

Alachua Bradford Regional Workforce Board d/b/a CareerSource North Central Florida

CareerSource North Central Florida
4800 SW 13th Street
Gainesville, FL 32608

Subject: Procurement Policy

Effective Date: September 2007

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CareerSource North Central Florida Chair: *Thomas McIntosh*
Executive Director: Kim Tesch-Vaught

PURPOSE

This policy applies to the procurement and subsequent purchase of goods and services that support the needs of the Alachua Bradford Regional Workforce Board (“CareerSource North Central Florida”) and its contracted service providers (“Contractors”) in carrying out its/their responsibilities associated with the objectives, and goals of the state and federal programs operated under the auspices of CareerSource North Central Florida (CSNCFL). The purposes of this policy are to ensure that:

- a. Public funds are used in an efficient, prudent, allowable, and allocate-able manner for the purchase or leased goods and services;
- b. Adequate records are created, maintained, and available for each procurement;
- c. Any Contractor who develops or drafts specifications and other requirements for FloridaWorks procurements will not be allowed to respond to that procurement; and
- d. Procurement and purchase transactions occur in a practical, fair, open, competitive, and compliant manner.

BACKGROUND

CSNCFL procurements and purchases are intended to comply with the relevant requirements of the Workforce Investment Act, the implementing regulations of 20 CFR 627.420, 2 CFR 215.45, OMB Circulars A-87, A-102, A-110, and A-122, Florida Statutes, and the Guidance on Prior Approval Procedures for Selected Costs and Administrative Requirements effective October 1, 2011, as may be amended from time-to-time, by the State of Florida’s Department for Economic Opportunity. For a given procurement, if there is an option to lease or purchase goods, an assessment will be made to determine which option would be practical, economical, and in the best interest of CSNCFL. The assessment may also include the impact of the lease or purchase on the CSNCFL budget for the current program year, obsolescence, maintenance, and presumptive salvage value.

PROCUREMENT THRESHOLDS

CSNCFL has established the following procurement process thresholds based on the price of the goods or services being leased or purchased:

Up to \$49,999.99	Good faith efforts to obtain a minimum of three (3) bids via telephone, electronic mail, facsimile, or other credible and documented means.
\$50,000 - \$99,999.99	Good faith efforts to obtain a minimum of three (3) written bids written on the bidder's letterhead and signed by an authorized representative of each bidder or other credible and documented means.
\$100,000 and over	Good faith efforts to obtain a minimum of three (3) advertised sealed bids, competitive proposals, or invitations to negotiate.

PROCUREMENT METHODS

CSNCFL and its Administrative Entity (“AE”) acting on behalf of CSNCFL, will adhere to the following methods of procurement:

- a. Small purchase
- b. Unsolicited proposals
- c. Sealed Bids
- d. Competitive process, e.g., Request for Proposals (RFP) and Invitation to Negotiate (ITN)
- e. Sole Source or Exigency

The Board, Board Chair or Vice Chair approves all purchases except small purchases (under \$5000) for items that are repurchased on a regular basis. Small purchases are reasonably and competitively procured. Cost justifications, reasonable and appropriate cost/price analysis, sole source documentation or other documentation showing the need and/or benefit to the Board's programs will be retained on all purchases and a description of the cost/price analysis will be included in the procurement files.

a. Small Purchases (\$99,999.99 and under)

Purchases \$99,999.99 and under are considered small purchases. Methods used must follow those described in the Procurement Thresholds section above for purchases under this dollar amount.

b. Unsolicited Proposals

Unsolicited proposals will be considered for funding proposals for services provided that the total cost for the services does not exceed \$99,999.99.

In order for an unsolicited proposal to be considered, the requesting organization must submit its proposal to the AE. Any unsolicited proposal that falls within the dollar threshold will be presented for consideration to be included on a meeting agenda by the Chair of the

appropriate CSNCFL committee, as determined by the type service being proposed. The review of an unsolicited proposal by a committee in no way commits CSNCFL to fund the service(s) being proposed.

The committee receiving the proposal will evaluate it against their established priorities for funding in order to determine whether the proposal augments already funded services, provides a desired, though unfunded service, replicates or is an already funded service, or is not a service that is consistent with the committee's priorities. If the committee's analysis indicates it supports funding, the committee will rank the proposal(s) for inclusion in a list of funding priorities. The list of funding priorities will be forwarded to CSNCFL' Finance Committee in order to identify whether funds are available to finance the proposal. The priority list, along with the Finance Committee's analysis, will then be forwarded to CSNCFL' Executive Committee for review and recommendation(s) for funding to the full RWB.

c. Sealed Bids

Bids are a publicly solicited procurement for which a firm fixed-price contract or other fixed-price arrangement is awarded to the most responsive bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price unless otherwise determined and documented by CSNCFL.

Sealed bids are used when purchasing or leasing vehicles, equipment, and construction projects. Good faith efforts shall be made to obtain a minimum of three (3) bids or quotes.

d. Competitive Procurement, e.g., Request for Proposal, Invitation to Negotiate, etc.

Competitive procurements are conducted when the Board desires and more than one source has submitted a proposal for goods and services at or over the \$100,000 threshold. The Board will procure contracted services by competitive proposal through procurement documents such as a Request for Proposal, an Invitation to Negotiate or other document defining a procurement process. Board approval is required on all competitively procured purchases. The procurement documents will contain all information necessary for the responder to submit a complete and material response.

The process for selecting a service provider is as follows:

- 1) CSNCFL directs its AE* to develop a draft procurement document consistent with CSNCFL' prioritized vision, mission, goals, needs, objectives, and initiatives. The AE presents the draft document to a designated committee of CSNCFL for review and recommendation. The committee may return the draft document to the AE for revision or recommend approval of the document by CSNCFL.
- 2) After approval of the procurement document, notices of the type of procurement, e.g., Request for Proposals or Invitation to Negotiate will, at a minimum, be posted in local newspapers, and CSNCFL' web site. The document will be released to the public on the dates set forth in the document's Schedule of Events. Prior to the release of each document, the State of Florida Minority Business Enterprise database will be consulted

to identify certified MBE's/WBE's to receive the document.

- 3) The document will stipulate if a Letter of Intent to submit a response is or is not required. Instructions/information workshop(s), at which staff of CSNCFL' AE will answer questions and provide information to potential respondents, may be held. If so, this will be specified in the Schedule of Events. These workshop(s) may or not require mandatory attendance. Questions, answers, and other information provided in a workshop or otherwise provided by a question submission process described in the document, will be posted on CSNCFL' web site for subsequent review by all interested parties.
- 4) A good faith attempt will be made to obtain complete and material responses from at least three (3) qualified sources.
- 5) Staff of CSNCFL' AE will mark the date and time responses are received. Documents received by the deadline will be forwarded to CSNCFL or designated Committee for review and rating. The ratings will be produced, discussed, and compiled in a public meeting of that Committee or CSNCFL. Representatives from responding agencies may be requested to attend the Committee or CSNCFL meeting to respond to questions regarding their response.
- 6) The Committee or CSNCFL will review the ratings and shall, on the basis of such review, make recommendations regarding selection that will minimize or avoid a conflict of interest, duplication of services, or unnecessary services. If separate entities proposing the same services receive the same rating, CSNCFL will further evaluate additional factors and vote between the entities to select the entity to enter into negotiations. If CSNCFL rejects the document rating outcomes presented, it will not make an award and will require initiation and completion of a new process. CSNCFL makes final funding decisions.
- 7) CSNCFL' AE will perform a cost or price analysis in connection with the process. This analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices, reasonableness, allocate-ability, and allow-ability. In order to inform CSNCFL that a reasonable and fair price can be established for a service, consideration will be given to the complexity of the service to be performed and the risk borne by the provider. CSNCFL will accept or reject the methodology used for and the results of the cost or price analysis, and direct the AE accordingly.
- 8) Awards will be made to organizations possessing the demonstrated ability to perform successfully under the terms and conditions of their response and the proposed contract. Such awards shall be in writing and take into consideration the following:
 - The financial resources necessary to operate the contracted program;
 - The ability to meet the specifications or conditions of the program at a reasonable cost and the ability to meet performance goals;
 - A satisfactory record of past performance including demonstrated quality of training,

the ability to provide or arrange for appropriate supportive services including child care, retention in employment, and earning rates of participants, etc.;

- A satisfactory and documented record of business ethics and fiscal accountability;
- The necessary organization, experience, accounting and operational controls, and the technical skills to perform the required work.

- 9) In the selection of service providers to deliver services additional consideration may be given to community- and faith-based organizations.
- 10) Appropriate education agencies in CSNCFL' region shall be given the opportunity to provide educational services unless CSNCFL demonstrates that an alternative agency(ies) or organization(s) would be more efficient or cost effective.
- 11) CSNCFL reserves the right to not make an award if CSNCFL determines that it is not in its best interest to do so.
- 12) On CSNCFL' behalf, the AE will negotiate with the provider(s) selected by CSNCFL. If the contract negotiations are unsuccessful, the AE will notify CSNCFL and at the direction of CSNCFL, the AE will contact the next highest rated eligible respondent and enter into negotiations on CSNCFL' behalf to provide the proposed services.
- 13) CSNCFL will follow the grievance and complaint procedures pertaining to procurements as described in its Administrative Plan.

* - When procuring a contracted Administrative Entity, the procurement activities that would otherwise be performed by the existing contracted Administrative Entity will be performed directly by CSNCFL and/or other resources designated by CSNCFL.

e. Sole Source or Exigency

Sole Source or Exigency procurements may be made when the above purchase protocols are not feasible. Circumstances under which sole source or exigency procurement are permitted include:

1. Goods and services to be procured are available from a single source only;
2. Public exigency or emergency when the urgency for the requirements will not permit a delay incident to competitive procurement;
3. Competition is determined to be inadequate after competitive solicitation of a number of sources;
4. The awardee being a local educational agency, which is defined as public elementary, secondary or vocational schools, the Community College, and the State College/University System;
5. The purchases of utilities when only one source of utilities is available;
6. On-the-Job Training; or

7. Purchases made from another governmental unit in accordance with the Florida Statutes, which provides for the purchase of such services without the necessity of procurement.

CSNCFL will minimize the use of sole source or exigency procurements. The use of these procurement methods will be justified and documented.

CONTRACT EXECUTION AND TERMINATION

Depending on the nature of the goods and services purchased and applicable laws, regulations, policies, or rules, written and negotiated contracts will be used for purchases or leases of \$49,999 or more. Depending on their nature, competitively procured purchases under \$49,999 or sole source purchases may be obtained with a purchase order. CSNCFL will approve all purchase or lease contracts.

The Chair or Vice Chair is authorized to sign contracts and contract amendments upon approval of the CSNCFL Board. The Chair or Vice Chair is also authorized to terminate contracts subject to the terms of the contract and prior approval of the CSNCFL Board.

Contracts will include language that allows contract termination by CSNCFL without penalty if there is a reduction or loss of funding that renders the continued receipt of contracted goods or services impractical or unnecessary.

CONFLICT OF INTEREST

Governing conflicts of interest, CSNCFL and its members shall conduct themselves in accordance with all applicable Federal, State of Florida legislation and regulations, CSNCFL Bylaws and CSNCFL Approval & Execution of Contracts Policy (One or More Board Members Has a Relationship With the Contracting Vendor).

PROCUREMENT FILES

Paper or electronic procurement files will be maintained and will include documentation pertinent to the specific procurement activity. As appropriate, these files will include all solicitations, bids, proposals, responses to an invitation to negotiate, lease information, selection process documentation, cost/price analysis, and awards. The files may also contain the budgets, cost allocation plans, and other materials that goods and/or service providers submit to CSNCFL as part of the specific procurement process. Such information may become the basis for line item costs and overall contract price.

As determined by the nature of the procurement, CSNCFL will maintain in the minutes of all CSNCFL meetings, CSNCFL committee meetings, content of workshops, including any meetings that determine the procurement method, decisions regarding selection, procedures, proposals, proposal evaluations, request for proposal instructions, and proposal rating forms.

PROCUREMENT BY A CONTRACTOR

Any procurement by a Contractor of CSNCFL that is greater than \$500.00 must receive prior written approval by CSNCFL AE, with the exception of advertising and public relations activities. For these activities, procurements will also require prior approval as specified in the Guidance on Prior Approval Procedures for Selected Costs and Administrative Requirements effective October 1, 2011, as may be amended from time-to-time, by the State of Florida's Department for Economic Opportunity.

PAYMENT

All invoices for approved purchases or leases will be paid only after the approved goods have been received or the approved services performed and accepted by the AE.