



WIOA PROCUREMENT

Procurement Policies and Procedures

The Seventh Planning District Consortium
Workforce Development Board



THE COORDINATING & DEVELOPMENT CORPORATION

A proud partner of the
americanjobcenter
network



LOUISIANA
WORKFORCE
COMMISSION

The Department of Labor

The Seventh Planning District Consortium Workforce Development Board

Administrative Office

4000 Viking Dr., Suite A-1, Bossier City, LA 71111 | (318) 632-2022

Matt Wheeler, Chairman | Candle Sattler, Interim Director of Workforce Development

Table of Contents

Purpose	1
Background	1
Definitions	1
Additional WIOA Requirements.....	3
Reasonable Costs	3
Prior Approval.....	3
Methods of Procurement.....	5
Micro Purchases	5
Small Purchases	5
Sealed Bids	6
Competitive Proposals	8
Noncompetitive Proposals (Sole Source).....	9
Emergency Purchases	10
Cost or Price Analysis.....	10
Funding Restrictions for “High Risk” Subcontractors.....	11
Award Provisions	11
Records	12
Prohibitions to Subawards to Debarred and Suspended Parties.....	12
Contractor Responsibility	12
Nondiscrimination Assurance.....	12

American Job Center Locations



cdonline.org

Bienville Parish
2434 Manning St.
Ringgold, LA 71068
(318) 894-9173

Bossier Parish
4000 Viking Dr., Suite B-1
Bossier City, LA 71111
(318) 741-7363

Caddo Parish
125 E. Louisiana Ave.
Vivian, LA 71082
(318) 676-5721

Claiborne Parish
507 W. Main St.
Homer, LA 71040
(318) 927-3338

DeSoto Parish
142 Lake Rd.
Mansfield, LA 71052
(318) 871-2391

Lincoln Parish
307 N. Homer St., Suite 307
Ruston, LA 71270
(318) 251-5023

Natchitoches Parish
303 Bienville St.
Natchitoches, LA 71457
(318) 357-2414

Red River Parish
615 E. Carroll St., 3rd Floor
Coushatta, LA 71019
(318) 932-9570

Sabine Parish
1125 W. Mississippi Ave., Suite A
Many, LA 71449
(318) 256-2698

Webster Parish
902 Lee St.
Minden, LA 71055
(318) 371-3024



A proud partner of the American Job Center network

EQUAL OPPORTUNITY EMPLOYER/PROGRAM AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES.

(1) PURPOSE

The purpose of this policy is to provide guidance and establish the federal, state, and local regulations and procedures for procurement of goods and services. Staff and subrecipients are responsible for complying with all applicable fiscal guidelines of respective funding streams.

(2) BACKGROUND

The uniform guidance under Title 2 CFR Part 200 provides fiscal and administrative guidance for the administration of the Workforce Innovation and Opportunity Act (WIOA) program, including specific requirements for purchasing goods or services as related to equipment. While the format and wording of the Uniform Guidance and DOL Exceptions vary slightly from the US Office of Management and Budget's (OMB) previous circulars, the intent of the federal government is consistent. The intent is to ensure that purchases of goods or services are approved and performed through fair and open competition.

In accordance with Title 2 CFR Part 200 the procurement policies, procedures and requirements set forth herein are authorized by and in compliance with all applicable federal and state laws, rules, and regulations as determined by the Governor of the State of Louisiana.

(3) DEFINITIONS

Contract - A legal instrument by which a subrecipient purchases property or services needed to carry out the project or program under a Federal award. The term does not include a legal instrument, even if the non-federal entity considers it a contract, when the substance of the transaction meets the definition of a federal award or sub award (Uniform Guidance Section 200.22).

Contractor - An entity that receives a contract (Uniform Guidance Section 200.22).

Conflict of Interest - An employee, officer, agent, or any member of the organization that has interest in a financial gain or tangible benefit and who participates in the selection, award, or administration of a contract supported by a federal award (Uniform Guidance Section 200.318[c][1]).

Cost Analysis - An element-by-element review and evaluation of the estimated or actual cost to determine the probable cost to the contract.

Equipment - Tangible personal property (including information technology systems) having a useful life of more than one year and a per unit acquisition cost of which equals or exceeds the lesser of the capitalization level established by the non-federal entity for financial purposes, or \$5,000 (Uniform Guidance Section 200.33).

Firewall - An established policy or procedure that acts as a barrier or protection against an undesirable influence, outcome, or authority. Examples of firewalls include but are not limited to organizational arrangements that provide clear separation of duties and responsibilities, reporting hierarchy of managers, and all staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

Information Technology Systems - Information technology systems mean computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources (Uniform Guidance 200.58).

Invitation for Bid (IFB) - A type of solicitation document, used in a formal competitive bidding process, which contains a detailed statement of what the agency is attempting to purchase, An IFB is used to obtain simple, common, or routine services that may require personal or mechanical skills. Qualifying bidders compete solely on the basis of costs.

Labor Surplus Area Firm - The Department of Labor maintains a listing of areas of the nation where the average unemployment rate is 20% or higher than the national unemployment rate. A listing of other information on labor surplus areas can be found at www.dol.gov/agency/eta/lisa.

Micro-Purchase Threshold - Fiscal threshold set by Federal Acquisition Regulation (currently \$10,500 per Federal Acquisition Regulation {FAR} 48 CFR Subpart 2.1). The threshold is periodically updated based on inflation.

Pass-Through Entity - A non-federal entity that provides a subaward to a recipient to carry out part of a federal program (Uniform Guidance Section 200.74).

Price Analysis - The process of examining and evaluating a proposed price without evaluating its separate cost elements and proposed profit. The process determines whether the price is fair and reasonable.

Procurement - All stages of the process of acquiring property or services, beginning with the process for determining the need for property, equipment, or services and ending with contract completion and close out.

Questioned Cost - Any cost or procurement that is questioned by an auditor, pass-through entity, or awarding agency representative. Purchases can be questioned due to possible violations of statutes and regulations, inadequate documentation or possible unreasonable costs (Uniform Guidance Section 2900.3).

Request for Proposal (RFP) - A type of solicitation document used in a formal competitive bidding process where an invitation is presented for suppliers to submit a proposal on a specific commodity or services. The RFP process brings structure to the procurement decision and is meant to allow the risks and benefits to be identified clearly up front. The RFP is to obtain complex services in which professional expertise is needed and may vary and/or where different methods and approaches may be applied during performance.

Request for Quote (RFQ) - A type of solicitation document used in a formal competitive bidding process, mainly when the specifications of a product are already known and when the price is the main factor or only factor in selecting the successful bidder.

Simplified Acquisition Threshold - Fiscal threshold set by Federal Acquisition Regulation (currently \$250,000 per FAR Subpart 2.1). The threshold is periodically updated based on inflation.

Subaward - An award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of the program. A subaward maybe provided through any form of legal agreement that the pass-through entity considers a contract (Uniform Guidance 200.92).

Subrecipient - A non-federal entity that receives a subaward from a passthrough entity to carry out part of a federal program but does not include an individual that is a beneficiary of such a program. A subrecipient may also be a recipient of other federal awards directly from the awarding agency (Uniform Guidance Section 200.93).

Supplies - All tangible personal property other than equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life (Uniform Guidance Section 200.94).

(4) ADDITIONAL WIOA REQUIREMENTS

In addition to the requirements of Uniform Guidance Sections 200.31 through 200.326, the following requirements apply to procurements and agreements funded under WIOA:

1. All procurements between local boards and units of government must be conducted on a cost-reimbursement basis. (DOL Final Rule Section 683.200{c}{4}) (CFR 667.00[a][3]). There is no provision for profit with government agencies.
2. If a fixed amount award with a government or non-profit agency results in revenues in excess of actual costs incurred, the excess revenues are to be considered program income (CFR 683.200[c][7]). Any fixed awards should reference this requirement.
3. The local workforce board plan must contain the competitive process used to award grants and contracts under all programs funded under the WIOA training services outside the Individual Training Account (ITA) (DOL Final Rule Section 679.560[b][15]).
4. The procurement requirements addressed do not apply to the identification of Eligible Training Providers. The process for identifying eligible training providers for training services under WIOA is described in DOL Final Rule Section 680, Subpart B. The State is responsible for the development and maintenance of a State-wide provider list. While not a federal requirement, each grantee should have a formal agreement for services when a training provider is to deliver the services. This may be in the form of a purchase order, contract, voucher, or other mechanism that provides for payment information and may be incorporated or referenced in the individual ITAs.

(5) REASONABLE COSTS

All WIOA procurements must be "necessary and reasonable" in the operation of the WIOA programs and conform to the following:

1. Consistent with uniform guidance and established policies and procedures.
2. Similar costs must be considered either direct or indirect.
3. Costs must be determined with generally accepted accounting principles.
4. Costs must be adequately documented.
5. Procurement may benefit other non-WIOA organizational operations as long as the procurement is necessary to WIOA programs and the costs can be distributed in proportion of use. If the procurement benefits multiple WIOA projects, the cost should be allocated based on relative benefit. If the relative benefit cannot be determined, a reasonable and documented method may be used. Costs cannot be shifted to overcome fund deficiencies or to avoid federal restrictions (Uniform Guidance Section 200.405).

(6) PRIOR APPROVAL

Prior written approval shall be requested from LWC for any costs specified below in advance of the incurrence. All requests for prior written approval should include the timeframe or scope of the agreement. Prior approval must be requested from LWC at least 30 days prior to the effective date of the requested action.

Equipment

The Louisiana Workforce Commission has been delegated approval authority from the US Department of Labor for all equipment purchases. Prior approval shall be requested from LWC to purchase equipment described herein. Equipment purchased must be acquired, used, managed, and disposed of in accordance with 2 CFR 200.313 or 2 CFR 200.439.

Capital expenditures for general purpose equipment, buildings, and land are unallowable as direct charges, except with the prior written approval of the LWC. Equipment and other capital expenditures are unallowable as indirect costs.

Equipment must be used by the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award, and it shall not be encumbered without prior approval of the LWC. When no longer needed for the original program or project, the equipment may be used in other activities supported by the federal awarding agency, in the following priority:

1. Activities under a federal award from the Federal awarding agency which funded the original program or project, then
2. Activities under federal awards from other federal awarding agencies. This includes consolidate equipment for information technology systems.

During the time the equipment is used on the project or the program for which it was acquired, equipment must be made available for use on other projects or programs currently or previously supported by the Federal Government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to programs or projects supported by federal awarding agencies. Use for non-federal funded programs or projects is also permissible. User fees should be considered if appropriate.

Equipment acquired with federal funds must not be used to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal Government retains interest in the equipment.

When acquiring replacement equipment, equipment to be replaced may be used as a trade-in or sell the property to use the proceeds to offset the cost of the replacement property. However, prior approval must be requested from LWC prior to trading or selling any equipment.

Management Requirements - Procedures for managing equipment, including replacement equipment, whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source for funding for the property, who holds the title, the acquisition date, the cost of the property, percentage of Federal participation in the project costs for the Federal award, the location, use and condition of property, and any ultimate disposition data including the date of disposal and the sale price of the property.
2. A physical inventory of property must be taken, and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to maintain the property in good condition.

Disposition - When original or replacement equipment acquired under Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations or Federal awarding agency disposition instruction, a request must be made to LWC for disposition instructions.

(7) METHODS OF PROCUREMENT

All procurement actions are to be conducted in a manner that provides for "full and open competition" (Uniform Guidance Section 200.319). No procurement transaction will contain any requirements that restrict competition, unfairly promotes a single contractor or product, places excess burden on a contractor, or presents an organizational conflict of interest.

Within the context of open competition, there are five procurement methods which may procure goods or services; micro purchase, small purchases, sealed bids, competitive proposals, and noncompetitive proposals.

The type of purchase method is generally determined by the "per transaction" value of the procurement and the type of good or service being purchased. "Per transaction" is a single solicitation for a single item (e.g. copying machine), group of related items (e.g. office furniture), or a specific service (e.g. staff training).

1. Micro-Purchases - Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (§ 200.67 Micro-purchase), to the extent practical, the non-Federal must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.

2. Small Purchases - Small purchases are simple and informal procurement methods for securing services, supplies, or other property. The following standards for procurement of small purchases:

a. Purchases shall not be broken down into several purchases merely to be able to use smaller purchase procedures.

b. Any procurement less than \$25,000 shall be made in accordance with the following small purchase procedures:

i. Purchases up to \$1,000. No competitive bidding is required.

ii. Purchases over \$1,000 not to exceed \$5,000 may be made by telephone, email or facsimile quotations solicited from at least three bona fide, prospective bidders made on the basis of the lowest responsive quotation received. Files must be documented listing persons contacted, and the terms and delivery of each bidder and any special comments. Written confirmation of price must be obtained from the successful bidder.

iii. Purchases over \$5,000, but less than \$25,000, shall be made by sending out written invitations for bids to at least five bona fide, qualified bidders. Written invitations for bids shall contain complete specifications, the quantity required, delivery point, and other information, sufficient for a supplier to make an acceptable bid.

c. Exceptions to minimum requirements:

i. Parts for repairs to equipment from an authorized dealer (not stocking of parts).

ii. Repairs to equipment from an authorized dealer.

iii. Vehicle body repairs covered by insurance recovery and in accordance with insurance requirements.

iv. Publications and copyrighted materials when purchased directly from the publisher; or state library and libraries at colleges and universities when using subscription services.

v. All public utilities and services provided by local government.

- vi. Prosthetic devices and devices for physical restoration.
 - vii. Educational and related resources (except equipment) and membership in professional organizations.
 - viii. Wire, related equipment, time and material charges to accomplish adds, moves and/or changes to telecommunication systems.
 - ix. Goods, material and supplies for home economics courses, other teaching and training where purchasing, preparing and serving part of the regularly prescribed course.
 - x. Purchase for clients of Blind and Vocational rehabilitation programs which are federally funded at a rate of at least 80%, regulated by Title 34.
- d. Telephone, e-mail, or facsimile quotations from at least three bona fide, qualified bidders where feasible:
- i. Convention and meeting facilities.
 - ii. All equipment for blind operated facilities not covered by competitive state contracts.

3. Sealed Bids - Used for purchases over \$25,000.

Bids are publicly solicited procurements for which a firm-fixed award (lump sum or unit price) or other fixed-price arrangement is awarded to the responsible bidder whose bid, conforming with all of the material terms and conditions of the invitation for bids, is the lowest price. Additional requirements follow:

- a. Contracts for \$25,000 and over shall be awarded by competitive sealed bidding, except as otherwise provided in these policies and procedures.
- b. Competitive sealed bidding shall be initiated by the issuance of an invitation for bids containing a complete, adequate and realistic description of the supplies, services or major repairs to be procured and all contractual terms and conditions applicable to the procurement.
- c. Adequate public notice of the invitation for bids shall be given at least ten (10) days prior to the date set forth therein for the opening of the bids on all matters. Notice shall be in writing and to the persons in a position to furnish the supplies, services, or major repairs required, as shown by its records and by its advertising, if the amount of the purchase is \$25,000 or more.
- d. The advertisements or written notices shall contain general descriptions of the supplies, services, or major repairs for which bids are warranted and shall state:
 - i. Name and location of the department or office for which the purchases are to be made,
 - ii. Where and how specification and quotation forms may be obtained, and
 - iii. Date and time, not later than, which bids can be received and will be opened.
- e. Each advertisement shall be published in the official journal of the state and/or parish as appropriate, or if there is no newspaper printed in the parish, in a newspaper in the nearest parish that has a general circulation in the parish in which the office is situated.
- f. Bid Opening - Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. Each bid, together with the name of the bidder, shall be recorded and open to public inspection.

g. Bid Evaluation - Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose and criteria affecting price such as life cycle or total ownership costs. The invitation for bid shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

h. Correction or Withdrawal of Bids - patent errors in bids or errors in bids supported by clear and convincing evidence may be corrected, or bids may be withdrawn if such correction or withdrawal does not prejudice other bidders.

i. Award - the contract shall be awarded with reasonable promptness by written notice to the lowest bidder whose bid meets the requirements and criteria set for in the invitation for bids. Awards shall be made by unconditional acceptance of a bid without alteration or correction except as authorized in this part.

j. Resident Business Preference - in contracts awarded by competitive sealed bidding, resident businesses shall be preferred to non-resident businesses where there is a tie bid and where there will be no sacrifice or loss in quantity.

k. Exemptions:

i. Purchases of goods manufactured by or service performed by severely handicapped individuals in state-operated and state-supported sheltered workshops as defined in R.S. 39:1595.4 shall be exempt from the provisions of this section.

ii. Purchases of testing and/or assessment instruments for \$5,000 and over may be procured through the competitive proposal process.

l. State Contracts

i. The Coordinating & Development Corporation shall procure from state contract if a competitive state contract exists and the amount is above the minimum order quantity.

ii. Subrecipients may purchase from state contracts if they qualify and are approved by the Office of State Purchasing within the Division of Administration.

iii. Procurement from state contracts shall be deemed to have satisfied requirements of competitive bidding.

m. Acquisition of Space - Every lease for the use of 5,000 sq ft or more of each building space shall be awarded pursuant to the sealed bid process of this section. No such lease shall extend beyond a ten (10) year period.

No competitive bidding or competitive proposals are required for the leasing of space under 5,000 square feet.

In the event alterations or modifications of space currently under lease are required to meet the changed operating requirements, a lease may be amended. Such lease amendment may provide an adjustment in the monthly lease payments not to exceed 25% of the original annual lease price per square foot, sufficient to reimburse the lessor for paying for the leasehold improvements.

4. Competitive Proposals - Competitive proposals are normally conducted with more than one source submitting an offer and either a fixed price or cost reimbursement type award is made. A documented methodology for technical evaluations and award to responsible offeror whose proposals are most advantageous to the program with the price, technical and other factors considered shall be established.

a. Requirements for Competitive Proposals:

- i. Consulting Service Contracts - contracts for consulting services which have a total maximum amount of compensation of \$50,000 or more shall be awarded through a request for proposal process.
- ii. Adequate public notice of the request for proposals shall be given by advertising in the official journal of the state and/or parish, as appropriate, and at least once a week for three different weeks.
- iii. The first advertisement shall appear at least 30 days before the last day that proposals will be accepted.
- iv. In addition, written notice shall be mailed to persons, firms or corporations who are known to be in a position to furnish such services, at least 30 days before the last day that proposals will be accepted.
- v. Personal Service Contracts - adequate public notice of the request for proposals shall be the same as for consulting service contracts which have a maximum amount of compensation less than \$50,000.
- vi. Professional Service Contracts - adequate public notice of the request for proposals shall be the same as for consulting service contracts which have a maximum amount of compensation less than \$50,000.
- vii. Social Service Contracts - adequate notice for request for proposal shall be given by advertising in the official journal of the state and/or parish, as appropriate, in which services are to be performed and such other newspapers, bulletins, or other media as appropriate in the circumstances. Such advertisement shall appear at least twice in the official journal of the state and/or parish as appropriate.

If the services are to be performed in or made available to a multi-parish area, advertising in the official journal of the state and/or parishes, as appropriate, and in one or more newspapers of general circulation in the state and/or parishes at least twice shall be sufficient to meet this requirement. In all cases, the first advertisement shall appear at least 14 days before the last day that the proposals will be accepted.

In addition, written notice shall be mailed to persons, firms or corporations who are known to be in the position to furnish such services, at least 14 days before the last day that the proposals will be accepted. This last requirement is subject to reasonable limitation at the discretion of the agency.

viii. Request for proposals shall indicate the relative importance of price and other evaluation factors. It shall clearly define the tasks to be performed under the contract, the criteria to be used in evaluating the proposals and the time frames within which the work must be completed.

b. Awards shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the company taking into consideration price and evaluation factors set forth in the request for proposals.

c. Written or oral discussions may be conducted with all responsible offerors who submit proposals determined in writing to be reasonably susceptible for being selected for the award. Discussions shall not disclose any information derived from proposals submitted by competing offerors.

Discussions need not be conducted:

- i. With respect to price, where such prices are fixed by law or regulation, except that consideration shall be given to competitive terms and conditions; or
- ii. Where terms of delivery or performance will not permit discussions; or
- iii. Where it can be clearly demonstrated and documented from the existence of adequate competition or accurate prior cost experience with that particular service that acceptance of an initial offer without discussion would result in fair and reasonable prices, and the request for proposals notify all offerors of the possibility that award may be made on the basis of the initial offer.

5. Noncompetitive Proposals (Sole Source) - Procurement is through solicitation of a proposal from only one source, the funding of an unsolicited proposal or after solicitation of a number of sources, when competition is determined to be inadequate.

The use of sole source should be minimized to the extent practical, but in every case, the use of sole source procurement shall be justified and documented. Procurement by noncompetitive proposals may only be used when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals and one of the following circumstances apply:

- a. The item or service is available only from a single source;
- b. The public exigency or emergency need for the item does not permit a delay resulting from competitive solicitation;
- c. After solicitation of a number of sources, competition is determined to be inadequate;
- d. On-the-Job training (OJT) contracts, except OJT brokering contracts which shall be selected competitively;
- e. Enrollment of individual participants in classroom training;
- f. Contracts for consulting services which have a total maximum amount of compensation less than \$50,000 may be awarded without the necessity of competitive bidding or competitive proposals;
- g. Contracts for personal services may be awarded without the necessity of competitive bidding or competitive proposals;
- h. Contracts for professional service contracts be awarded without the necessity of competitive bidding or competitive proposals;
- i. Contracts for social services may be awarded without the necessity of competitive bidding or competitive proposals only if the authorized person determines that one of the conditions listed below is present.
 - i. If none of the conditions above are determined to be present in a contract for social services, then the contract shall be awarded through a request for proposal, small purchases or sealed bid process.
 - ii. The services are available only from a single source. A contract shall also be considered a sole source if a request for proposals is issued and only one or no proposals are received.
 - iii. The state legislature has made an appropriation for that particular contractor or contractors is the appropriations bill or other statutes.
 - iv. A quasi-public or non-profit has been established in coordination with the state to provide the particular service involved in the contract.

- v. Local matching funds are greater than 10% of the contract amount are required to be contributed by the contractor. Such matching funds may be in the form of cash, certified expenditures, or in-kind contributions, where applicable to the funding source.
- vi. The nature of the services being provided necessitates that a continuity of contractors be maintained as is but not limited to therapeutic and crisis support to clients and employment and training programs.
- vii. An emergency exists which will not permit the delay in procurement, necessitated by the request for proposal procedures.
- viii. The total contract amount is less than \$150,000 per 12-month period. Service requirements should not be divided so as to exempt contracts from the request for proposal process.
- ix. The contract is with another government entity or government body.
- x. Funds are specifically designated by the federal government for a particular private or public contractor or political subdivision.

(8) EMERGENCY PURCHASES

Louisiana Revised Statute 38:2211(5)(a) defines an emergency as "an unforeseen mischance bringing with it destruction or injury of life or property or the imminent threat of such destruction or injury or as the result of an order from any judicial body to take immediate action which requires construction or repairs absent compliance with the formalities of this Part, where the mischance or court order will not admit the delay incident to advertising as provided in this Part."

Louisiana Revised Statute 38:2211(5)(a) defines an extreme emergency as a "catastrophic event which causes the loss of ability to obtain a quorum of the members necessary to certify the emergency prior to making the expenditure to acquire materials or supplies or to make repairs necessary for the protection of life, property or continued function of the public entity." Updates 7/23/19

Each of these certifications require that the Parish certify the emergency and publicize the notice of such emergency within 10 days of the emergency, or as soon as practical in the cases of extreme emergencies. Please consult the Accounting Division on the specific procedures to be followed for emergency purchases.

(9) COST OR PRICE ANALYSIS

Federal procurement guidelines require that grantees and subrecipients perform a cost analysis in conjunction with every procurement action including any contract modifications that exceed the Simplified Acquisition Threshold currently set at \$250,000. The purpose of the analysis is to ensure that the resulting price paid is reasonable. Cost analysis is the review of each element of cost, which aggregates to the overall price, in order to determine reasonableness. This is traditionally used in conjunction with sole source contracts or construction contracts that have labor, material, and profit components all of which should be considered for reasonableness. Price analysis is the preferred method of analysis due to its efficiency, fairness, and compliance with government and commercial practices. Price analysis includes the comparison of price quotations and is used in conjunction with purchases of materials, supplies, or other fixed price purchases, for federal grant purposes, cost or prices based on estimated cost should be allowed to the extent that the cost incurred or the cost estimates included in negotiated prices are consistent with federal cost principles.

For nonfederal purchase, each department is required to prepare a cost or price estimate prior to procurement whenever feasible. For construction contracts, a probable cost opinion is provided by the architect or engineer and can be used for procurement purposes. For commodities, a price estimate from the internet, catalog, a vendor, etc. may be utilized. In addition to the cost analysis for purchases in excess of the Simplified Acquisition Threshold, a formal cost or price analysis is required for the federal grant purposes after the procurement in all sole source procurements, with all contract modifications (i.e. change orders) and in any case where competition was lacking after a formal procurement process was undertaken (i.e. only one bid was received). As with pre-procurement cost or price estimate, each department is responsible for completing the analysis.

(10) FUNDING RESTRICTIONS FOR "HIGH RISK" SUBRECIPIENTS

(i) A subrecipient may be considered "high risk" if the awarding agency determines that the subrecipient is otherwise responsible but:

1. Has a history of unsatisfactory performance;
2. Is not financially stable;
3. Has a management system which does not meet the management standards set forth in this part; and/or
4. Has not conformed to terms and conditions of a previously awarded grant or subgrant.

(ii) If the awarding agency determines that an award will be made to a "high risk" subrecipient, then special funding restrictions that address the "high risk" status may be included in the award. Funding restrictions may include, but are not limited to:

1. Payment on a reimbursement basis;
2. Requiring additional and/or more detailed financial or performance reports;
3. Additional monitoring;
4. Requiring the subrecipient to obtain specific technical or management assistance; and/or
5. Establishing additional prior approvals.

(iii) If the awarding agency decides to impose such funding restrictions, the awarding official will notify the subrecipient as early as possible and in writing, of:

1. The nature of the funding restriction;
2. The reason(s) for imposing them;
3. The corrective action which must be taken before they will be removed and the time allowed for completing the corrective action; and
4. The method of requesting reconsideration of the restrictions imposed.

(11) AWARD PROVISIONS

Contracts should only be awarded to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration should be given to such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources. See also Prohibition of Subawards to Debarred and Suspended Parties.

Awards and agreements shall:

- (i) Clearly specify deliverables and the basis for payment;
- (ii) In case of award to subrecipients, contain clauses that provide for:

1. Compliance with WIOA regulations, and
2. Assurances of non-discrimination and equal opportunity.

(12) RECORDS

Records shall be maintained to document sufficient detail the significant history of procurement. These records shall include, but are not limited to, the following: rationale for the method of procurement, selection of agreement type, awardee selection or rejection, and the basis for the agreement price.

(13) PROHIBITION OF SUBAWARDS TO DEBARRED AND SUSPENDED PARTIES

Awards shall not be made or permitted at any tier to any party which is debarred, suspended, or is otherwise excluded from or ineligible for participation in Federal assistance programs in accordance with 29 CFR part 98.

(14) CONTRACTOR RESPONSIBILITY

Subcontractors should submit with each proposal one set of each of the following documents:

1. IRS Employment Identification Number
2. Certification of accountability by an independent accountant or, latest audited financial statement prepared by an independent accountant with applicable footnotes.

(15) NONDISCRIMINATION ASSURANCE

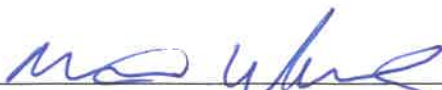
As a condition of the award of financial assistance assurances should be made to fully comply with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the WIOA as amended, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I financially assisted program or activity, including Title VI and Title VII of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972, as amended; the Nontraditional Employment for Women Act of 1991, as amended; Federal Executive Order 11246; Section 504 of the Rehabilitation Act of 1973, as amended the Vietnam Veteran's Readjustment Assistance Act of 1974, as amended; Title IX of the Education Amendments of 1972, as amended; the Age Discrimination Act of 1975, as amended; Americans with Disabilities Act of 1990, as amended; the Fair Housing Act of 1968, as amended and all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 37.

Further, in accordance with the Civil Rights Statutes for the State of Louisiana, the award recipient should assure that it will not discriminate in employment practices and will render services under the agreement without regard to race, color, religion, sex, sexual orientation, national origin, veteran status, political affiliation, or disabilities.

Any discrimination by award recipients or failure to comply with these statutory obligations when applicable, shall be grounds for termination of the agreement.

.....

Passed and Approved on this 4 Day of December, 2020.



The Seventh Planning District Consortium Workforce Development Board
Title: Matt Wheeler, Chairperson



Date