

PROCUREMENT

Policy No.	2018-08-PRO
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INTRODUCTION

This policy addresses the guidelines for the procurement of goods or services when using Workforce Innovation and Opportunity Act funding and addresses the standard of conduct for any individuals or entities involved in competitive procurement. This policy is supplemental to the requirements of the Kane County Purchasing Ordinance and will be made available to the public in accordance with federal guidelines.

GENERAL GUIDELINES

Locally adopted policies and procedures codified in the most recent version of the Kane County Purchasing Ordinance will be followed when procuring goods or services. All procurement transactions must be conducted in accordance with the Uniform Guidance at 2 CFR Part 200. Proposed costs must be allowable, meaning that they are reasonable, necessary, and allocable.

FULL AND OPEN COMPETITION

Procurement processes must provide for full and open competition. Entities carrying out procurement will avoid requirements that have the effect of limiting competition, such as requiring unnecessary experience, excessive bonding, or unreasonable qualifications. Noncompetitive pricing or retainer contracts are prohibited. Entities may not specify only "brand name" products in solicitations. Arbitrary actions taken in the procurement process may be considered restrictive to competition and may require review and/or re-solicitation.

Individuals or entities involved in the development or drafting of specifications, requirements, scopes of work, invitations for bids or requests for proposals are to be excluded from competing in such procurements. Information contained in proposals submitted is to be maintained in a manner that is confidential, to avoid the misuse of said information by a competitor and to prevent collusive bidding.

CONFLICT OF INTEREST

In general, a conflict of interest can be real, apparent, or organizational. A *real conflict* arises when an individual or member of the individual's immediate family has a financial or personal benefit from a firm considered for a funding contract. An *apparent conflict* may arise due to a perceived lack of impartiality. An *organizational conflict* of interest may be present when an entity is unable to carry out business in an impartial or objective manner, when an unfair competitive advantage is present due to access to information through relationships or activities, or when insufficient firewalls are present within an organization serving multiple roles or administrative functions of the local workforce development system.

Immediate family is defined in the Kane County Code of Ethics Ordinance as father, mother, son, daughter, brother, sister and spouse.

Workforce Development Board members must recuse themselves from participation in activities where a conflict of interest exists, *whether real, apparent or organizational*. This includes, for example, participation in any/all phases of a competitive procurement or non-competitive selection of goods and services, one-stop operator, eligible training providers, etc.

In instances 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, internal controls shall be established to mitigate and prevent conflict of interest. This may include recusal of the affected party from specific activities or business related to procurement, or the use of an outside independent entity to facilitate or review procurement. Firewalls will be established in a manner appropriate to each situation and documented thoroughly.

Additional firewalls may be required in situations where a sole source selection process is utilized.

OPERATOR PROCUREMENT

The Workforce Development Board will authorize the selection of a One-Stop Operator not less often than every four years through a competitive procurement process. In accordance with TEGl 15-16, individuals and entities involved in the competitive selection of an Operator must be free of apparent or real conflicts of interest.

The Board will make available to the public the procurement solicitation, a listing of entities that have submitted bids or proposals, an abstract of bids or proposals received, the identity of the selected One-Stop Operator, and the total award amount and contract duration. Should it be determined that sole source procurement is necessary and reasonable, thorough documentation of the decision-making process will be prepared, consistent with the policies outlined in the Uniform Guidance at 2 CFR Part 200.320.

PROCUREMENT CYCLES

Providers or subcontractors for Adult, Dislocated Worker and Youth Title IB funding will generally be procured every three years.

REFERENCES:

WIOA Section 121(d)

WIOA Final Rule 20 CFR 678.600-635

Uniform Administrative Requirements; 2 CFR 200.317-326

TEGL 15-16