive Bidding** is the process of inviting and obtaining bids from competing sources in response to advertised competitive specifications, by which an award is made to the lowest and/or best bidder meeting the specifications. The process contemplates giving potential bidders a reasonable opportunity to bid, and requires that all bidders be placed on the same plane of equality. Each bidder must bid on the same advertised specifications, terms, and conditions in all the items and parts of a contract. The purpose of competitive bidding is to stimulate competition, prevent favoritism, and secure the best goods and services at the lowest practicable price, for the benefit of the federally funded subaward.

**Computing devices** means machines used to acquire, store, analyze, process, and publish data and other information electronically, including accessories (or "peripherals") for printing, transmitting and receiving, or storing electronic information. (2 CFR 200.20)

**Contract** means a legal instrument by which a subrecipient purchases property or services needed to carry out the project or program under a Federal award. The term as used in this Part does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward. (Uniform Guidance Section 200.22)

**Contractor** means an entity that receives a contract as defined in (Uniform Guidance Section 200.22)

**Cost Analysis** is the element-by-element review and evaluation of the estimated or actual cost to determine the probable cost to the contractor

**Disabled Veteran Business Enterprise (DVBE)** is a business that is at least fifty-one percent (51%) owned by one or more disabled veterans or, in the case of any publicly owned business, at least fifty-one percent (51%) of the stock of which is owned by such individuals, and whose management and daily business operations are controlled by one or more of such individuals.

**Equipment** means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000 (Uniform Guidance Section 200.33).

**Firewall** means an established policy or procedure that acts as a barrier or protection against and undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, reporting hierarchy of managers and staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

**Fixed amount awards** means a type of grant agreement under which the Federal awarding agency or pass-through entity provides a specific level of support without regard to actual costs incurred under the Federal award. This type of Federal award reduces some of the administrative burden and record-keeping requirements for both the subrecipient and the Federal awarding agency or pass-through entity. Accountability is based primarily on performance and results. (2 CFR 200.45)

**General purpose equipment** means equipment which is not limited to research, medical, scientific or other technical activities. Examples include office equipment and furnishings, modular offices, telephone networks, information technology equipment and systems, air conditioning equipment, reproduction and printing equipment, and motor vehicles. (2 CFR 200.48)

**Information Technology Systems** means computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources. (Uniform Guidance Section 200.58)

**Invitation for Bid (IFB)** is a type of solicitation document, used in a formal competitive bidding process, which contains a detailed statement of what the agency is attempting to purchase. An IFB is used to obtain simple, common, or routine services that may require personal or mechanical skills. Qualifying bidders compete solely on the basis of cost. (California State Contracting Manual)

**Micro-purchase Threshold** means Fiscal threshold set by Federal Acquisition Regulation (currently \$3,500 per Federal Acquisition Regulation [FAR] 48 CFR Subpart 2.1). The threshold is periodically updated based on inflation.

**Pass-through Entity** means a non-federal entity that provides a subaward to a subrecipient to carry out part of a federal program. (Uniform Guidance Section 200.74)

**Nonprofit organization** means any corporation, trust, association, cooperative, or other organization, not including NIHS, that:

- a) Is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest;
- b) Is not organized primarily for profit; and
- c) Uses net proceeds to maintain, improve, or expand the operations of the organization. (2 CFR 200.70)

**Period of Performance** means the time during which the subrecipient may incur new obligations to carry out the work authorized under the Federal award. The Federal awarding agency or pass-through entity must include start and end dates of the period of performance in the Federal award. (2 CFR 200.77)

**Personal property** means property other than real property. It may be tangible, having physical existence, or intangible. (2 CFR 200.78)

**Price Analysis** is the process of examining and evaluating a proposed price without evaluating its separate cost elements and proposed profit. This process determines whether the price is fair and reasonable.

**Procurement** is all stages of the process of acquiring property or services, beginning with the process for determining a need for property or services and ending with contract completion and closeout.

**Property** means real property or personal property. (2 CFR 200.81)

**Questioned costs** means any cost or procurement that is questioned by an auditor, pass-through entity or awarding agency representative. Purchases can be questioned due to possible violations of statutes and regulations, inadequate documentation or possible unreasonable cost (Uniform Guidance section 2900.3).

**Recipient** means a non-Federal entity that receives a Federal award directly from a Federal awarding agency to carry out an activity under a Federal program. (2 CFR 200.86)

**Request for Proposal (RFP)** is a type of solicitation document used in a formal competitive bidding process where an invitation is presented for suppliers to submit a proposal on a specific commodity or service. The RFP process brings structure to the procurement decision and is meant to allow the risks and benefits to be identified clearly up front. The RFP is used to obtain complex services in which professional expertise is needed and may vary and/or where different methods and approaches may be applied during performance. (California State Contracting Manual)

**Request for Quote (RFQ)** is a type of solicitation document, used in a formal competitive bidding process, mainly when the specifications of a product or service are already known and when price is the main or only factor in selecting the successful bidder.

**Services** include professional and consultant services secured from those individuals or companies that perform a special skill, such as training. Services include equipment and property maintenance, training services, when being purchased outside of the ETPL, and other types of services procured for participants' benefit or program operation and support.

**Simplified acquisition threshold** means the fiscal threshold set by Federal Acquisition Regulation (Currently \$150,000 per FAR Subpart 2.1). The threshold is periodically updated based on inflation.

**Small Purchase** means the procurement method may be used when the "per transaction" value of a purchase of equipment or services is less than the Simplified Acquisition Threshold (currently \$150,000 per FAR Subpart 2.1).

**Subaward** means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A sub award may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract. (Uniform Guidance Section 200.92)

**Subrecipient** means a non-federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. (Uniform Guidance Section 200.93)

**Supplies** mean all tangible personal property other than Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life (Uniform Guidance Section 200.94).

## **POLICY**

It is the policy of the SBWIB to provide for a fair and equal treatment of all persons and organization involved in a procurement, to maximize the purchasing power or value of WIOA funds, and to provide safeguards to ensure the integrity of all WIOA procurements through the maintenance of a quality procurement system.



## **EXCLUSIONS:**

The following exclusions for WIOA subawards will apply to this policy:

**On-the-Job Training (OJT):** The competitive provision of this policy will not apply to OJT employers, except in the procurement of OJT brokering services.

**Individual Training Accounts (ITA):** The delivery of classroom training from vendors through an ITA as described in 20CFR §683.300 is exclude if the cost falls within the guidelines of the small purchase procedures.

## **GENERAL PROCUREMENT STANDARDS**

1. Procurement will be conducted in a manner providing full and open competition. This includes requirement that any individual who develops specifications, Request for Proposals, evaluates or make recommendations on such proposals, or participates in any manner in the procurement of goods and services with WIOA funds, shall **NOT** be eligible to compete in the procurement. This applies to all types of contracts or grants.
2. The use of sole source procurements is minimized to the extent practicable, but in every case shall be justified;
3. Procurement will include an appropriate analysis of the reasonableness of cost and price;
4. Procurement will not provide excess program income (for nonprofit and government entities), and the appropriate factors shall be used in determining whether such profit (for private for-profit entities), and that appropriate factors shall be used in determining whether such income or profit is excessive, such as:
  - a. The complexity of the work to be performed;
  - b. The risk borne by the contactor; and
  - c. Market conditions in the surrounding geographical area;
5. Procurements will clearly specify deliverables and the basis for payment; and
6. Procurement contracts and other transaction between the local SBWIB, Inc. and units of State and local governments will be conducted on a cost reimbursement basis. No provision for profit will be allowed.
7. Avoidance of purchasing unnecessary or duplicative goods or services. Surplus and inventory items will be used prior to the purchase of new items.
8. Procurement will include a comparative cost analysis between equipment purchase and lease based on the action that provides the most benefit to the agency.
9. SBWIB, Inc. will not enter into any agreements with any agencies who are currently debarred, suspended or otherwise excluded from participation in Federal assistance program in accordance with the Department of Labor regulations at 29 CFR Part 98. All contracts shall include a self-certification from the Contractor that it is not a debarred party.

10. The maximum dollar value that is allowable for small purchases from vendors for goods or services shall not exceed \$150,000. In no case shall large contracts be divided into amounts less than \$150,000 for the purpose of avoiding an open and competitive process.
11. An open and competitive procurement process shall be evaluated and or conducted at least every three years (or up to five years) for the selection of service providers by the SBWIB. Procurement cycles that are extended beyond three years are based on the type of service needed, cost/price analysis (common market), contractor's performance and good standing.
12. SBWIB, Inc. will ensure that all pre-qualified lists of persons, firms, or other organizations that are used in acquiring goods and services are current and include enough qualified sources to ensure full and open competition.
13. All procurement shall be conducted in accordance with the SBWIB Conflict of Interest/Standard Code of Conduct policy.
14. The South Bay Workforce Investment Board's Procurement Policy and Procedures will be available to the general public upon request and is located at the South Bay Workforce Development Board, 11539 S. Hawthorne Blvd., 5<sup>th</sup> Floor, Hawthorne, CA 90250.
15. Cost and price analysis will be conducted. (Note: Method and degree of analysis depend on the facts surrounding a specific procurement and pricing situation. At a minimum, the SBWIB's Inc. staff will make independent estimates before reviewing bids or proposals.)
16. Procurement activities shall be conducted in a confidential manner. Staff involved in procurement shall not divulge advance purchasing information, specific proposal/offer evaluation criteria, and negotiations with bidders or in-house discussions regarding procurement until such time as this information is released to all parties.
17. Regardless of the amount of an agreement, all contractors shall certify to a Drug Free Workplace. All agreements to contractors in excess of \$100,000 shall certify that no funds shall be used for lobbying. All agreements and awards to vendors in excess of \$25,000 shall include debarment certification.
18. The decision to rent or buy personal property must be governed by considerations of economy. Consideration may differ by property type and according to market conditions. Thus, leasing generally is the least economical method of obtaining required equipment. Leasing with an option to purchase is generally preferable to straight leasing. However, for real property, administrative requirements make leasing the only option, as the construction or purchase of real property is not allowed under the WIOA program except in certain limited circumstances. As applicable, WIOA purchases for equipment purchases that exceed \$5,000 per-unit cost must comply with prior approval requirements issued by EDD. Refer to WSD17 Procurement of Equipment and Related Services for request instructions.
19. The SBWIB, Inc. shall not use funds provided under the Workforce Innovation and Opportunity Act (WIOA) to duplicate facilities or services available in the area (with or

without reimbursement) from Federal, State, or local sources, unless it is demonstrated that the WIOA-funded, alternative services or facilities would be more effective or more likely to achieve performance goals.

20. The SBWIB, Inc. shall retain all records pertinent to any procurement agreement/contract with for a period of three years following termination of the Agreement and after final disposition of all pending matters. Pending matters include, but are not limited to, an audit, litigation, or other activities involving records.
21. SBWIB, Inc. reserves the right to reject any or all bids when the bid is not responsive.
22. The SBWIB, Inc. will utilize a log for recording date and time of receipt of all proposals.
23. Disputes: A protester shall agree to attempt to resolve disputes arising from procurement by administrative process and negotiation in lieu of litigation. Any dispute concerning a question of fact arising from procurement shall be settled in accordance with SBWIB grievance procedures.

### **CONFLICT OF INTEREST AND CODE OF CONDUCT**

An employee, officer, or agent shall not participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, could be involved. A conflict would arise when the employee, officer, 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 above has a financial or other interest in the firm or firms that may be selected for award.

An employee, officer, or agent will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Exceptions are only when the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

Any employee, officer or agent with a real or apparent conflict must declare a conflict, remove themselves from the decision making process and document their actions. No person involved in a competitive procurement will divulge any information regarding the procurement prior to the release of the procurement documents. To the extent permitted by the state, local law or regulations, any violations of these standards by employees, officers, agents, by contractor or their agents may result in penalties, sanctions, or other disciplinary actions.

### **PROCEDURES**

SBWIB, Inc. will use one the following methods of procurement as appropriate for each procurement action: (1) Micro-Purchase (2) Small Purchases; (3) Noncompetitive Proposals (Sole Sources); (4) Sealed Bids (Formal Advertising) and (5) Competitive Proposals (Request for Proposal).

## METHODS OF PROCUREMENT (2 CFR 200.320)

**Micro-Purchases (purchases of \$1 - \$ 3,500):** Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (currently \$3,500, see Micro-purchase definition). To the extent practicable, SBWIB, Inc. will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if SBWIB, Inc. considers the price to be reasonable.

**Small Purchases (purchases between \$3,500 - \$150,000):** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold (as of the publication of 2 CFR Part 200, the Simplified Acquisition Threshold is \$150,000 but is periodically adjusted for inflation.) If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

Documented quotes can be obtained from catalogs, price lists, or from a contractor in writing. Catalogs or price lists should be no more than one year old (however real-time Internet research is preferred). Proper documentation for a small purchase may include the following: 1) the reason for selecting the small purchase method, 2) the subrecipient's estimate of the potential purchase price, 3) a description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision, 4) providers contacted/considered and the prices offered using current catalogs, price lists, prior sales receipts, or formal quotes depending on the amount of the purchase and any additional criteria such as price analysis

The following chart shows the guidelines for purchases:

Procurement Method	Cost Limits / Range	Contacts and Quotes
Micro Purchase	Less than \$3,500	One documented quotes
Small Purchases	Between \$3,500 and \$150,000	Two or more written quotes or pricing from catalog
Sealed Bids	Any	Three formal written bids in response to an IFB
Competitive Proposals	Any	Three written competitive proposals in response to a RFP
Noncompetitive Proposals	Any	All bids and quotes obtained

SBWIB, Inc. can also obtain prices by preparing a list of commonly procured items and having providers submit prices that can be guaranteed for a "set time period". Another method that SBWIB, Inc. may use is called "historical pricing." With historical pricing, a buyer is able to

demonstrate that other transactions occurring in the past 12-18 month period shows that historical prices for similar acquisitions have yielded no material change in cost.

A minimum of two (2) quotes obtained via telephone (SBWIB, Inc. Telephone Quote Form), Internet, facsimile, or current catalogs with price list from at least two sources is sufficient.

**It is recommended for small purchases between \$10,000 and \$49,000, a Request for Quote (RFQ) be used.** *(This applies to Governmental grantees, Non-Governmental grantees, and subgrantees.)* The RFQ indicates the quantity, time frames and all the requirements of the product or service sought. The RFQ must be provided in writing (including fax or e-mail). Two or more written quotes must be obtained with this method (sole source allowances may apply).

Proper documentation for a small purchase includes:

- The reason for selecting the small purchase method.
- The SBWIB, Inc.'s estimate of the potential purchase price.
- A description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision. A copy of the RFQ would suffice.
- All providers contacted/considered and the prices offered using current catalogs, prices lists, prior sales receipts, or formal quotes depending on the amount of the purchase.
- Why the provider was selected, including how the provider met any additional criteria, and the price analysis.
- Copy of the purchase document (sales receipt, contract).

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 in order to circumvent the threshold limits described above.

A price analysis must be conducted prior to purchase. Lowest price is the normal criteria for selecting goods and services. Qualifications of the vendor, availability of the goods or services, service to be provided, quality and location are some additional factors that could influence the procurement. The documentation must contain the basis for vendor selection. If the basis is something other than the price, the SBWIB, Inc.'s Procurement Unit must prepare written documentation describing the additional criteria for selection, its relevance to the need and benefit, and the relative advantage of the offering from the selected vendor. Documentation should be retained as described in the procurement procedures.

### **Procurement by Sealed Bids (Formal Advertising)**

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

In order for sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. The invitation for bids will be publicly advertised and bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be publicly opened at the time and place prescribed in the invitation for bids;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

Proper documentation for a sealed bid purchase includes:

- The reason for selecting the sealed bid method.
- The SBWIB, Inc.'s estimate of the potential purchase price.
- A copy of the IFB.
- Bids received.
- Determination of the responsibility of the bidder.
- Why the provider was selected.
- Copy of the award document.

### **IFB versus RFP**

The IFB is used when there is a clear understanding of the project requirements, scope of work and technical specifications. The RFP is used in cases where the specific requirements and technical specifications of a project are of a functional nature or unclear. The RFP then provides a guideline for potential offers' to use in preparing a bid/proposal.

### **Request for Qualifications (RFQ)**

The process of a RFQ is comes in two parts. First, a formal solicitation is issued to obtain submissions from the contractors. These submissions are then reviewed and a list of contracts

qualified to provide the goods or services required is developed. The second stage of the process is the comparison of two or more qualified providers to determine which will be chosen to provide the goods or services. Respondents may be approved and placed on the Slate of Providers. Being part of the Slate of Providers does not guarantee a contract for work.

### **Procurement by Competitive Proposals**

This method is typically used when the nature of the goods to be acquired cannot be defined as precisely as required by the sealed bid method. Competitive proposals are specifically used when factors other than price are important in the selection decision; however, procurements must be in excess of \$50K.

SBWIB, Inc. must indicate in the Request for Proposal (RFP) the scope of work, the method for scoring the proposals, the deadline for receipt of proposals and the dispute process. A public notification of the RFP is normally given through an announcement in a local newspaper that covers the entire service area. The RFP will be available on the SBWIB's website and is sent to anyone who requests it and to any prior bidders.

A respondents/bidders' conference is usually held to allow interested parties to have any questions answered. Bidders' conferences also allow attendees to receive the same information. Bidders are required to submit their proposals to a specified location by a specified date and time.

Each RFP is reviewed and evaluated as to the merits of the proposal. This review includes a mandatory cost or price analysis. There should be a documented methodology for technical evaluation of each proposal. The review committee then makes a final recommendation as to which proposal(s) best meets the stated requirements. Careful documentation of the successful bidder selection should be maintained for reference. A public notice of intent to award is issued, and followed by the award, and the execution of the contract. If only one proposal is obtained and that proposal is deemed to be responsible, then the noncompetitive or sole source process may be used.

SBWIB, Inc. will ensure that all prequalified lists of persons, organizations, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free completion. Also, SBWIB, Inc. will not preclude potential bidders from qualifying during the solicitation period.

If this method is used, the following requirements apply:

1. Requests for Proposals must be publicized and identify all evaluation facts and their relative importance. Any response to publicized request for proposals must be considered to the maximum extent practical;

2. Proposals must be solicited from a pool of qualified sources;
3. The solicitation will identify all significant evaluation factors, including price or cost where required, and their relative importance;
4. SBWIB, Inc. will have a written method for conducting technical evaluations of the proposals received and for selecting subrecipients/contractors;
5. Contracts must be awarded to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered;
6. Unsuccessful offerors will be notified promptly.

Proper documentation for a competitive proposal purchase may include:

- The reason for selecting the competitive proposal method.
- The SBWIB, Inc.'s estimate of the potential purchase price.
- A copy of the RFP
- Bidders' List to which notices were mailed.
- Bidders' conference questions and answers.
- Agenda, attendance record, and recording of a bidders' conference, if held.
- Written responses to all clarifying questions received both at the bidders' conference and outside of the bidders' conference.
- Copy of each proposal received.
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the bidder and the cost analysis.
- References and applicable experience.
- Proof of financial capability.
- Methodology for cost allocation.
- Single audit, if performed.
- Documentation of the rationale for selection and funding any offeror which did not receive the highest score/ranking in the evaluation process.
- Completed Memorandum of Negotiation for each contract.
- The public notice of intent to award.
- Copy of the award document.

### **Procurement by Noncompetitive Proposals (Sole Source)**

Procurement by noncompetitive is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- The item is available only from one source; or
- The public exigency or emergency will not permit a delay resulting from competitive solicitation (for example, a destruction of a subrecipient site requires the immediate acquisition of additional services.); or
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposal in response to a written request from the non-Federal entity;



or

- After solicitation of a number of sources, competition is determined inadequate if more than one response is not received to the solicitation. Competition is determined inadequate. This usually occurs after a competitive process has been used and there are insufficient bidders (fewer than three).

A cost analysis is required for all noncompetitive procurements. The reason for selecting this method along with the justification for the provider selection must be carefully documented and maintained.

Proper documentation for a sole source purchase includes:

- The reason for selecting the sole source method, including why the procurement was infeasible under one of the other procurement methods and which of the additional sole source conditions the procurement met.
- The subgrantee's estimate of the potential purchase price.
- A copy of the RFQ/IFB/RFP.
- A determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- Copy of the award document.

## **CONTRACTING PROCEDURES**

The following contracting procedures will be utilized by the SBWIB's Inc. staff:

1. It is the intention of the SBWIB, Inc. to enter into cost reimbursement / fixed fee agreements.
2. All agreement boilerplates and agreements for major services shall be reviewed by the SBWIB's Inc. attorney.
3. If agreements are eligible for consideration under the policies relative to Fixed Unit Price Contracts (FUPC), as specified 2CFR Part 200 Uniform Guidance Part 200 as issued by the Department of Labor, the SBWIB, Inc. may enter into such agreements.
4. If agreements are performance based, but do not meet the criteria of FUPC, the costs shall be allocated to the appropriate cost categories upon the final budget as negotiated. The subrecipient shall be required to maintain a cost analysis system to demonstrate that the costs incurred meet the cost category analysis as proposed, but not on a line item basis. Subrecipient shall receive payments relative to the successful attainment of negotiated benchmarks.
5. If agreements are cost reimbursement, the subagent shall be reimbursed in accordance with line item budget. Subject to funding source limitations, line item agreements may have limited flexibility, not to exceed 10%, except for personnel and indirect cost line item. These line items can't be exceeded without prior approval by the SBWIB, Inc. Chief Executive Officer. All cost reimbursement agreements shall also contain

performance standards the failure of which to maintain may result in termination of the agreement.

6. The various agreements shall contain all required general and specific conditions reflective of the various federal, State, and local requirements.
7. The SBWIB, Inc. will not enter into any agreement with any agencies who are currently of a debarred status, or whose debarred status has not been resolved.
8. The SBWIB's, Inc. Procurement Unit shall be responsible for the administration of the various procurement systems and the required documentation therein.

### **Contracting with Small and Minority Businesses, Women's Business Enterprises, and Labor Surplus Area Firms**

The SBWIB, Inc. must take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

Affirmative steps must include:

- Placing qualified small and minority businesses and women's business enterprise on solicitation lists;
- Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

### **Contract cost and price (2 CFR 200.323) (Uniform Guidance section 200.323)**

The procurement staff must perform a cost or price analysis in connection with every procurement action in excess of the Simplified Acquisition Threshold (\$150,000) including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the procurement staff must make independent estimates before receiving bids or proposals.

For purchases less than the Simplified Acquisition Threshold, procurement staff must perform a price analysis.

Where applicable, procurement staff will negotiate profit as a separate element of the price for

each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its records of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for SBWIB, Inc. under Subpart E–Cost Principles–of the Uniform Administrative Guidance 2 CFR Part 200. SBWIB, Inc. may reference its own cost principles that comply with the Federal cost principles.

### **Cost Analysis**

A cost analysis must be performed:

- when the offeror is required to submit the elements of its estimated cost (e.g., under professional and consulting services contracts); or
- no catalog or market price is available; or
- when adequate price competition is lacking, or
- for sole source procurements, including contract modifications or change orders.

The method and degree of the cost analysis are dependent on the facts surrounding each type of procurement.

A cost analysis may not be necessary if one can establish price reasonableness 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 regulation.

### **Price Analysis**

A price analysis will be used in all instances to determine the reasonableness of the proposed contract price, including contract modifications. 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. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts.

### **Basic Standard for Cost or Price Analysis**

Costs or prices will be consistent with reasonable and allowable cost principles. 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 data is not accurate, complete, or current.

**Contract Provisions (2 CFR 200.235) (Uniform Guidance Section 200.235)**

SBWIB's Inc., contracts must contain the applicable provisions described in Appendix II to Part 200 "Contract Provisions for non-Federal Entity contracts Under Federal Awards".

**Subrecipient and Contractor Determination (2 CFR 200.230) (Uniform Guidance Section 200.230)**

SBWIB, Inc. will make a case-by-case determination whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor (see Subrecipient and Contractor in the Definition section of this policy).

In determining whether an agreement between SBWIB, Inc. and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of the agreement. SBWIB, Inc. will use judgment in classify each agreement as a subaward or a procurement contract.

In compliance with 2 CFR 200.330, (Uniform Guidance Section 200.330) SBWIB, Inc. will classify eligible providers of WIOA Adult, Dislocated Worker and Youth services as subrecipients.

**Delivery of Career Services-Adult and Dislocated Workers (WIOA Section 134(c)(2)(C))**

Career services described in WIOA Section 134(A) for eligible adult and dislocated workers shall be provided through the one-stop delivery system.

1. Directly through one-stop operator identified pursuant to section 121(d) or
2. Through contracts with services providers (subrecipients), which may include contracts with public, private for-profit, and private non-profit service providers, approved by the SBWIB, Inc.

**Training Contracts (WIOA Section 134(c)(3)(G)(ii))**

Training services authorized under the above cited paragraph may be provided pursuant to a contract for services in lieu of an individual training account (ITA) if-

1. The Consumer Choice Requirements (WIOA Section 134(c)(3)(F) are met;
2. Such services are on- the-job training (OJT), customized training, incumbent worker training or transitional employment;
3. The local board determines there are an insufficient number of eligible providers of

- training services in the local area involved to accomplish the purposes of a system of individual training accounts;
4. The local board determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment.
  5. The local board determines that-
    - a. It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and
    - b. Such contract does not limit customer choice; or
  6. The contract is a pay-for-performance contract.
  7. Training services must be directly linked to an in-demand industry sector or occupation in the local area or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that a local board may approve training services for occupations determined by the local board to be in sectors of the economy that have a high potential for sustained demand or growth in the local area (WIOA Section 134(c)(3)(G)(iii)).
  8. Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts (ITAs) and contracts in the provision of training services, including arrangements that allow individuals receiving ITAs to obtain training services that are contracted with this clause (WIOA Section 134(c)(3)(G)(iii)). .

## **SELECTION PROCESS**

### **Selection of Eligible Providers of Youth Workforce Investment Activities (WIOA Section 107(d)(10)(B) and Section 123)**

1. The local board shall award grants or contracts on a competitive basis to providers (subrecipient) of youth workforce investment activities based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in WIOA Section 116(b)(2)(A)(ii) and in WIOA Section 102(b)(2)(D)(i)(V), based on the recommendations of the youth standing committee; and
2. Shall conduct oversight with respect to such providers.
3. Exceptions: A local board may award grants or contracts on a sole source basis if such board determines there are an insufficient number of eligible providers of youth workforce investment activities in the local area involved for grants and contracts to be awarded on a competitive basis.
4. Consistent with Section 123, the local board may terminate for cause the eligibility of such providers (subrecipients).

### **Selection of One-Stop Operator (WIOA Section 107(d)(10)(A)**

The local board, with the agreement of the chief elected official, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators. To be eligible to receive funds made available under this subtitle to operate a one-stop center, an entity:

1. Shall be designated or certified as a one-stop operator through a competitive process; and;
2. Shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection 121(b)), or demonstrated effectiveness.

SBWIB, Inc. will ensure that in carrying out activities under this title, one-stop operators-

1. Disclose any potential conflicts of interest arising from the relationships of the operators with particular training services providers or other services providers;
2. Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training and education services; and
3. Comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.
4. Adhere to any applicable firewalls or internal controls.

### **Selection of Major Services/Subrecipients (Service Providers)**

1. The selection of major employment and training activities, services and programs, including service providers shall be primarily conducted through a Request for Proposals (RFP) process.
2. The RFP process will reflect minimally the following elements: the design capacity of the proposer to provide the desired services; the past performance of the proposer in the provision of the desired services; sufficient information to determine the reasonableness, necessity, allocable and allowable nature of all proposed costs; and administrative capacity of the proposer.
3. The RFP will also contain general instructions which inform proposers of the general and specific conditions governing the procurement process. This information shall include, but not be limited to, the scope of the RFP, the structure of the RFP the review and evaluation process to be utilized, the appeals methodology and the anticipated contract methodology.
4. The standard RFP process will include the notification of bidders based upon the Bidder's List as maintained by the SBWIB, Inc. the public notice of the availability of

funds and the RFP process, the availability of the RFP with reasonable time to completion, the provision of technical assistance as appropriate, a technical review and cost/price analysis by staff of the submitted proposals.

5. A RFP for the selection of major services, including service providers, shall be conducted at least once every three years. However, the SBWDB may conduct a RFP as often as desired and as appropriate to the availability of funds.

### **Subrecipients (Services Providers)**

The selection of subrecipients is a detailed process involving numerous steps:

1. Proposals may be reviewed by SBWIB's Inc. staff for recommendations prior to review by the One-Stop Policy Committee. This Committee's recommendations are forwarded to the Executive Committee for approval of the recommendations which are ratified by the full board. Appeals may be made to the Executive Committee.
2. Appeals Process: A bidder whose proposal is not recommended for funding shall appeal, in writing, the decision within ten (10) workdays to SBWDB Executive Officer. The bidder will be notified by letter of the time, date and place of their required attendance at the next scheduled SBWDB Executive Committee meeting. All appeals must be presented in writing. Determinations of the SBWIB Executive Committee appeals will be final. A bidder may not appeal the amount of funds they are recommended to receive.
3. Those subrecipient(s) approved by the board become part of a Slate of Providers which may be used by the SBWIB. As part of the contracting process, providers are required to provide documentation as to their legal status and right to conduct business. Cost reimbursement contracts include itemized budget and expenditure projection plans by allowable cost categories shall be required.
4. In addition to the RFP process, the SBWIB has authorized the Executive Director to negotiate the Interstate Training Resource and Information Network (I-TRAIN) Directory and customized training proposals, without routing through committees, on an on-going basis since there is documented employer's labor need. SBWIB may contract directly with another public agency without going through the RFP process: this may be used to identify public educational agencies for contracting on an as-need basis in addition to the open RFP. Education agencies, which are funded, must meet the same criteria as other agencies selected for participation.

### **Selection of Minor Services/Contractors**

1. The SBWIA will utilize a less formal, yet still competitive, procurement process for the selection of minor services, as defined by those of less than \$50,000 per purchase. This process will apply most commonly to small, targeted grants, professional services, and the selection of training providers via the SBWIB's I-TRAIN Directory.
2. For small, targeted grants over \$50,000, the SBWIB will normally utilize the full RFP

process as described under Selection of Major Services.

3. For professional services, the SBWIB will normally utilize an RFQ process
4. For the selection of training providers under the I-TRAIN program, the SBWIB will utilize the following process:
  - a. Providers will submit an application in accordance with the I-TRAIN Application Solicitation Package. The application must reflect the following elements: the design capacity of the school to provide Classroom Training Individual Referral (CTIR) for proposed program(s); have current Bureau for Private Postsecondary Education Course (BPPE) approval or another applicable approval as defined in the application; twelve months placement performance for each program proposed; sufficient information to determine the reasonableness, necessity, allocable and allowable nature of all proposed costs; and administrative capacity of the proposer.
  - b. The Contract's Administrative Staff shall conduct an initial evaluation of the application. The SBWIB Executive Director shall make the final determination to pursue or not to pursue an agreement. If the agreement is pursued, a site visit accompanied by an industry expert to determine if the provider meets the minimum requirements for being placed upon the I-TRAIN's list. All proposers will be notified of their status relative to this review, with an opportunity to rectify any problems that prohibit their inclusion on the I-TRAIN.
  - c. Upon meeting the required criteria, an agreement may be entered into between the SBWIB, Inc. and the provider. When the agreement has been executed, the provider and the approved program(s) are entered into the I-TRAIN system and submitted to the State for publication to the Eligibility Training Provider List (ETPL).
  - d. For each WIOA participant served through I-TRAIN system, an Individual Employment Plan (IEP) or Individual Service Strategy (ISS) if applicable will be completed by their career services coordinator. This analysis documents the relevant factors influencing the specific selection of provider, including program design, cost, timeliness, location, proven effectiveness, administrative capacity and the participant's choice.
  - e. Upon the selection of the specific provider a Classroom Training Individual Referral Agreement is generated with the provider, which details the specific training to be provided, the terms of reimbursement, and the general requirements of the SBWIB.
  - f. The solicitation process shall remain open throughout the program year, allowing providers to submit a proposal at any time for consideration. A provider's agreement may be considered active for a maximum of two years.
4. The Performance & Evaluation Committee of the SBWIB will review the Provider's List on a quarterly basis.



## **Selection of Slate of Potential Service Providers**

The purpose of the Request for Proposal (RFP) or Request for Qualifications (RFQ) is to solicit qualified agencies to provide Workforce Services, Adult, Dislocated Worker, Youth Programs and on-the-job training (OJT), or any combination of these activities resulting in positive outcomes and/or placement into SBWIB approved demand occupations for WIOA eligible participants of the South Bay Workforce Development Area. Agencies determined qualified to provide program services and training are placed on a Slate of Service Providers.

Final selection for the Slate of Service Providers is made by the SBWIB based upon the results of the evaluation process and recommendations of review panels and staff.

## **ADMINISTRATIVE PROVISION**

### **Request for Proposal (RFP)**

The RFP for WIOA activities may include but not be limited to a description of the following:

- 1) The South Bay Workforce Development Area, South Bay Workforce Investment Board (SBWIB), and the WIOA.
- 2) Geographic areas of service.
- 3) The specific training activities being solicited.
- 4) Submission procedures.
- 5) General information including:
  - a) Term of contract(s) being solicited
  - b) Bidders' workshops and/or availability of technical assistance
  - c) Minimum requirements for qualified bidders.
  - d) Definition of slate of providers.
  - e) Evaluation and selection process.
  - f) Rights of inspection (site visit) by SBWIB.
  - g) Type(s) of contracting (i.e., cost reimbursement and tuition reimbursement)
  - h) Limits
  - j) Restrictions on disclosure.
  - k) Source documents.
  - l) Negotiations
- 6) Failed Competition
- 7) Disputes
- 8) RFP calendar
- 9) Proposal review process
- 10) Appeals process
- 11) Evaluation criteria
- 12) Work statement

- 13) Performance standards
- 14) Targeted occupations, if applicable
- 15) Proposal forms
- 16) Lobbying Certification
- 17) Drug-Free Workplace Certification
- 18) Certificate of Current Cost
- 19) Debarment and Suspension Certification
- 20) Americans with Disabilities Act Certification
- 21) Indemnity and Insurance
- 22) Disposition of Proposals

**Proposal Scoring Criteria**

Each proposal submitted shall be evaluated and rated on its own merits. The emphasis in the evaluation is on clarity, relevance, conciseness, and strict adherence to the RFP

**REQUIREMENTS**

The proposal rating instrument will consist of three major areas of evaluation to include but not limited to:

<b><u>Area</u></b>	<b><u>Points Possible</u></b>
Demonstrated Performance/Capability	20/20
Program Design Requirements	35
Reasonableness of Cost (Budget)	25
Site Visit Qualifying	
<b>Total</b>	<b>100 Points</b>

**Bidder's Demonstrated Performance, Ability, and Responsibility:** Past performance and demonstrated ability to perform will be evaluated. The Bidder’s experience and performance history will be verified for each proposal. Bidders who demonstrate or document successful past experience in the administration and operation of employment and training services will be given priority consideration. Qualification of the Bidder’s staff and management capabilities will be scored.

**Bidder’s Capability:** Ability to implement program service by July 1, of the program year with adequate resources (staff (certified instructors), facilities, and job developers, etc.);

Ability to work in cooperation and establish linkages with school districts, et al, relative to assessment, school records and remediation services.

The bidder's financial responsibility will also be evaluated. Such financial evaluation will require the submission of the latest audited financial report and a current financial statement.

Financial documentation is requested in Part B of the RFP.

**Responsiveness to RFP Program Design Requirements:** The Bidder's proposal will be evaluated on the overall program design and quality. The primary programmatic goal of the Limited Internship Training Program is to meet the SBWDB's objective of placing participants in full-time training-related unsubsidized employment. The program will be evaluated on its ability to achieve this goal and to meet or exceed the SBWIB's WIOA performance standards.

**Accessibility:** (a) Accessibility as required by the Americans with Disabilities Act, and (b) the accessibility by public transportation or other means of the training facility to participants of the South Bay Workforce Development Area.

**Reasonableness of Cost:** One of the primary goals of the SBWIB's overall procurement process is to fund the most cost effective and efficient programs and services. Bidders proposing to exceed contract specifications and performance standards of current service providers will be given more favorable consideration in the review process.

Reasonableness of proposed costs and prices will be determined by a combination of factors including a cost/budget analysis and a historical and/or current price quotation analysis.

Bidders proposing no administrative costs and/or Bidders able to provide supplemental funding or enlist significant other (non-WIOA) financial or nonfinancial resources in support of this program will be given more favorable consideration in the competitive evaluation process. Such additional funding and support must be documented and verifiable.

**Performance Standards:** The SBWIB Programs must meet performance standards established by the U. S. Department of Labor and the California Employment Development Department's. Bidders proposing standards higher than those of the SBWIB will be given more favorable consideration.

### **Fiscal Accountability**

Fiscal references and notice of any previous disallowed costs are required in the RFP. The RFP also requires the respondent to describe the cost allocation plan, the methodology for identifying and recording costs by cost categories, how the respondent will comply with audit requirements and repay any disallowed costs.

### **Community Based Organizations**

RFP are opened to all potential agencies which have been identified or have requested to be on a bidders list, including community-based organizations (CBO) and educational agencies. The RFP is advertised in a local newspaper (e.g. Daily Breeze) as well as through announcements to those on the list.

### **Non-duplication of Available Programs**

Contractors use available community resources to the extent possible to meet service needs of the WIA population. RFP also request specific information as to what non-financial agreements or in-kind resources will be used to meet client needs. RFP and contracts will address the issue of Non-duplication of services.

### **Education Agencies**

Appropriate education agencies in the Workforce Investment Area (WIA) shall be provided the opportunity to provide educational services; unless the administrative entity demonstrates that alternative agency(ies) or organization(s) would be more effective or would have greater potential to enhance the participants' continued educational and career growth. Where proposals are evenly rated, and one of these proposals has been submitted by an educational institution, the tie breaker shall go to the educational institution.

### **Establishing Industry Approved Skill/Competency Levels**

The WIB adopts industry standards for every approved occupation skill training course (CT). Contracts include the same completion competencies. The WIB will accept evidence of employer/industry oversight approving completion competencies for entry-level employment or will ensure that completion competencies, facilities, equipment, materials and instructors are reviewed by an industry expert during the on-site review.

### **Integrity of Contractor Staff**

Statement identifying that no officers have been convicted of fraud or misappropriation of funds within the past two years are required in the RFP.

### **SBWDB -Business & Economic Development Committee**

The primary goals of the Business & Economic Development Committee are:

- 1) To provide, evaluate, and monitor labor market/demand occupations information for the SBWIA. In addition to establishing information for labor market demand, the committee may recommend additional criteria when identifying occupations for bid solicitations.
- 2) To identify industry standards pertaining to entry level wages, competencies, and other requirements, for the demand occupations selected for bid solicitation.
- 3) To promote opportunities for job creation through linkages between economic development and job training activities.

### **SBWIB One-Stop Policy Committee**

The primary goals of the One-Stop Policy Committee are:

- 1) To maintain the highest quality training providers yielding high rates of training related placements for SBWIA participants. Specific objectives include:

- a. Improving mechanisms for selecting service providers.
  - b. Approving new and continuing service providers for classroom, OJT, exemplary youth, and innovative training activities which have been determined responsible, reasonable, and responsive to bid requirements.
  - c. Establishing performance standards for service providers and approved contractors.
  - d. Identifying resource persons to assist in evaluating potential training sites.
- 2) To fund qualified occupational training organizations and establishing requirements to verify agency qualifications.

**ATTACHMENTS**  
(Sample Forms/Formats)

- A. Sample Agenda
- B. SBWIB Standard Code of Conduct for Staff Personnel
- C. Conflict of Interest
- D. SBWIB Proposal Receipt Form- (Delivery)
- E. SBWIB RFP Request Form – (Pick-up)
- F. SBWIB Proposal Receipt Form- (Proposer’s receipt)
- G. SBWIB Cost Analysis Tool
- H. Sample Proposal’s Letters (1-4)
- I. Bidder Checklist for the SBWIB Pre-Contracting

**SOUTH BAY WORKFORCE DEVELOPMENT BOARD (SBWDB)  
BIDDER'S WORKSHOP  
11539 S. Hawthorne Blvd, 5<sup>th</sup> fl.  
Hawthorne, CA 90250**

**May 14, XXXX**

**AGENDA**

1. Introductions
2. General Information and Overview of RFP Process
3. Proposal Forms Package
4. Questions and Answers

**SOUTH BAY WORKFORCE DEVELOPMENT BOARD (SBWDB)  
STANDARD OF CONDUCT FOR STAFF PERSONNEL**

This Standard of Conduct is hereby instituted by the South Bay Workforce Development Board (SBWDB) herein called the WIB. The following standards guide WIB staff in the performance of their official responsibilities.

**EMPLOYEE CONFLICT OF INTEREST**

It is a breach of ethical standards for any WIB employee to participate directly or indirectly in procurement when:

- The employee or immediate member of his/her family has financial interest in the procurement;
- A business organization in which an employee or any member of his/her immediate family member is negotiating, or has arrangements concerning prospective employment is involved in the procurement; or
- Any other persons, business, or organization with whom employee or any immediate family member is negotiating, or has arrangements concerning prospective employment is involved in the procurement.

When an employee or immediate family member holds financial interest in blind trust, there will be no conflict of interest, provided that the blind trust has been disclosed to the organization governing procurement ethics.

Whenever the employee discovers or becomes aware of such actual or potential conflict, he/she should promptly withdraw from the procurement or seek guidance on participation from the individuals(s) or group(s) who governs procurement ethics for the agency.

**DISCLOSURE**

An employee who obtains any benefit from any contract with a business in which he/she has financial interest must report this to the appropriate official or group, except when that interest has been placed in a disclosed blind trust.



**GRATUITIES AND KICKBACKS**

It is a breach of ethical standards for anyone to offer, give or agree to give any employee former employee, or for an employee to accept from another person, a gratuity or any offer of employment in connection with any aspect of a procurement. It is a breach of ethical stands for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contract or higher tier subcontractor, or any person associated with these, as an inducement for the award of a subcontract.

**PROHIBITION AGAINST CONTINGENT FEES**

It is a breach of ethical standards for everyone to be retained, or retain anyone, to solicit or secure a contract for a commission, brokerage or contingent fee or the promise of such payment. This prohibition does not apply to the hiring of bona fide employees of an organization, or to retaining a bona fide commercial selling organization.

**RESTRICTION ON EMPLOYMENT OF PRESENT OR FORMER EMPLOYEES**

There must be restriction on the contemporaneous employment of anyone involved in the procurement process by the contracting agency and any organization or individual contraction with the agency.

**USE OF CONFIDENTIAL INFORMATION**

It is a breach of ethical standards for any employee or former employee to use confidential information for actual or anticipated personal gain, or for the actual or anticipated personal gain of any other person.

**VIOLATION OF THIS POLICY**

Employee who fails to adhere to this policy will be subject to disciplinary action, including termination.

**SOUTH BAY WORKFORCE DEVELOPMENT BOARD  
STAFF CONFLICT OF INTEREST/NON-DISCLOSURE STATEMENT**

I acknowledge that I have been appointed to conduct reviews and make procurement recommendations regarding proposals received by the South Bay Workforce Development Board (SBWDB). I have been briefed on my responsibilities relating to conflict of interest and non-disclosure of information obtained during these reviews. I have also been briefed on the conflict of interest rules adopted by the SBWDB and currently in effect.

I do not and will not have any conflict of interest personal or organizational, real or apparent, in participating in procurement conducted by the SBWDB. If in the course of reviewing proposals received in response to solicitations, I become aware of an actual or possible conflict of interest, I will notify the agency official responsible for such procurement and seek his/her advice as to withdrawal from involvement in that procurement.

Further, I will disclose no information obtained in reviewing proposals under this solicitation to anyone not also participating in that review. Specifically, I will not disclose the number of respondents to any solicitation; the names of the individuals and organizations that respond; nor will I disclose any information from technical cost/pricing submissions of those offers; except to other reviewers officially assigned to the solicitation.

Finally if anyone outside the official review chain seeks information about procurement, I will not supply any information but will refer him or her to the agency official heading that procurement.

\_\_\_\_\_  
NAME

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

\_\_\_\_\_  
TITLE

**SBWIB PROPOSAL RECEIPT FORM**

Staff: RFP For: Adult/ Dislocated Workers/Youth							Open Date: X/XX/XX Close Date :XX/XX/XX	
AGENCY NAME	ADDRESS	PHONE	BID RECEIVED DATE / TIME		DELIVERED BY	(X) IF MAILED		

**SBWIB RFP REQUEST FORM**

Assigned Staff: <u>XXXXXXX</u>	Bid Opening Date: X/XX/XX	Bid Closing Date: X/XX/XX
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**BIDDER INFORMATION PLEASE PRINT**

Agency Name	RFP picked up by (name)	Agency Address	Phone	Check if:			Date	
				MB E*	WB E*	LBE *	RFP picked up	Mailed

\*MBE or WBE: 51% owned by one or more minorities or women. In case of businesses whose stock is publicly held, at least 51% of the stock is owned by one or more minority persons or women or a business whose management and daily business operations are controlled by one or more minority persons or women. Minorities: Asian-American, African-American, Native-American. LBE: Business has an Inglewood business license or owner is an Inglewood resident.

**SOUTH BAY WORKFORCE INVESTMENT BOARD (SBWIB)**

**PROPOSAL RECEIPT FORM**

This may serve to certify that the proposal(s) check below was received in the administrative office of the South Bay Workforce Development Board as follows:

Check Proposal:

Adult/Dislocated Workers Services       Youth Services  
 OJT       Rapid Response       Other (describe) \_\_\_\_\_.

Organization: \_\_\_\_\_

Person Delivering Proposal: \_\_\_\_\_

Date Received: \_\_\_\_\_ Time Received: \_\_\_\_\_

SBWIB Staff Person Receiving Proposal: \_\_\_\_\_

SBWIB COST ANALYSIS TOOL

Name of Deliverable: \_\_\_\_\_

Name of Contractor: \_\_\_\_\_

Contract Period: \_\_\_\_\_

**Part I - General**

Computations checked and verified  Yes No

Supporting documentation and justification complete  Yes No

Problems/Comments:

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**Part II – Specific Costs**

Cost Element	Necessary/ Reasonable		Basic for Judgment (at least one)				
	Yes	No	Independent Agency Estimate	Compared/ Other Current Offers	Compared/ Past Offers	Verified Market Price/Quote	Other (List) SBWIB Cost
Staff Costs & Fringe Benefits							
Equipment							
Supplies							
Travel							
Facilities							
Communications							
Subcontracts							
Other (Profit)							
<b>Part III - Profit/Fee</b>							

**Part III – Profit/Fee**

Contractor is (circle one) For Profit  
If not-for-profit - no profit allowable.

If for-profit, amount of profit proposed: \$ \_\_\_\_\_  
Profit listed as percent of total other costs in proposal: \_\_\_\_\_%

Profit is (circle one) Reasonable    Not Reasonable    Excessive

If profit is deemed reasonable, describe basis for judgment:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If profit is deemed excessive, list profit objective to be negotiated: \$ \_\_\_\_\_ %

**Part IV - Signatures**

\_\_\_\_\_  
Procurement Manager

\_\_\_\_\_  
Fiscal Coordinator



DATE: February 25, XXXX  
TO: Relevant Parties  
FROM: Procurement Manager  
SUBJECT: Proposals and Meeting to Review Proposals - Rapid Response

Please read the attached proposals received in response to the RFP for PY 0X/0X.

Please let me know Monday February 28, XXXX if the following schedule is acceptable for proposal review.

One-Stop Managers Monday, March 7, 200X, 9:30 a.m. to 11:30 a.m.  
11539 S. Hawthorne Blvd.  
Hawthorne, CA 90250  
5th Floor Conference Room

Northrop Wednesday, March 9, 200X, time TBD,  
11539 S. Hawthorne Blvd.  
Hawthorne, CA 90250  
5th Floor Conference Room

One-Stop Policy Committee Friday, March 11, 200X, 8:30 a.m. to 10:30 a.m. TBD  
11539 S. Hawthorne Blvd.  
Hawthorne, CA 90250  
5th Floor Conference Room

June 10, 20XX

(Proposer’s Address)

Dear Mr. /Ms.:

Thank you for submitting a proposal in response to the SBWIB's Request for Proposal for Program Year 20XX/XX. Based on a careful review and evaluation, the recommendation of SBWIB’s Inc. staff (which was conveyed by telephone call on 6/9/XX with notice of the SBWIB One-Stop Policy Committee meeting to be held 6/10/XX) is as follows:

**Conditional Pursue.**

Review of the proposal will also be conducted at meetings held by the One-Stop Policy Committee and Executive Committee of the South Bay Workforce Investment Board (SBWIB). Recommendations will be made to the full SBWIB in July. Final determinations will be made by the full WIB at that time. The meetings are scheduled as follows:

<u>MEETING</u>	<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
One-Stop Policy Committee	6-10-XX	10:45 a.m.	11539 S. Hawthorne Blvd, 5 <sup>th</sup> Floor Hawthorne, CA 90250
SBWIB Executive Committee	6-16-XX	9:00 a.m.	11539 S. Hawthorne Blvd, 5 <sup>th</sup> Floor Hawthorne, CA 90250
SBWIB	7-15-XX	9:30 a.m.	11539 S. Hawthorne Blvd, 5 <sup>th</sup> Floor Hawthorne, CA 90250

Appeals to the full WIB determinations may be made to the Executive Committee of the SBWIB at their August meeting. If you wish additional information, please contact me at 310/970-7000.

Sincerely,

XXXXXXXXXXXXXXXXXXXX

Procurement & Contracts Manager

June 10, 20XX

(Proposer's Address)

Dear Mr. /Ms. \_\_\_\_\_:

The One-Stop Policy Committee of the South Bay Workforce Investment Board (SBWIB) met on June 10, 20XX to review the proposal submitted by your agency for Program Year 20XX/XX. The committee's recommendation is as follows: Conditional Pursue.

Final determinations will be made by the full SBWIB at their July meeting. The SBWIB meeting is scheduled as follows:

<u>MEETING</u>	<u>DATE</u>	<u>TIME</u>	<u>PLACE</u>
SBWIB	7-15-XX	9:30 a.m.	11539 S. Hawthorne Blvd, 5 <sup>th</sup> Floor Hawthorne, CA 90250

If you wish additional information, please do not hesitate to contact me at 310/970-7000.

Sincerely,

XXXXXXXXXXXXXXXXXX  
Procurement Manager

August 2, 20XX

Name of Contact Person  
Agency Name  
Address  
City, CA Zip Code

Dear Mr. [contact person]:

Thank you for submitting a proposal in response to the SBWIB's Request for Proposal for Program Year 20XX/XX. Based on a careful review and evaluation, the recommendation of SBWIB, Inc. staff is as follows:

<u>Course Title</u>	<u>Recommendation</u>
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Write in whichever applies:

**Pursue**

**Not to pursue**

**Conditional pursue pending performance through 6/30/XX**

**Conditional pursue pending completion of on-site review.**

A pursue recommendation constitutes placement on the South Bay WIB Slate of Providers.

If you wish additional information, please contact me at 310/970-7000.

Sincerely,

XXXXXXXXXXXXXXXXXX  
Procurement Manager

**BIDDER CHECKLIST FOR THE SBWDB  
PRE-CONTRACTING REVIEW**

Agencies recommended for the Slate of Provider will be required to provide appropriate documentation for items identified below. Check the appropriate box to identify the documents, which your agency possesses. NOTE: These items are not to be submitted with the proposal.

**INSURANCE**

Yes No

- General Liability Insurance \$1,000,000 combined single limit  
  Automobile Liability Insurance \$1,000,000 combined single limit  
  Evidence of Worker Compensation Coverage

NOTE: Insurance carrier must provide certificate, each naming one of the City of Hawthorne, its Agents, and Employee as additional insured.

Name of agent: \_\_\_\_\_ Phone: \_\_\_\_\_

**LEGAL STATUS**

Yes No

- Sole Proprietorship requires fictitious name filing.  
  Partnership requires fictitious name filing.  
  Corporation requires By-Laws and Articles of Incorporation (attach current list of Board Members and addresses to Contract)  
  Non-profit agencies must provide verification of federal and state tax exempt status.  
  Verification of Board approval of contract obligations (copy of Board minutes or confirming letter from Board).  
  Complete 504 Accessibility Survey.  
  Lobbying Certification and Disclosure (for contracts in excess of 100,000).  
  Debarment and Suspension Certification (for contracts over \$25,000).

**LICENSING**

Yes No

- For classroom training (basic skills and occupational training):  
 Current course certification for curriculum, facility, and instructor from California State Department of Education, Council of Private Post-Secondary Education, or Chancellor's Office.  
  Business License.

PROGRAM

Yes No

- List of persons authorized to execute specific documents.
- Completion Competency Standards
- Program Orientation Document} Participant to sign as enrolled.
- Grievance Procedures} Participant to sign as enrolled.
- School/Agency Policies (participants to sign as enrolled) for the following:  
Absenteeism, Lateness, Disciplinary Procedures, Holiday Schedule and Office Hours.

NOTE: CONTRACTOR WILL RECEIVE ORIENTATION TO SBWIB POLICIES AND PROCEDURES BY SBWIB'S, INC. STAFF PRIOR TO START OF CONTRACT.