

## **Mississippi Valley Workforce Area**

### **Local Workforce Development Board**

#### **Service Provider Procurement Policies, Procedures, and Standards**

Awards for contracts are made to service providers who can provide services that are the most advantageous to the Mississippi Valley Workforce Area regarding service, price and other specific factors. It must be understood that any and all services procured are the best available to meet the employment and training needs of eligible individuals that reside in the Mississippi Valley Workforce Area.

The Local Workforce Development Board (LWDB) of the Mississippi Valley Workforce Area will adhere to the principles outlined in 29 CFR Part 97 and the procurement procedures required by the State of Iowa. All steps of the procurement process will be documented in accordance with 29 CFR Part 97, including solicitations, selection process, contract negotiations, and award. In addition, all documents developed during the procurement process will be maintained as required by Iowa Workforce Development.

#### **General Provisions**

- The competitive procurement process for the selection of service providers will occur every 4 years.
- All potential providers, who have expressed interest in being considered for awards, will be sent Requests for Proposals for the areas of service for which they wish to be considered when such awards are due to be made.
- Awards will be made only to service providers that demonstrate the ability to meet objectives of the proposed procurement. Examples of how the ability to meet the procurement objectives can be demonstrated include, but are not limited to:
  - financial resources, technical qualifications, experience, organization and facilities adequate to carry out the project
  - resources to meet the completion schedule contained in the contract
  - a satisfactory performance record for completion of contracts
  - cost analysis of proposed budget -accounting and auditing procedures adequate to control property, funds and assets
- The LWDB will also ensure that any entity is not debarred, suspended, or otherwise excluded from or ineligible to participate in Federal assistance programs or activities.
- Information about the selection of the service provider will be made available to the public on a regular basis through electronic means and open meetings, in accordance with the Sunshine Provision.

### **Equitable Procedures**

Procurement procedures will not restrict or eliminate competition. Activities that may be considered to be restrictive of competition include, but are not limited to:

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

### **Required Content for RFP**

Solicitations for goods and services (requests for proposals or RFPs) should provide for all of the following:

- Requirements which the bidder/offer must fulfill and all other factors to be used in evaluating bids or proposals.
- funding level range or an up to amount must be provided in the RFP that ensures the responsibilities in the Statement of Work can be performed.
- Technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards. (*45 CFR Part 75.328(c)(1)*)
- The specific features of "brand name or equal" descriptions that bidders are required to meet when appropriate. (*45 CFR Part 75.328(c)(1)*)
- A description of the format, if any, in which proposals must be submitted, including the name of the person to whom proposals should be sent.
- The date by which proposals are due.
- Required delivery or performance dates/schedules.
- The release of an RFP for services does not obligate the LWDB to accept any or all proposals. The LWDB shall be held harmless of any action resulting from any decision not to accept any or all proposals.

### **Proposal Process and Evaluation Review**

1. The LWDB will meet and select a small committee of at least three Board members to oversee the RFP process.
2. RFP will be open for a minimum of 20 business days and posted on the board website, other outlets, and distributed to bidder’s list when applicable.
3. A pre-set time period will be available for written questions, and answers will be posted to the board website.

4. LWDB staff will perform a technical review of each proposal prior to them being distributed to the review team.
5. The technical review will determine if the proposal is complete and meets all the submission guidelines stated in the RFP.
6. Proposals that are incomplete or fail to meet all submission guidelines stated in the RFP will be rejected.
7. Bidders will be notified regarding the status of their proposal after the technical review.
8. Proposals will be evaluated by the RFP committee and a recommendation will be made to the LWDB for selection.
9. The LWDB will vote on the RFP committee recommendation at a regularly scheduled board meeting, and reserves the right to either accept, reject or make changes to the committee's recommendation.
10. Bidders may request, in writing, feedback on the proposal submitted after the funding awards are determined.

### **Sole Source**

Sole source must only be pursued after a minimum of two attempts to competitively procure, including one attempt that combines the procurement of the Adult and Dislocated Worker service provider with the selection of the one-stop operator.

Sole source selection of a service provider can only be completed under the criteria outlined in the Workforce Investment and Opportunity Act (WIOA). When the sole source selection process is used the board must prepare and maintain written documentation describing the entire process of making such a selection.

Sole source procurement can only be utilized when:

- The item or service is available only from a single source.
- The public exigency or emergency for the item or service will not permit a delay resulting from competitive solicitation.
- The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity.
- After solicitation of a number of sources, competition is determined to be inadequate, whether for reasons of number or quality of proposals/bids.

Should the LWDBs request to use sole source procurement for service providers it will submit a formal request to Iowa Workforce Development electronically. The request will include justification that all other options were exhausted and identify the reason for sole source. Also, identify the timeline and the activities performed prior to the sole source request, and certify that all appropriate measures consistent with the WIOA and this policy have been taken.

The following documentation should also be included with the request for sole source:

- Copy of the RFP or IFB
- Proof of the announcement medium used (newspaper, social media)
- Documentation showing how long the announcement was posted
- The name of the entity to which the sole source is to be awarded
- Documentation showing that the entity has the capacity and ability to perform the functions required to provide career services and/or youth workforce investment activities

### **Right to File a Grievance**

Any organization making application under this RFP has the right to file a grievance related to the RFP process and final award. A bidder may file a protest in writing, with the LWDB Executive Director, who will then have ten (10) days in which to reach an informal resolution of the protest.

Should the protest not be resolved within ten (10) days, the bidder may submit in writing a protest to the LWDB Executive Committee. The Executive Committee will then have thirty (30) days to reach a decision. No further appeals will be allowed. This does not prohibit the bidder from seeking other resolutions in addition to those allowed by the Mississippi Valley Workforce Area.

### **Standards of Conduct**

Any officer, employee or agent of the LWDB who is either:

- engaged in negotiations with a potential contractor;
- has arrangements concerning prospective employment with a potential contractor; or,
- has a financial interest in a potential contractor may not participate in the review, award of administration of a contract for a potential contractor. Such relationships constitute a Conflict of Interest. This prohibition also extends to:
  - an immediate family member of any officer, employer or agent of the grantee/sub grantee;
  - a partner or organization who employs any officer, employee or agent of the grantee/sub grantee.

Additionally:

- No LWDB member shall participate in the selection or in the awarding of a contract if a conflict of interest is involved. This provision does not prohibit a community-based organization, educational agency, employer, or other service provider represented by a LWDB member from receiving a contract for the provision of training and/or services to participants. However, when such a conflict of interest arises, LWDB members must abstain from voting on the award and disclose all financial/non-financial information of the contractor.
- No employee, officer or agent of the LWDB shall participate in the selection, in the awarding, or administration of a contract if a conflict of interest exists.
- No contract will be awarded to any LWDB member or entity with which he/she is affiliated which results in direct personal gain to that LWDB member.
- LWDB officers, employees or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from service providers, potential service providers (i.e., persons who perform services of type contracted for), or parties to grants.

### **Confidentiality and Non-Disclosure**

Information will not be disclosed to anyone who is not directly involved in the procurement process relating to the intent to implement a procurement, the amount of funds available, or any

related data, until that information is made known to all bidders through a notification of the intent to solicit or dissemination of a Request for Proposal (RFP) or Request for Quote (RFQ). Technical and cost/price information from any proposal must not be disclosed to anyone not officially involved in the procurement process while the procurement is still in progress. Certain technical or proposal information that a bidder has designated as proprietary or trade secret, and with which LWDB concurs, must not be disclosed to other bidders, even after the award is made and publicized. The number or names of bidders will not be disclosed to anyone not officially involved in the procurement process until the contract is awarded and the decision is made public.