



Administrative Policies

Procurement Policy

POLICY #:	<i>ADM-3001, Rev. 1</i>
EFFECTIVE:	<i>October 29, 2024</i>
SUPERSEDES:	<i>Procurement Policy # ADM-3001, effective October 22, 2021</i>

PURPOSE:

This policy communicates WorkForce Central's policy and methods for the procurement of goods and services.

The policy was revised to:

- Broaden the scope of the policy to procurements from all funding sources.
- Clarify when competitive procurement is required for WIOA Title I services.
- Specify when competitive procurement is not required.
- Ensure alignment with updated Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards that became effective October 1, 2024.
- General edits for clarity.

BACKGROUND:

Applicable federal, state, and local laws and regulations, including the requirements set forth in the Office of Management and Budget (OMB) 2 CFR 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, guide the procurement standards referenced in this policy. When state and local procurement laws and regulations impose stricter requirements than applicable federal standards, state and local requirements will be followed.

POLICY:

Procurement standards must ensure fiscal accountability and prevent waste, fraud, and abuse. Where applicable, standards must support fair, equitable, and competitive procurement of goods and services. WorkForce Central will:

- Ensure full and open competition when necessary.
- Use the most economical and equitable approach to the procurement of goods and services.
- Award only to responsible contractors. Consideration will be given to such matters as:
 - Contractor integrity

- Compliance with public policy
- Proper classification of employees (see the Fair Labor Standards Act, 29 U.S.C. 201, chapter 8)
- Record of past performance, when applicable. Entities with no previous performance history are encouraged to respond to WorkForce Central competitive procurements.
- Financial and technical resources
- Maintain oversight and monitor contractor performance regarding contract terms, conditions, and specifications.
- Maintain records detailing:
 - The history of the procurement, including rationale for the selected method of procurement
 - Selection of contract type
 - Basis for contractor selection or rejection
 - Basis for contract price
- Maintain a conflict of interest policy that ensures no employee, officer, or agent participates in the selection, award, and administration of a contract if they have 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, when applicable. The party must excuse themselves from any further discussion and/or vote on the matter in question. Violations of such standards are subject to disciplinary actions provided in WorkForce Central's Code of Conduct and Conflict of Interest Policy, located at [WorkForce Central's Policy Library](#).
- Be responsible for settling all contractual and administrative issues arising out of procurement.

A. Competitive Procurement

When competitive procurement is required by this policy, procurement transactions must be conducted in a manner providing full and open competition. 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 on those procurements.

Except as may be required by the funder, WorkForce Central's competitive procurement procedures will ensure solicitations:

- Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not contain features which unduly restrict competition. Situations considered to be restrictive of competition include, but are not limited to:
 - Placing unreasonable requirements on organizations in order for them to qualify to do business
 - Requiring unnecessary experience and excessive bonding

- Noncompetitive pricing practices between organizations or between affiliated companies
- Noncompetitive 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
- Identify all requirements which the respondents must fulfill.
- Identify factors to be used in evaluating bids or proposals.

WorkForce Central will ensure that any prequalified lists of persons, organizations, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. WorkForce Central will not prevent potential respondents from qualifying during the solicitation period.

B. Methods of Procurement

As a matter of policy, and consistent with applicable state and local regulations, WorkForce Central will use the following procurement methods for goods and services.

- 1. Informal procurement methods for small purchases:** Informal methods used for procurement of goods or services include:
 - a. Micro-purchases of \$1 up to \$10,000: The purchase of supplies or services for which the aggregate dollar amount does not exceed \$10,000 may be made without soliciting quotations.
 - b. Simplified Acquisition Purchases of \$10,001 up to \$50,000: The acquisition of goods or services for which the aggregate dollar amount does not exceed \$50,000. A minimum of three (3) informal price or rate quotations obtained via internet search, email, phone call, or other documented method is required. If three quotations are unavailable, documentation of due diligence in attempting to acquire the three quotations is required.
- 2. Formal procurement methods for \$50,001 and above:** Formal procurement methods and cost and price analysis are required. Formal procurement methods for goods and services include:
 - a. Sealed Bids (formal advertising): Sealed bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the respondent responsible whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest price. The sealed bid method is the preferred method for procuring construction if the conditions in [200.320](#) apply.

- b. Proposals: In this procurement method, either a fixed price or cost-reimbursement type of contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:
- Requests for Proposals (RFPs) must be publicized and proposals must be solicited from an adequate number of qualified respondents. Any response to publicized requests for proposals must be considered to the maximum extent practical.
 - Evaluation criteria, their relative importance, and selection method are in the RFP.
 - Contracts must be awarded to the respondent responsible whose proposal is most advantageous to WorkForce Central and our community with price and other factors considered.
 - WorkForce Central may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby respondents' qualifications are evaluated, and the most qualified respondent is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E organizations are a potential source to perform the proposed effort.

3. Sole Source Procurement: Competitive procurement may be waived and sole source procurement used only when one or more of the following circumstances apply:

- The acquisition of services, the aggregate dollar amount of which does not exceed the micro-purchase threshold stated in 2 CFR 200.320(a)(1), or lower threshold established by local policy.
- The item or service is available only from a single source.
- The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
- The awarding agency or pass-through entity expressly authorizes noncompetitive procurement.
- After solicitation of a number of sources, competition is determined inadequate.

C. Subawards Not Requiring Competitive Procurement

WorkForce Central is not required to competitively procure subawards to entities who will perform essential activities of funded programs or services, unless mandated by statute or by the awarding agency (e.g., Section D. WIOA Title I Procurement Requirements). This includes allowance for WorkForce Central to select providers of WIOA Title I Adult and Dislocated Worker career services and National Dislocated Worker Grant services without competitive procurement.

When competitive procurement is not used to select an entity for a subaward, selection must be guided by:



- Documented internal controls, including written procedures for employee conduct and conflict of interest provisions.
- The service provider’s track record, considering past record of performance, cost principles, record of compliance, and audit and monitoring results.
- Consideration of equitable distribution of funds to small, minority-owned, women-owned and veteran-owned businesses and organizations’ ability to effectively provide services to priority populations identified by the funder or by WorkForce Central.

D. WIOA Title I Procurement Requirements

WorkForce Central must make documentation available to authorized federal, state, or pass-through entity representatives upon request that demonstrates:

- The procurement processes used to select one-stop operators and WIOA Title I service providers.
- How procurement processes were followed, including selection criteria by which proposals were scored, when applicable.

Whenever possible and where required, all WIOA Title I contracts will include performance requirements defined in measurable terms.

1. WIOA Title I One-Stop Operators

One-stop operators must be designated, certified, and selected through a competitive procurement process. The competitive process used by WorkForce Central to procure one-stop operators must be conducted at least every four (4) years and follow the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR [200.318](#) - [.326](#).

Sole source procurement for one-stop operators can be exercised only if it complies with federal procurement regulations at 2 CFR 200.320 and 20 CFR 678.610 and federal guidance in [TEGL 15-16](#) and the sole source procurement requirements outlined in this policy. WorkForce Central must be able to demonstrate they conducted sufficient research and outreach to justify using sole source procurement of one-stop operators. Evidence of publishing solicitations does not, by itself, sufficiently document the justification for sole source procurement. WorkForce Central must also document the solicitation was publicized in a manner providing for full and open competition. The Department of Labor interprets WIOA sunshine provisions at Sections 101(g) and 107(e) as requiring WorkForce Central to present documentation and justification of their decision to use sole source procurement for one-stop operators at Pierce County Workforce Development Board (WDB) meetings to provide transparency and possibly attract additional respondents for the next competitive procurement.



WorkForce Central must document, in writing, that they made WDB members and the public aware of the competitive process to be used to procure one-stop operators. That includes providing at least 30-day public notice through media where prospective local, state, and national respondents typically identify such opportunities, and documenting WDB approval of awardees in meeting minutes posted to the WorkForce Central website with a link to the minutes posted on the website page announcing the awarded organizations. Solicitations must include the selection criteria to be used in the process and must be maintained as part of the documentation.

WorkForce Central may serve as the local one-stop operator if they:

- Are determined to be the successful respondent in a solicitation that conforms to the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318 - 200.326 and is administered by a fair and impartial third party. The Washington State Workforce Training & Education Coordinating Board (WTECB) and WorkForce Central may work together to establish a list of pre-qualified impartial third parties for this role.
- Establish and follow conflict of interest policies and procedures that identify appropriate internal controls approved by the Governor. Internal controls include the requirement that the solicitation and scoring process be managed by the fair and impartial third party and that WorkForce Central staff do not develop the solicitation for proposals, facilitate the scoring process, or score proposals.
- Submit a Washington State “Request for Waiver to Serve as One-Stop Operator” form to the WTECB and receive approval.

2. WIOA Youth (Young Adult) Title I Service Providers

WorkForce Central must:

- Select eligible providers of WIOA Title I youth services through a competitive procurement process. Sole source procurement is allowed only when it complies with federal procurement regulations and sole source procurement requirements in this policy.
- Include the selection criteria to be used in the solicitation, which must be maintained as documentation of the selection process.
- Have written documented evidence that they made the Pierce County Workforce Development Board (WDB) and the public aware of the competitive process to be used to identify and select youth service providers. This includes providing at least 30-day public notice through media where prospective local, state, and national respondents typically identify such opportunities, and documenting WDB approval of awardees in meeting minutes posted to the WorkForce Central website with a link to the minutes posted on the website page announcing the awarded organizations.



- Establish local policies and procedures to assess the ability of WIOA Title I youth service providers to meet federal WIOA Title I common performance accountability measures based on the primary federal indicators of performance for the WIOA Title I youth program.

WorkForce Central may serve as a local WIOA Title I youth service provider if they:

- Are determined to be the successful respondent in a solicitation that conforms to the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318 - 200.326 and is administered by a fair and impartial third party. The WTECB and WorkForce Central may work together to establish a list of pre-qualified impartial third parties for this role.
- Establish and follow approved internal controls and conflict of interest policies. Internal controls include the requirement that the solicitation and scoring process be managed by the fair and impartial third party and that WorkForce Central staff do not develop the solicitation for proposals, facilitate the scoring process, or score proposals.
- Submit a Washington State “Request for Approval to Provide WIOA Youth Design Framework Services” from to the WTECB and receive approval.

3. WIOA Title I Adult and Dislocated Worker Training Services

WorkForce Central must:

- Select providers of WIOA Title I adult and dislocated worker training services through a competitive procurement process. Sole source procurement is allowed only when it complies with federal procurement regulations and sole source procurement requirements in this policy.
- Include the selection criteria to be used in the solicitation, which must be maintained as documentation of the selection process.
- Have written documented evidence that they made the Pierce County Workforce Development Board (WDB) and the public aware of the competitive process to be used to identify and select adult and dislocated worker training service providers. This includes providing at least 30-day public notice through media where prospective local, state, and national respondents typically identify such opportunities, and documenting WDB approval of awardees in meeting minutes posted to the WorkForce Central website with a link to the minutes posted on the website page announcing the awarded organizations.

WorkForce Central may serve as a local WIOA Title I adult and dislocated worker training services provider if they:

- Are determined to be the successful respondent in a solicitation that conforms to the principles of competitive procurement set forth in Uniform Administrative Guidance at 2 CFR 200.318 - 200.326 and is administered by a fair and impartial third party. The WTECB and WorkForce Central may work together to establish a list of pre-qualified impartial third parties for this role.



- Establish and follow approved internal control and conflict of interest policies. Internal controls include the requirement that the solicitation and scoring process be managed by the fair and impartial third party and that WorkForce Central staff do not develop the solicitation for proposals, facilitate the scoring process, or score proposals.
- Submit the Washington State “Request for Waiver to Provide WIOA Adult and/or Dislocated Worker Training Services” form to the WTECB and is granted a waiver by the Governor, based on satisfactory and demonstrable evidence that:
 - WorkForce Central determined that there were an insufficient number of eligible providers with the expertise in serving adults and dislocated workers to meet local demand. WorkForce Central must have come to this determination after having either received no response to a Request for Qualifications (RFQ) or Request for Interest (RFI) or received no response to a Request for Proposal (RFP), or conducted a competitive procurement in which no bidders met the minimum criteria.
 - WorkForce Central meets the requirements of an eligible training provider under WIOA Section 122.
 - WorkForce Central’s proposed training services prepare participants for in-demand industry sectors or occupations in the local area.
 - WorkForce Central subjected its waiver determination and request to a minimum 30-day public comment period and included all comments received in the final waiver request.

4. WIOA Title I Adult and Dislocated Worker Career Services

WIOA does not require competitive procurement of WIOA Title I adult and dislocated worker career services, although competitive procurement methods may be used.

WorkForce Central may provide WIOA Title I adult and dislocated worker basic and individualized career services by agreement of the local Chief Elected Official and the Governor. WorkForce Central must submit a Washington State “Request for Approval to Provide WIOA Basic and/or Individualized Career Services” form to the WTECB and receive approval.

E. Subrecipient and Contractor Determinations

WorkForce Central will make a case-by-case determination whether each contract or agreement it makes for the disbursement of federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor. In determining whether a contract or agreement between WorkForce Central and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of agreement. WorkForce Central will use judgment in classifying each contract or agreement as a subaward or procurement contract.



In compliance with 2 CFR 200.331, WorkForce Central will classify providers of WIOA Title I Youth, Adult, and Dislocated Worker services, and One-Stop Operators, as subrecipients.

F. Contracting with Small, Minority Businesses, Women’s Business Enterprises, Veteran-owned Businesses, and Labor Surplus Firms

WorkForce Central will take necessary affirmative steps to ensure small, minority-owned, women-owned and veteran-owned businesses, and labor surplus firms, are used when possible.

G. Cost and Price Analysis

WorkForce Central must perform a cost or price analysis prior to receiving proposals in connection with a competitive procurement, or when modifying a contract in excess of \$50,000. The method and degree of cost analysis is dependent on the facts surrounding each unique procurement situation.

To establish a fair and reasonable profit for contractors, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor’s investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under a federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for WorkForce Central under [Subpart E-Cost Principles of the Uniform Guidance](#). WorkForce Central may reference its own cost principles that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

H. Suspension and Debarment

WorkForce Central will utilize [SAM.gov](#) to ensure non-federal entities are not debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities as required in Executive Orders 12549 and 12689, 2 CFR part 180.

I. Contract Provisions

WorkForce Central’s federally funded contracts must contain the applicable provisions described in [Appendix II, 2 CFR 200 - Contract Provisions for non-Federal Entity Contracts under Federal Awards](#).

REFERENCES:

- 2 CFR 200.317-.327



- OMB Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- WIOA law, sections 107(d)(10); 107(g)(1); 121(d)(1-2); 123; 134(c)(2)(C)
- 20 CFR 678.600-.635; 679.410; 679.430; 680.160; 680.300; 681.400
- TEGL 15-16
- TEGL 23-14, Section 8
- ESD Policy 5404, Rev. 1

WorkForce Central is an equal opportunity employer/program. Auxiliary aids and services are available upon request for individuals with disabilities. Washington Relay Service – 711.