



POLICY: PROCUREMENT BY WIOA CONTRACTORS

EFFECTIVE DATE: JULY 1, 2016

POLICY NUMBER: 2016-03

PURPOSE

To ensure that all contractors to WSM follow consistent procurement procedures aligned with the WSM Procurement Guidelines approved by the WSM Board on 9.24.15 and to communicate methods for the procurement of goods and services obtained with Workforce Investment Opportunity Act (WIOA) funds.

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.

ACTION REQUIRED

It is the program operator's (e.g., vendors, partners) responsibility to inform all staff of the policy and ensure adherence and accountability of its contents.

QUESTIONS

Questions relating to this policy should be directed to the VP of Industry Engagement and Job Services at policy@worksourcemontgomery.com or at 240.403.4102.

PROCUREMENT STANDARDS

Procurement transactions, regardless of method or dollar value, will maximize open and free competition consistent with the standards of 2 CFR 200.317 to 326. Contractors to WorkSource Montgomery, Inc. (WSM) shall not engage in procurement practices which may be considered arbitrary or restrictive.

General Procurement Standards (2 CFR 200.318)

WSM and its contractors will use documented procurement procedures that reflect State and local laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in 2 CFR Parts 200.317 through 200.326.

WSM will maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

WSM's Code of Conduct and Conflict of Interest Policy provides standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real, perceived or potential conflict of interest. Conflicts of interest must be disclosed in writing when known in advance or announced to the voting body. The party must excuse themselves from any further discussion and/or vote on the matter in question. Further information can be found WSM's Code of Conduct and Conflict of Interest Policy.

WSM's procurement procedures will avoid acquisition of unnecessary or duplicative items and promote cost-effective use of shared services by entering into state and local intergovernmental agreements for procurement or use of common or shared goods and services where appropriate. WSM will use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

Competition (2 CFR 200.319)

All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards provided in section 200.319 of 2 CFR 200. In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work or invitations for bids or requests for proposals must be excluded from competing for such procurements.

METHODS OF PROCUREMENT

WSM contractor procurements shall be made using one of the following methods: (a) small purchase procedures, (b) competitive sealed bids, (c) competitive negotiations, (d) non-competitive negotiation and shall be made in accordance with procedures set forth by OMB (2 CFR 200.320) at a minimum:

Small Purchases Under \$10,000

1. **Micro-purchases** (purchases of \$1 - \$5,000): 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 \$5,000). Micro-purchases may be awarded without soliciting competitive quotations if WSM's contractor considers the price to be reasonable.
2. **Small Purchases** (purchases of \$5001 - \$10,000): Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property. For purchases which cost **less than \$10,000** efforts will be made to get the lowest and best price. If small purchase procedures are used, price or rate quotations must be obtained from at least three qualified sources. Any purchases within this threshold must be approved by WSM CEO or designee before purchase is made.

Purchases over \$10,000

WSM's contractors are not permitted to engage in purchases over \$10,000. If services or products are required for program operation that exceeds \$10,000, WSM will work with the contractor to procure needed services or products.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#)
- Public Law 113-128

Federal Guidance

- 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

Local Guidance

- WSM Procurement Guidelines

Approved

CEO of WorkSource Montgomery

Montgomery County Workforce Development Board