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Policy No. 05.01

Procurement Policy

Issue Date: April 2006

Expiration: Until Rescinded

Last Update: November 2025

Purpose

The purpose of this policy is to set forth guidance on the conduct of procurement activities for Southern Indiana Works. This policy is guided by a commitment to full and open competition in all procurement activities and utilizing vendors and subcontractors who have a history of providing quality goods and/or services.

References

- Uniform Administration Guidance, 2 CFR 200.317-326

Background

The Chief Elected Official is the grant recipient of the Workforce Innovation and Opportunity Act (Title I) funds for Region 10. The Region 10 Workforce Board is required to comply and enforce Federal Regulations and DWD policies for the Workforce Service System. Southern Indiana Works is the Administrative Office. The Fiscal Agent is Crowe.

Content

The Southern Indiana Works Board will adhere to all applicable OMB Uniform Guidance and regulations when procuring employment and training services. These services shall include personal services agreements, participant services, administrative services, and goods (i.e. legal services, accounting, monitoring and consulting).

- Procurements will be conducted in a manner providing full and open competition; and
- The use of sole source procurements will be minimized to the extent practicable.

SIW will follow the OMB Uniform Guidance description of five levels of procurements per CFR 200.320:

- 1) Micro purchases less than \$10,000 may be awarded without soliciting any competitive quotations if the board or board representative considers the cost reasonable.
- 2) Small purchases more than \$10,000, but less than \$250,000 must obtain price or rate quotations from an adequate number of qualified sources. The SIW Board will accept price or rate quotations from three (3) qualified sources.

- 3) Sealed bid purchases may be used for procurement of more than \$250,000 when there is a firm fixed price contract that will be awarded to the lowest responsive and responsible bidder.
- 4) Competitive proposals will be used for procurement of goods and services of more than \$250,000 as applicable and appropriate. Evaluation of bids is based on both price and qualifications.
- 5) Sole source procurements by the Board will be minimized to the extent practicable. If used, they will be approved by the applicable funding source or justified in writing. Prior approval for sole source purchases will be obtained from DWD in accordance with guidance provided in DWD Policy, and a) when emergency or extenuating circumstances does not permit delay or b) the item purchased requires prior approval per applicable OMB Guidance.

Procurement authority, responsibility, and delegation

Southern Indiana Works is authorized to procure employment and training services and is responsible for ensuring adherence to the policies guiding procurement activities. SIW staff is authorized to conduct procurement transactions on behalf of the Board, and the internal audit process and DWD Monitoring entities will monitor the process to ensure accountability. The Board shall have the authority to select sources of award for program services. The Chairperson of the Board shall have the authority to sign, or designate the President and CEO as signatory, all contracts and modifications to contracts and to terminate contracts.

Conflict of Interest

The Board, being mindful of their roles as stewards of public funding and trust, will abide by the conflict of interest standards as described in the Southern Indiana Works ByLaws.

Code of Conduct

Southern Indiana Works staff and subrecipients will adhere to the following standards of conduct in the performance of all activities connected to the Workforce Innovation and Opportunity Act.

- Staff and subrecipients or sub-agents will avoid both personal and organizational conflict of interest and the appearance of such conflict of interest in the awarding of financial assistance under the Workforce Innovation and Opportunity Act.
- Southern Indiana Works staff, subrecipients, and sub-agents shall ensure that no individual in a decision making capacity, including Board members (whether compensated or not) shall engage in an activity, including participation in the selection, award, or administration of a sub-grant or contract supported by Federal funds if a conflict of interest, real or apparent would be involved.

Such a conflict would arise when: a) the individual; b) any member of the individual's immediate family; (c) the individual's partner, or; (d) an organization which employs, or is about to employ, any of (a-c) has a financial or other interest in the firm or organization selected for an award.

For purpose of these standards, the term "immediate family": will mean wife, husband, daughter, son, mother, father, sister, sister-in-law, brother, brother-in-law, daughter-in-law, son-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step parent, and step child.

The officers, employees or agents of the agency making the award will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements.

During procurement of goods and services, the Board employees adhere to the written code of conduct standards that have been established. It is a priority to maintain fairness and objectivity when entering into the procurement process.

General Policy of Competition

A primary consideration in selecting agencies or organizations to deliver services within the Region 10 Workforce Service Area shall be the effectiveness of the agency or organization delivering comparable or related services based on demonstrated performance, in terms of the likelihood of meeting performance goals, cost, quality of training, and characteristics of participants.

WIOA funds provided under the Act will not be used to duplicate facilities or services available in the area (with or without reimbursement) from Federal, State, or local sources: 1) unless it is demonstrated that alternative services would be more effective or more likely to achieve the performance goals of the service delivery area, or 2) it is necessary to provide a transition of service providers.

Procurement transactions by Southern Indiana Works will be conducted in a manner providing full and open competition. It is the goal of the Board to maximize competition, ensure fiscal accountability, and prevent fraud and abuse in all programs.

Review/Analysis of Procurement

The Southern Indiana Works Board shall attempt to avoid purchasing unnecessary or duplicative items. Accordingly, the SIW Board or its designee shall determine whether surplus State property is available for the use in the service area as feasible and appropriate. Furthermore, when appropriate, an analysis shall be made of rental, lease and purchase alternatives to determine which would be the most economical, cost effective and practical procurement.

Each proposal submitted for consideration will undergo a detailed cost/price analysis to determine reasonableness. The review steps will include the following:

- Review computations
- Review for completeness of information
- Review for proper categorization
- Determine the estimating basis
- Determine ability to allocate costs within the estimate

Following this review phase, the cost/price analysis determinations will be documented for the following reasons:

- 1) Documentation is required to support ratings (if used in the review process) and to note concerns of the offerors' cost proposals.
- 2) Documentation will be valuable for discussion/negotiation purposes.
- 3) Documentation will guide negotiations where there is need to conduct price and direct cost negotiations with bidders selected for an award.

- 4) Documentation of concerns with cost will be required to support award decisions where price was a factor should an offeror file a protest against the award.
- 5) Documentation can be used during the contract monitoring and administration phase.

The detailed analysis will include analyzing the cost data furnished, estimating assumptions stated in the rationale provided by offerors in reaching amounts proposed. This process will require several technical functions including 1) verifying cost and pricing data submitted and evaluating cost elements in that data; 2) comparing costs proposed by bidders with other data; 3) verifying that the bidders cost submissions are in accordance with applicable contract cost principles. The Board will measure allowable costs using the following standards: 1) necessity; 2) reasonableness; 3) allocability and 4) terms of the contract.

The specific costs that will be reviewed as part of the cost/price analysis are staff costs, materials, equipment, facilities, communications, insurance, staff travel, other direct or miscellaneous costs, photocopying and printing, staff training, subcontracts, and indirect costs.

Small Business/Minority Owned Firms/Women's Business Enterprises/Labor Surplus Area Firms

The Board and Grantees will take all necessary steps to utilize small business, minority-owned firms, women's business enterprises, and labor surplus area firms, whenever possible, as required by applicable circulars or rules.

Grievances

Bidders will be afforded the opportunity to appeal funding recommendations to the Board. Proposers have the right to appeal any action or decision related to contracts and/or grant awards. Appeals will be reviewed and investigated with the Region 10 Workforce Development Board. The decision of the Board in such situations shall be final. Bidders wishing to make a formal appeal should do so in writing to:

Attention: Chair of the Board
Region 10 Workforce Development Board
P O Box 6712
New Albany, IN 47150

Standard Grant Contract Elements

At a minimum, grant and/or contract agreements negotiated by the Board will contain the following clauses that provide for:

- 1) Compliance with all Federal and State regulations (subrecipient contracts only);
- 2) Contracts other than small purchases, administrative, contractual legal remedies in instances where contractors violate or breach contract terms, which shall provide for such sanctions and penalties as may be appropriate;
- 3) Notice of all Federal and State requirements pertaining to patent rights;
- 4) Notice of all Federal and State requirements pertaining to copyrights and rights in data;
- 5) All contracts in excess of \$10,000 termination for cause and for convenience by the awarding agency, including the manner by which the termination will be effected and the basis for settlement;

- 6) Access by the recipient, the subrecipient, the Dept. of Labor, the Comptroller General of the U.S. or any of their duly authorized representatives to any books, documents, papers, and records (including computer records) of the contractor or subcontractor which are directly pertinent to charges to the program, in order to conduct audits and examinations, and make excerpts, transcripts, and photocopies; this right also includes timely and reasonable access to contractor's and subcontractor's personnel for the purpose of interviews and discussions related to such documents (vendor contracts);
- 7) Notice of awarding agency requirements and regulations pertaining to reporting;
- 8) Audit rights and requirements;
- 9) Payment conditions and delivery terms;
- 10) Process and authority for contract changes;
- 11) Provision against assignment;
- 12) Assurance of nondiscrimination and equal opportunity; and
- 13) Drug Free Workplace language in all contracts having a value greater than \$25,000.00.

Action

All Southern Indiana Works staff and service providers must adhere to the definitions outlined this policy.

Questions regarding this policy should be directed to info@soinworks.com.

Southern Indiana Works is an equal opportunity employer that administers equal opportunity programs. Free auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY number 1-800-743-3333. Free language interpretation and translation services are also available upon request.