

Procurement Policies and Procedures

One-Stop Operator and Service Provider(s)

The Northwest Iowa Workforce Development Board (NIWDB) will use a competitive process for the selection of a one-stop operator and to support continuous improvement through the evaluation of one-stop operator performance and the re-competition of operators every four years.

Competition is intended to promote the efficiency and effectiveness of one-stop operators by providing a mechanism for the NIWDB to regularly examine performance and costs against original expectations.

In the procurement of the One-Stop Operator and Service Provider(s), the NIWDB will use the following methods through a competitive process:

- Sealed Bids, (formal advertising), such as an invitation for bids (IFB)
- Competitive Proposals, such as a request for proposals (RFP)

Sole Source:

One-Stop Operator and Service Provider:

The NIWDB may select a one-stop operator and/or Service Provider through sole source selection only under the criteria outlined in the Workforce Innovation and Opportunity Act (WIOA). The NIWDB must follow its local sole source policies and procedures, the Uniform Guidance, and State policy. If the NIWDB uses the sole source selection process, written documentation describing the entire process of making such a selection will be prepared and maintained.

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 several sources, competition is determined to be inadequate, whether for reasons of number or quality of proposals/bids.

If the NIWDB requests to use sole source procurement for one-stop operators and/or Service Provider must submit a formal request to Iowa Workforce Development electronically at: WIOAgovernance@iwd.iowa.gov.

The request must include justification that all other options were exhausted and identify the reason for sole source. The NIWDB will identify the timeline and the activities performed prior to the sole source request and must certify that all appropriate measures consistent with the WIOA and this policy have been taken.

The following documentation will 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 one-stop operator functions, **OR**
- 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.

Procurement Standards

The NIWDB will include appropriate protections from conflict of interest.

The following requirements will be followed as part of the competitive process and include:

- Written Policies and Procedures
 - Such policies and procedures must describe the competitive process for selecting a one-stop operator and the manner in which it will address the settlement of all contractual and administrative issues, such as protests, appeals, and disputes. The NIWDB will provide a competitive process for selection the One-Stop Operator and/or Service provider. All proposals or sealed bids received by the submission deadline will be initially reviewed for responsiveness and compliance with the specifications and requirements in the RFP/IFB. The proposals passing the initial review will be scored by the review committee according to the following criteria, with attention to clarity, completeness and quality:
 - Cover Sheet
 - Executive Summary
 - Organization Overview
 - Program Narrative
 - Budget & Budget Narrative
 - Attachments
 - The NIWDB is required to complete the One-Stop operator and/or Service Provider competitive process every four years. Six (6) months prior to the end of the four (4) years, the NIWDB will begin the procurement process in order to meet the guidelines.
For Service Providers: the NIWDB may extend the initial one-year contract for up to an additional three (3) years, in increments of one year, depending on program performance, availability of funds, and if it is determined to be in the best interest of the local area.

- Appropriate Methods of Procurement for Competitions
 - As a non-federal entity, the NIWDB will use the following methods of procurement (described at 2 CFR 200.320):
 - Sealed Bids
 - Competitive Proposals
 - Sole Source

- Full and Open Competition
 - A 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.
 - Such competition must be conducted for all procurement transactions.
 - Written procedures must allow for sufficient time for all phases of the procurement process to be carried out in a manner that would not unduly restrict competition.
 - The RFP must be open for a minimum of 20 business days.
 - Pre-qualified lists must be current and include enough qualified sources to ensure open and free competition and must not preclude bidders and offerors from qualifying during the solicitation period.
 - Procurements that are in excess of the simplified acquisition threshold (currently set at \$150,000 by 48 CFR 2.1) cannot use the small purchase procurement.
 - Entities performing a competitive procurement must ensure the proposed costs of the one-stop operator are allowable, meaning that they are reasonable, necessary and allocable.
 - Restricting competition is not allowed. Activities that may be considered to be restrictive of competition include, but are not limited to:
 - Placing unreasonable requirements on firms 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.

Standards of Conduct

The NIWDB will uphold the following standards of conduct to ensure fairness, objectivity, ethical standards and other related standards of conduct during all phases of the procurement process:

- Mitigating apparent or real conflicts of interest. Conflicts of interest would arise when the employee, officer or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated has a financial or other interest or a tangible personal benefit from a firm considered for a contract.
- The NIWDB shall avoid organizational conflict of interest; NIWDB members and board personnel shall avoid personal conflict of interest and the appearance of conflict of interest in awarding the One-Stop Operator and/or Service Provider.
- Disclosure of any real or apparent conflict of interest, whether individual, or organizational. Written standards of conduct must identify the process for recusal of individuals or organizations that are members of the NIWDB who disclose a real or apparent conflict of interest.
- The announcements of solicitation requirements including proposal evaluation factors which will be used to assess bids or proposals will be released to all bidders at the same time.
- Information given in response to a question from one bidder will be shared with all known potential bidders.
- Any member of the NIWDB or board support involved in a procurement process will not be employed by any bidder for that same procurement.

Penalties, Sanctions, and Disciplinary Actions

The NIWDB will provide for penalties, sanctions, or other disciplinary actions for violations of standards of conduct by chief lead elected officials, board members, board staff, fiscal agent staff, bidders, service providers, contractors, vendors, or their agents.

Any attempt by a potential sub-recipient, service provider, or vendor to make any payment, gratuity, or offer of employment or kickbacks to any individual involved in a procurement process will lead to disqualification of that entity's proposal.

The NIWDB will maintain a description of the firewalls and internal controls to mitigate conflict of interest in circumstances including, but not limited to, situations where an entity acts in more than one role in the one-stop delivery system or performs more than one function in the procurement process, as well as situations where the non-federal entity uses a sole source selection.

Confidentiality of the Information Contained in the Proposals Submitted for Consideration

It is the policy of the NIWDB to prohibit ex-parte communication with any board member, board staff, consultants, or other persons serving as an evaluator during the procurement process. Respondents that directly contact board members or evaluators risk elimination of their proposals from further consideration. No individual who is a proposal evaluator will collaborate and/or communicate with any respondent.

Evaluators will be asked to sign a “Conflict of Interest Certification for Request for Proposal” stating they have not communicated or collaborated with any respondent. Any communication by telephone, email, letter, face-to-face conversation, or other off-the- record contact is strictly prohibited. Any discovered ex-parte communication will be provided to the Chair of the NIWDB and Chief Lead Elected Official for review and appropriate action. Bidders who improperly influence the proposal review and evaluation process in any way will be subject to disqualification.

No entity that develops or drafts specifications, requirements, statements of work, IFBs or RFPs, and proposal evaluations will be allowed to compete under the procurement.

Transparency and Responsibility

The procurement process must be conducted with transparency and responsibility from the planning phase to the closeout phase.

- Information about the NIWDB selection and certification of both One-Stop and/or Service provider will be made available by electronic means and open meetings, in accordance with Sunshine Provision.
- Information must be made available to auditors and Federal reviewers.
- When selecting an entity as the one-stop operation, the NIWDB must consider the entity’s programmatic and fiscal integrity, compliance with public policy, record of past performance and other factors that demonstrate transparency and responsibility.
- The NIWDB must ensure that an entity is not debarred, suspended, or otherwise excluded from or ineligible to participate in Federal assistance programs or activities.