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Policy Title:	Procurement		
Policy #:	FIN-006	Effective Date:	08/21/2020
		Review Date:	08/21/2020
		Expiration Date:	Until Rescinded or Superseded
Purpose: Sets forth standards for use by employees of CareerSource Flagler Volusia and its recipients in establishing policy for procurement of supplies and other expendable property, equipment, real property and other services. These standards are furnished to ensure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable federal and state law.			
Forms:			
Guidance:	2 CFR 200.318 ; 2 CFR 200.421 ; F.S. 287.135 ; F.S. 215.4725 - 215.473 ; DEO & CSFV Grantee/Sub-Grantee Agreement ; DEO Policy FG-OGM-84 ; and 41 U.S.C. § 1902(f)		

Responsibilities:

CSFV and its recipients' employees have a responsibility to the public to maintain high organizational and personal standards in the performance of their official duties. This directive defines the standards of conduct that must be met by all employees engaged in any activity related to purchasing or contracting for goods or services under the Workforce Innovation and Opportunity Act, Welfare to Work, the Welfare Transition Program and any other funding received through CSFV. This policy is written to comply with state laws and federal guidelines, standards of ethics and good business practices.

Procurement or purchasing activities include:

1. Approvals, disapprovals or recommendations concerning a procurement transaction.
2. Preparation of any part of procurement actions.
3. Influencing the content of any specification or procurement standard; and
4. Acting in any advisory capacity including rendering of advice, investigation or auditing in a procurement activity.

Codes of Conduct:

Employees shall not participate in the selection of a vendor or the award or administration of any contract or purchase if a real or apparent conflict of interest would be involved. Such a conflict would exist when the employee or any member of his or her immediate family has a financial or other interest in the firm otherwise eligible for the procurement action, and that interest would result in personal benefit to the employee or family member.

Employees shall neither solicit nor accept any gift, favor, privilege, benefit, service, exemption or thing of value from any vendor, contractor or party to a sub agreement that would result in personal benefit and/or that could influence the employee's official conduct.

Any attempt to realize personal gain through conduct inconsistent with the proper discharge of an employee's duties to the agency is a breach of the public trust and will subject the employee to disciplinary action up to and including termination, and the possibility of criminal charges.

An employee shall not solicit, demand, or accept any personal benefit, economic opportunity, employment, gift, loan, gratuity, special discount, trip, favor or service from any vendor, contractor or party who may have any direct connection with a current procurement activity.

For the purposes of this document, such benefit shall include personal and individual invitations to meals or items of significant gain or advantage with a value of \$50.00 or more. In cases where the appropriateness of the benefit may be in question, the benefit should not be accepted.

An employee shall not offer, give, or agree to give any individual or organization a gratuity, benefit or an offer of employment in connection with any procurement activity.

An employee may not disclose confidential information obtained by reason of his or her position or otherwise use such information for actual or anticipated personal gain or for the personal gain of any other person.

Employees who, as a function of their job responsibilities, participate directly or indirectly in any procurement activity may not (nor shall any member of their immediate families):

1. Acquire or maintain a direct financial relationship pertaining to the procurement;
2. Acquire or maintain a direct financial relationship with a business or organization pertaining to the procurement; or
3. Enter into a negotiation or an arrangement concerning prospective employment with a person, business or organization involved in any specific procurement in which the employee is involved.

Prior to an employee or any member of the employee's immediate family entering into any financial relationship or accepting any benefit, the employee must submit to CSFV President a detailed written disclosure of the proposed relationship. The disclosure shall include:

1. The name and relationships of the individual entering into the relationship or activity;
2. The nature of the pending activity or relationship;
3. The relationship between the outside entity and the agency;
4. Any benefits to be gained by the employee or family member; and
5. A description of how the employee will ensure separation of interests between the commitment to the outside entity and to the agency.

CSFV's President shall review the information provided and may request additional information, which may be considered pertinent for final determination and approval of the proposed activity.

Definitions:

- a. Benefit: Anything reasonably regarded as providing monetary gain or advantage. For the purposes of this document, such benefit shall include personal and individual invitations to meals or items of significant gain or advantage with a value of \$50.00 or more.
- b. Conflict of interest: A situation in which there is a divergence between the employee's private interests and the employee's professional obligations to CSFV (i.e., the public interest) such that an independent observer might reasonably question whether the employee's actions or decisions are determined by considerations of private gain, financial or otherwise.
- c. Financial relationship: Includes paid employment, consulting or other contract work, ownership or investment such that the relationship accrues a financial benefit to the employee or family member. This directive concerns benefits to the employee or family member that are direct and substantial.
- d. Consulting and other outside employment relationship: Activities undertaken for remuneration from a third party within the scope of activities, functions or expertise for which the individual is compensated by CSFV or its recipients.
- e. Department head: The employee's immediate supervisor.
- f. Immediate family: Includes spouse and dependent children. Dependent children, for the purposes of this document, include adopted, step- and foster children and natural sons and daughters.
- g. Regular employee: An employee of CSFV, or vendor/ partner/ provider/ contractor who is employed at least 20 hours per week on a regular basis for a period of at least four and a half months, excluding students employed in a position for which student status is a condition of employment.

The CSFV President is authorized to approve noncompetitive, sole source and emergency procurement following state and federal guidelines. Following an acceptable method of procurement, the President or his/her designee is authorized to initiate and approve:

1. The purchase of any individual good or service necessary for the day-to-day operation of the organization up to \$50,000.
2. The entry into contracts with employers for On-the-Job Training, and Customized Training opportunities where the contract does not exceed \$50,000 per program year.

There are several methods for procuring goods and services and all procurements must be accomplished using one of these methods.

Method #1 - Micro Purchases/noncompetitive procurement:

Procedures used to make purchases and/or obtain services (tangible/intangible) will be as outlined in 2 CFR 200.318, monetary thresholds shall apply:

- Purchases of \$10,000 or less (micro-purchases) where the aggregate cost does not exceed \$10,000 may be awarded without soliciting competitive quotations if CSFV considers the price to be reasonable. To the extent practicable, the micro-purchases will be distributed equitably among qualified suppliers.

Noncompetitive procurement or sole source procurement is documented by CSFV. This is accomplished through files maintained by CSFV for the purchase of office supplies, equipment, services etc. These records include price comparisons conducted through current catalogs from various suppliers for procurement of goods and services and quotes, description of goods and/or services, justification - purpose and reason.

Method #2 – Small Purchase

Small purchase procedures. The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed \$50,000. If small purchase procedures are used, price or rate quotations must be obtained. A minimum of adequate (2) documented quotes will be required.

Method #3 -Simplified Acquisition

- Simple and informal procurement methods will be used for the purchase of any single unit costing more than \$10,000 but less than \$250,000, the Simplified AcquisitionThreshold. A minimum of adequate (2) documented quotes will be required.

Method #4 – Sealed Bid

- Purchases are over \$250,000
- Primarily used in construction projects, such as a firm fixed price contract
- Price is a major factor and a *formal process* for bidding is generally required

Method #4 - Competitive Purchase

- Purchases of more than \$250,000 will use competitive processes such as the Requestfor Proposals (RFP), Request for Qualifications (RFQ), Invitation to Negotiate (ITN).

Method #5: Sole Source

Sometimes because of the *uniqueness* of the goods or services or the *immediacy of the need*, competition is NOT as open as we would wish in the procurement process. In these cases, the sole-source method must be followed.

- The item or service is only available from one source
- The situation is an emergency*
- The awarding agency approves the purchase
- Competition is deemed inadequate (insufficient bidders)

*Emergency: Where equipment, materials, parts, and/or services are needed, quotations will not be necessary if the health, welfare, safety, of staff and protection of organization property is involved, or the program is about to miss a deadline. The reasons for such purchases will be documented in the procurement file.

This non-competitive method is available for procurements of *any* dollar amount and because there is no competition it *must be authorized by the agency* (or pass-through entity for sub-recipients)

There are *exceptions* to pre-approval such as certain unique circumstances or a public emergency.

Competition

All procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition. Local preference cannot be used in the selection process. CSFV and its recipients shall be alert to organizational conflicts of interest as well as noncompetitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade.

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, invitations for bids and/or requests for proposals shall be excluded from competing for such procurements. Awards shall be made to the bidder/proposer whose bid or offer is responsive to the solicitation and is most advantageous to the recipient, price, quality and other factors considered.

Solicitations shall clearly set forth all requirements that the bidder/proposer shall fulfill in order for the bid or offer to be evaluated by the recipient. Any and all bids or offers may be rejected when it is in the recipient's interest to do so.

Cost and Price Analysis

Cost analysis shall be conducted when a bidder submits a line item budget, when adequate price competition is lacking and for sole source procurement. Cost analysis will also be performed concerning contract modifications or changes that have monetary impact. Items that will be considered in conducting a cost analysis may include any of the following: staff costs, fringe benefits, materials for the training program, office supplies, equipment required to perform the contract, facilities required, communication requirements, insurance/bonding requirements, staff travel, consultants, audit requirements, legal services, printing, supportive services, indirect costs, and any subcontract requirements. CSFV, depending on the nature of the procurement, may add

additional areas. Bidders/proposers will include in the proposal a certification stating that to the best of their knowledge and belief, the cost data submitted is accurate, complete and current at the time of proposal submission.

Price analysis shall be used to determine the reasonableness of the proposed price. In conducting a price analysis, CSFV will take into consideration prices of bids submitted for the same or similar work, comparison of prices on existing contracts, past contracts for the same item or past bids for the same or similar serves. CSFV, depending on the nature of the procurement, may add additional areas.

Price Estimates

Cost estimates shall be developed prior to the procurement of service providers where offers are required to submit a justified line item budget.

In those cases where it is not known what specific activities and/or services will be provided, CSFV will use rough yardsticks, such as cost per placement or cost per individual served to estimate the price of specific types of training.

Estimates shall be used, in part, as a tool to determine whether proposals are correctly responding to the technical requirements of the RFP/RFQ and are used to determine the reasonableness of costs/prices that are offered.

The cost and price estimates are not absolute barriers to accepting higher or lower cost proposals, the estimates are merely meant for internal guidance.

Procurement Records:

CSFV shall maintain records to detail the significant history of procurement. These records may include, but are not limited to:

1. Rationale for the method of procurement.
2. Selection or agreement type.
3. Awardees selection or rejection.
4. Basis for the agreement price.
5. Bidder's list.
6. Copies of advertisements.
7. Original proposals.
8. CSFV Board of Directors / Committee Minutes

These records, maintained at the Administrative Office of CSFV, are generated through minutes of CSFV Board of Directors or a committee thereof, history of past procurement and recommendations of the President who is responsible for selecting the type of agreement used. This is accomplished on an individual basis and as deemed necessary. Contract agreements that are used by CSFV are generally fixed unit price performance-based agreements and cost-reimbursement agreements or combinations thereof.

Procurement Procedures:

In addition to the internal procurement procedures authorized by CSFV, CSFV shall adhere to the guidance established in the Uniform Guidance, which includes the following:

1. Avoid purchasing unnecessary items.
2. Where appropriate, an analysis is made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal Government.
3. Solicitations for goods and services provide for all of the following.
 1. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements, such a description shall not contain features, which unduly restrict competition.
 2. Requirements, which the bidder/offer must fulfill, and all other factors to be used in evaluating bids or proposals.
 3. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
 4. The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitation.
 5. The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
 6. Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
 4. Positive efforts shall be made by recipients to utilize small businesses, minority-owned firms, and women's business enterprises, whenever possible. Recipients of Federal awards shall take all of the following steps to further this goal.
 5. Ensure that small businesses, minority-owned firms, and women's business enterprises are used to the fullest extent practicable.
 6. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage and facilitate participation by small businesses, minority-owned firms, and women's business enterprises.
 7. Consider in the contract process whether firms competing for larger contracts intend to subcontract with small businesses, minority-owned firms, and women's business enterprises.
 8. Encourage contracting with consortiums of small businesses, minority-owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually.
 9. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Department of Management Service's Minority Business Development Agency in the solicitation and utilization of small businesses, minority-owned firms and women's business enterprises.
10. The type of procuring instruments used (e.g., fixed price contracts, cost reimbursable contracts, purchase orders, and incentive contracts) shall be determined by the recipient but shall be appropriate for the particular procurement and for promoting the best interest of the program or project

involved. The "cost-plus-a-percentage-of-cost" or "percentage of construction cost" methods of contracting shall not be used.

11. Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement. Consideration shall be given to such matters as contractor integrity, record of past performance, financial and technical resources or accessibility to other necessary resources. In certain circumstances, contracts with certain parties are restricted by agencies' implementation of E.O.s 12549 and 12689, "Debarment and Suspension."
12. CSFV shall, on request, make available for the Federal awarding agency, pre-award review and procurement documents, such as request for proposals or invitations for bids, independent cost estimates, etc., when any of the following conditions apply.

As described in CSFV by-laws, the President has the authority to sign on behalf of the Corporation all necessary papers in connection with the routine administrative matters of the Corporation and has the authority to make contracts and contract modifications. The President has the authority to terminate contracts.

Procurement of goods and services

For purchases exceeding the \$250,000 threshold, CSFV uses either the Request for Proposals (RFP) process, Request for Qualifications (RFQ) or obtains three written proposals. The RFP/RFQ process is used for the procurement of services whereas written proposals are appropriate for the purchases of equipment. The following steps are included in CSFV RFP/RFQ process:

1. Written Announcement

CSFV issues a written announcement of its intent to solicit proposals for the provision of services. This announcement is printed in the major newspapers in the two-county area and sent to all individuals/firms on the RFP or RFQ list (which is maintained in CSFV Administrative Office). The Announcement of Intent to Solicit briefly describes the types of services to be solicited, RFP/RFQ availability date, proposal due dates, and CSFV address and phone.

2. Legal Notices

CSFV announces its intent to solicit proposals through legal notices in newspapers throughout the two-county area. Legal advertisements briefly describe the services being solicited, RFP/RFQ availability date, proposal due dates and CSFV address and phone.

3. RFP/RFQ List

CSFV maintains a list of all individuals or organizations that have expressed an interest in receiving CSFV RFP/RFQ. New firms that show interest in the RFP/RFQ, either by phone or in writing, are added to the list. The list is updated periodically to remove defunct organizations or organizations/individuals who have not demonstrated an interest in the RFP/RFQ process within a reasonable amount of time.

4. RFP/RFQ Requests

Individuals and organizations expressing an interest in the RFP/RFQ will be added to the general RFP/RFQ list and mailed a copy of the RFP/RFQ document upon request. The list of those requesting an RFP/RFQ is maintained through the clerical department of CSFV

5. RFP/RFQ Release

On the official RFP/RFQ release date, RFP/RFQ packages may be picked up in CSFV Administrative Office or downloaded from CSFV's web site. RFP/RFQ packages will be mailed to those who have requested them. Subsequent RFP/RFQ package requests are taken until the RFP/RFQ due date and usually mailed to the potential proposer the day of request. No RFPs will be released prior to the official RFP/RFQ release date.

6. RFP/RFQ Inquiries

Following the release of the RFPs, a bidders' workshop is held for all interested parties. During the bidders' workshop, CSFV staff are available to answer questions and address issues relevant to the RFP/RFQ process. Individuals/organizations who cannot attend the conference, but have questions, may mail, e-mail or phone those questions into CSFV prior to the deadline specified in the RFP. All questions asked and information given out at the bidders' workshop, as well as the questions from bidders not in attendance at the workshop, shall be recorded, along with the appropriate answers to those questions and mailed to each individual/organization in receipt of a RFP.

CSFV encourages bidders to ask all pertinent questions at the bidders' workshop. Following the bidders' workshop, CSFV will take technical inquiries only. The delivery of bidders' workshop notes and the subsequent information sharing process is meant to discourage bidders from waiting until the last minute to prepare their proposal. More importantly, this process will assist CSFV to provide all bidders with equal information.

7. Receipt of Proposals

CSFV receives proposals through the mail and directly at the Administrative Office in Daytona Beach. Each proposal is date stamped upon receipt. For proposals received on the deadline date, the staff logs the time of the proposal submission. The proposal due date will be strictly adhered to. Any individual/organization that does not conform to the time and date requirement will not be considered for funding.

As proposals are received, they are logged into the computer system.

Proposals are maintained at CSFV Administrative Office in Daytona Beach.

8. Disbursements to Staff

Proposals will be distributed to CSFV staff who analyze the proposal in accordance with the evaluation criteria.

Similar proposals may be prioritized. In the event CSFV is unable to contract with all approved proposals, CSFV will contract for those proposals that received highest priority based upon, but not limited to, the following criteria:

- Recent past and current performance
- Current enrollments
- Recent past and current price
- Location of training
- Target populations served

9. Cost/Price Analysis

The staff of CSFV conducts a cost/price analysis according to policy for each proposal received.

10. Committee Review

Designated committees of CSFV will assess proposals submitted. These committees will assess all programs and make funding recommendations to CSFV Board of Directors.

The committees of the CSFV will review the individual proposals and arrive at a consensus for funding recommendations. This will be accomplished through open discussion and “round table” review of each proposal. The committee(s) will take into account the merits of the technical proposal, the evaluation criteria described in the RFP/RFQ package, price/cost analysis and reasonableness and staff review while making their decisions. Also considered are the following elements of the proposal:

- Program outcomes
- Service to the appropriate target groups
- Proposer’s operational and fiscal capability
- Documented community need for the project
- Responsiveness of the proposal package to the RFP/RFQ outline
- Prior performance of proposer or proposed program

11. CSFV Review

CSFV Board of Directors, or its designee, will meet in order to make the final funding decisions for proposals. Proposals and staff comments will be available at this meeting for the CSFV Board of Directors to review and discuss. Any real or potential CSFV Board of Directors conflicts of interest concerning the RFP/RFQ procurement process will be identified at this time.

The CSFV Board of Directors will consider the Committee’s recommendations, staff comments, and the technical merits of the proposals and price/cost reasonableness. The CSFV Board of Directors may accept or reject the Committee’s funding recommendations. Funding parameters and/or limitations for negotiation may be

established. Actual contract prices will be established at the time of negotiation. The CSFV Board of Directors may question all of the proposers, as it deems necessary.

12. Selection of Contract Awardees:

The primary responsibility for proposal evaluation shall reside with CSFV or a committee thereof. The perceptions of CSFV, based on their collective experience regarding employment and training needs within the community, will form the basis for proposal evaluation. In addition, the CSFV or a committee will be provided with information concerning performance history of the particular proposers with CSFV or other organizations, prices of past similar contracted services and staff review comments.

A Committee of CSFV will assess proposals submitted. This Committee will assess all programs and make funding recommendations to CSFV Board of Directors.

The Committee will review the individual proposals and arrive at a consensus for funding recommendations. This will be accomplished through open discussion and "round table" review of each proposal. The Committee will take into account the merits of the technical proposal, the evaluation criteria described in the RFP/RFQ package, price/cost analysis and reasonableness and staff review while making their decisions.

If CSFV enters into a contract in the amount of \$1,000,000 or more, in accordance with the requirements of section 287.135, Florida Statutes, CSFV that Boycott Israel List or is engaged in a boycott of Israel, the Scrutinized Companies with Activities in Sudan List, the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, engaged in business operations in Cuba or Syria, or meets the conditions for exemption as provided in section 287.135(4), Florida Statutes. These lists are created pursuant to sections 215.4725 and 215.473, Florida Statutes. The CSFV certifies that it is in compliance with this provision. Upon request, DEO will provide a form the CSFV may utilize in connection with any procurement for the purposes of ensuring compliance with this paragraph. If federal law ceases to authorize the states to adopt and enforce the contracting prohibition described in this paragraph, this paragraph will be null and void.

If the CSFV is affiliated with a local government entity, it will ensure compliance with section 287.133(2)(a), Florida Statutes. Any person or affiliate, as defined by that section of the Florida Statutes, placed on the convicted vendor list following a conviction for a public entity crime may not submit a response to any solicitation for the provision of goods or services to the CSFV. CSFV will not accept any solicitation response from such an entity and will not award a contract in excess of \$35,000 for a period of 36 months from the date an entity is placed on the convicted vendor list. Upon request, DEO will provide an attestation form CSFV may utilize in connection with any procurement for the purposes of ensuring compliance with this paragraph.

Procurement files:

Procurement files for the current program year are maintained at the Administrative Office of CSFV. Procurement files include documentation of the steps of selection as described above under the RFP/RFQ process.

Funds expended for events are compliant with 2 CFR 200.421, and DEO's Guidance on Use of Funds for the Purchase of Outreach/Informational Items (FG-OGM-84). Documentation is retained to support the cost of the funds expended and demonstrate that the costs are reasonable and necessary to connect individuals to employment and training services.

13. Appeal and protest of contract awards:

In accordance with Workforce Innovation and Opportunity Act regulations, service providers who have disputes or claims have the right to appeal/protest. The proposer may submit a letter within 15 days to CSFV requesting further details concerning the denial, dispute or claim. In the event the response is not satisfactory to the proposer, a second request may be made directly to CSFV for further clarification. Final decision rests with CSFV.

14. Contract Administration:

A system for contract administration will be maintained by CSFV to ensure contractor conformance with the terms, conditions and specifications of the contract and to ensure adequate and timely follow up of all purchases. CSFV shall evaluate contractor performance and document, as appropriate, whether contractors have met the terms, conditions and specifications of the contract.

CSFV will include the following in all contracts:

- a. Conditions that allow for administrative, contractual, or legal remedies in instances in which a contractor violates or breaches the contract terms and provide for such remedial actions as may be appropriate.
- b. Suitable provisions for termination by the recipient, including the manner by which termination shall be affected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.
- c. A provision to the effect that the recipient, the Federal awarding agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts and transcriptions.

15. Contract close-outs:

The General Terms and Conditions of all contracts of CSFV sets forth reasons for contract closeout prior to the expected termination date of the contract. CSFV reserves the right to terminate a contract for convenience or for cause. Service providers are notified, as specified in the terms and conditions, of contract closeout. For those service providers whose contracts are ending at the termination date without renewal, notification of closeout is sent in a timely manner. At the time of notification, CSFV refers to the terms and conditions regarding the service provider's responsibilities regarding audit, equipment purchased, materials created, etc., and gives the service provider a deadline in which these conditions are to be met.