



IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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| POLICY | ORIGINAL DATE | LAST REVISION |
|--------------------|-----------------------|--------------------|
| Procurement Policy | FISCAL YEAR 2013-2014 | September 22, 2021 |

POLICY OVERVIEW

The purpose of this policy is to provide guidance and criteria to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), and Workforce Innovation and Opportunity Act (WIOA) Title I funded service providers regarding methods of procurement for goods and services obtained with WIOA funds. The procedures are endorsed for the procurement of supplies, equipment, and services to ensure that materials and services are obtained in an efficient and effective manner in compliance with the applicable federal, state, and local laws and regulations.

REFERENCE

- WIOA (Public Law 113-128)
- Title 2 Code of Federal Regulations (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- Title 2 CFR Part 2900: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Department of Labor [DOL] Exceptions)
- Title 20 CFR WIOA, "DOL; Final Rule"
- Title 34 CFR WIOA, "Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule"
- California State Contracting Manual, Subject: Chapter 5: "Competitive Bidding Methods" (April 2015)
- Workforce Services Directive WSD16-10, Subject: Property - Purchasing, Inventory, and Disposal (November 10, 2016)
- WSD16-05, Subject: WIOA Closeout Requirements (July 29, 2016)
- WSD16-14, Subject: Selection of AJCC Operators and Career Services Providers (December 19, 2016)
- WSD16-16, Subject: Allowable Costs and Prior Written Approval (February 21, 2017)
- Memorandum dated June 20, 2018: Executive Office of the President, Office of Management and Budget, "Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance"
- County of Imperial Board of Supervisors Procurement Policy
- WSD 17-09 Subject: Procurement of Equipment and Related Services (March 14, 2018)

BACKGROUND:

On December 26, 2013, the U.S. Office of Management and Budget (OMB) issued the Uniform Guidance under Title 2 CFR Part 200, in order to streamline the guidance on administrative requirements, cost principles, and audit requirements for federal awards. The Uniform Guidance consolidated multiple, previously separate, sets of OMB guidance into one combined set of rules. On December 19, 2014, the DOL adopted the Uniform Guidance and issued DOL Exceptions under Title 2 CFR Part 2900.

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The Uniform Guidance provides fiscal and administrative guidance for the administration of the 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 OMB's 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.

DEFINITIONS:

Contract – A legal instrument by which a subrecipient purchases property or services needed to carry out a project or program under a federal award. This 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 subaward (Uniform Guidance Section 200.22).

Contractor – An entity that receives a contract (Uniform Guidance Section 200.23).

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 contractor.

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 statement 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 staff that provide clear separation between job duties and responsibilities, and conflict of interest/confidentiality/disclosure agreements.

Information Technology Systems – Information technology systems may consist of computing devices, ancillary equipment, software, firmware, and similar procedures, services (including support services), and related resources (Uniform Guidance Section 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 cost (California State Contracting Manual).

Labor Surplus Area Firm – The Department of Labor maintains a listing of areas of the nation where the average unemployment rate is 20% higher than the national unemployment rate. A listing and other information on labor surplus areas can be found at www.doleta.gov/programs/lisa.cfm.

Micro-Purchase Threshold – Fiscal threshold set by Federal Acquisition Regulation (currently \$10,000 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 subrecipient to carry out part

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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. This 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 a need for property or services and ending with contract completion and closeout.

Questioned costs – 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 service. 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 used 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. (California State Contracting Manual).

Request for Quote (RFQ) – A type of solicitation document, used in a formal competitive bidding process, where the specifications of a product or service are already known and when price is the main 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 a federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract (Uniform Guidance Section 200.92).

Subrecipient – A non-federal entity that receives a subaward from a pass-through entity to carry out part of the federal program, but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other federal awards directly from the federal 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 nonfederal entity for financial statement purposes or \$5,000, regardless of the length of its useful life (Uniform Guidance Section 200.94).

POLICY

ICWDB shall adhere to the requirements outlined in the EDD Directive WSD 17-08, Subject Procurement (March 14, 2018) and the County of Imperial Board of Supervisors Procurement Policy when conducting procurements. This policy applies to all purchases of equipment and related services for the operation and support of the WIOA program or for the benefit of WIOA participants. The procedures and guidelines described in this policy are to be used by all subrecipients using WIOA funds to make a purchase. *For more information regarding the County of Imperial Board of Supervisor*

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Procurement Policy see Attachment I.

Procurements are conducted on an ongoing basis by the ICWDB. Contracts are generally one year in length, with the option of an extension, subject to the availability of WIOA fund and the quality of contractor performance.

WIOA requires local workforce development areas to adopt procurement procedures that ensure:

1. Procurements are conducted in a manner providing full and open competition. This includes the requirement that any individual or entity who develops specifications, Requests for Proposals, who evaluates or makes recommendations on such proposals, or who participates in any manner in the preparation of a procurement for goods and services with WIOA funds, is NOT eligible to compete in the resulting procurement. This prohibition applies to all types of contracts or grants.
2. The use of sole source procurements is minimized to the extent practicable, but in every case where they are used must be justified.
3. Procurements include an appropriate analysis of the reasonableness of cost and price.
4. Procurements do not provide excess program income for nonprofit and governmental entities or excess profit for private for-profit entities. Appropriate factors shall be used in determining whether income or profit is excessive, such as:
 - a. The complexity of the work to be performed
 - b. The risk borne by the contractor
 - c. Market conditions in the surrounding geographical area.
5. Procurements clearly specify deliverables and the basis for payment.
6. Procurement contracts and other transactions between the ICWEB and units of State and local governments are conducted on a cost reimbursement basis, with no provision for profit.
7. Procurements avoid the purchase of unnecessary or duplicative goods or services. Surplus and inventory items will be used as preferred alternatives to the purchase of new items.
8. Procurements include a comparative cost analysis between equipment purchase and equipment lease, based on the action that provides the most benefit to the ICWDB.
9. Small businesses, minority-owned and women's businesses, and labor surplus area firms are considered in procurements when possible.

Code of Conduct

ICWDB provides standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. *See conflict of Interest Policy for more information.*

No employee, officer, or agent of ICWDB or ICWED may participate in the selection, award or the administration of a contract supported by federal funds when a conflict of interest is identified, real or perceived. All individuals must sign a Conflict of Interest form prior to a meeting. Under emergency situations, an individual may state their conflict of interest through self-attestation.

Such conflicts would arise when:

1. The employee, officer, or agent
2. Any member of their immediate family
3. His or her partner, or
4. An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award

The party must excuse themselves from any further discussion and/or vote on the matter in question. Proper firewalls are in place to ensure the transparency and integrity of the procurement process. They

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demonstrate to the public that the selection process was impartial and no preferential treatment was given to the awardee.

ICWDB will award contacts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as:

- Contractor integrity
- Compliance with public policy
- Record of past performance
- Financial and technical resources

ICWDB will maintain records sufficient to detail the history of procurement. These records will include, but are not limited to:

- Rationale for the method of procurement
- Section of contract type
- Basis for contractor section of rejection
- The basis for the contract price

Reasonable Costs

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

- Consistent with uniform guidance and established policies and procedures
- Similar costs must be considered as either direct or indirect costs
- Costs must be determined with generally accepted accounting principles
- Costs must not be used as cost sharing or matching requirements
- Costs must be adequately documented

Procurements may benefit other non-WIOA/organizational operations as long as the procurement is necessary to WIOA program and the cost 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 additional programs to overcome fund deficiencies or to avoid federal restrictions (Uniform Guidance Section 200.405).

Purchasing Unnecessary or Duplicative Items

Grantee and sub-grantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items and to facilitate the acquisition of goods/services in the most economical manner.

Lease versus Purchase Options

Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

Prior Approval

Written prior approval from the EDD is required for equipment and related services under the following criteria:

- Procurements with a per-unit cost that exceeds \$5,000
- Related procurements with cumulative costs that exceed \$5,000 within the same state fiscal

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- year
- Procurements resulting in improvements to land, buildings, or equipment which exceed \$5,000

Approval will be based on the reasonableness and allowable criteria, availability of funds, and other considerations. Written approval will include the timeframe or scope of the agreement (Uniform Guidance Section 200.407). Public exigency or emergency resulting in an immediate procurement need waives the requirement for prior approval, however, approval should be sought afterwards to confirm the appropriate use of WIOA funds.

Ongoing procurement costs such as subscriptions, maintenance, license, support costs or procurement which are otherwise paid annually will be considered approved after the initial approval if the cost remains constant or decreases.

Procurements under \$5,000 which have additional or unexpected charges within the same 12 month period, causing the total cumulative cost to exceed \$5,000, can be submitted for **Retroactive Approval** through the prior approval process. The Retroactive Approval should be requested before the cumulative charges exceed \$5,000. Cumulative charges are only applicable for procurements of a single or set of similar or connected goods or services (e.g. servers and related infrastructure or computers and computer memory for equipment).

PROCUREMENT METHODS

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

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., copy machine), group of related items (e.g., office furniture), or a specified service (e.g., staff training). Purchases are not to be broken down into smaller components to avoid more stringent procurement requirements.

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

Micro-Purchase

The micro-purchase procurement method is used when the “per transaction” value of a purchase is less than the micro-purchase threshold (currently \$10,000 per Federal Acquisition Regulation [FAR] 48 CFR Subpart 2.1), and may be used without soliciting competitive quotations if the price is reasonable. The micro-purchase threshold is periodically updated based on inflation. To the extent practicable, micro-purchases must be distributed equitably among qualified suppliers. Although micro-purchases are not required to receive written prior or purchase approval, they must still be documented.

Small Purchase

The small purchase procurement method may be used when the “per transaction” value of a purchase of equipment or services is less than the Simplified Acquisition Threshold (currently \$250,000 per FAR Subpart 2.1). The Simplified Acquisition Threshold is periodically updated based on inflation. Informal quotations are used for small purchase procurements, in lieu of the more expensive and time consuming sealed bid or competitive proposal methods.

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Price, as determined by a price analysis, is generally the main factor when determining awards. However, other factors such as availability, delivery time, current stock, and location can be taken into consideration.

Purchases between \$10,000 and \$250,000 require a minimum of two documented quotes from qualified sources. Documented quotes can be obtained from catalogs, price lists, or from a contractor in writing. Catalogs or price lists should be no more than one year old.

Proper documentation for a small purchase includes the following:

- The reason for selecting the small purchase method
- The subrecipient's estimate of the potential purchase price
- A description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision
- All providers contacted/considered and the prices offered using current catalogs, price lists, prior sales receipts, or formal quotes depending on the amount of the purchase.
- Why the provider was selected, including how the provider met any additional criteria, and the price analysis
- Copy of the purchase document (sales receipt, contract)

Sealed Bids

The sealed bid procurement method is generally used when the "per transaction" value of the good or service to be purchased will be more than the Simplified Acquisition Threshold, and its nature can be precisely defined. The desired procurement must have a complete, adequate and realistic specifications or purchase description. The sealed bid process requires the issuance of an Invitation for Bid (IFB). The IFB must be publicly solicited or advertised to an adequate number of known suppliers, provide sufficient time to respond, and clearly state specifications, bidding processes, and dates. The IFB defines the quantity, timeframes, product requirements, specifications, and pertinent attachments of the good or service being purchased. Contractors are notified of the purchase requirements and submit a sealed bid to a specified location by a specified date and time.

A diligent effort should be made to secure at least three competitive bids. The responsible bidder (a bidder that can meet the technical requirements of the procurements) that submits the lowest bid will be awarded the contract. The lowest bid should be calculated with factors such as discounts, transportation, and life cycle costs. Any bidder that falls outside of the parameters will normally have their bid rejected. Award of a firm fixed-price or fixed unit price contract by written notice is sent to the lowest responsible bidder. Bids may be rejected with sound and documented rationale. If only one bid is obtained and that bidder is deemed to be responsible, then the noncompetitive process may be used.

Proper documentation for a sealed bid purchase includes the following:

- The reason for selecting the sealed bid method
- The subrecipient's estimate of the potential purchase price
- A copy of the IFB
- Bids received
- Determination of the responsibility of the bidder
- Why the provider was selected
- Copy of the award document

Competitive Proposals

This method is typically used when the "per transaction" value of the good or services will be more than

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the Simplified Acquisition Threshold, but its nature cannot be defined as precisely as required by the sealed bid method. Competitive proposals are specifically used when factors other than price are important in the selection decision or if the technical requirements or specifications are of a functional nature or unclear.

The competitive proposal procurement method is generally used when conditions for a sealed bid cannot be met. The Request for proposal (RFP) must be publicly solicited or advertised to an adequate number of known suppliers. A RFP should be issued that defines quantity, timeframes, product requirements, specifications, and the evaluation factors used, along with their importance. Contractors submit a proposal based on the purchase requirements of the RFP to a specified location by a specified date and time to be evaluated.

All proposals should be considered on the merits of the proposal and a written review of technical evaluations should be retained for each. The review committee then makes a final recommendation as to which proposal(s) best meets the stated requirements. Careful documentation of the successful bidder selection should be maintained for reference. A public notice of intent to award should be issued followed by the award and the execution of the contract. If only one proposal is obtained and that proposal is deemed to be responsible, then the noncompetitive proposal method may be used. If less than three bids are received during a competitive process, justification must be written explaining the limited participation. The justification should include firms and individuals contacted. These documents should be kept in the agency's contract file and submitted with procurement requests, if applicable.

Proper documentation for a competitive proposal purchase includes the following:

- The reason for selecting the competitive proposal method
- The subrecipient's estimate of the potential purchase price
- A copy of the RFP
- Proposals received
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the bidder and the cost analysis
- Why the provider was selected
- The public notice of intent to award
- Copy of the award document

Noncompetitive Proposals (Sole Source)

Noncompetitive proposals may only be used under certain limited circumstances. The reason for selecting this method, along with the justification for the provider selection, must be carefully documented and maintained. Per Uniform Guidance Section 200.320(f), the purchase must be infeasible under one of the other methods discussed above, and one of the following conditions apply:

- The good or service is available from only one source
- Public exigency or emergency creates an immediate procurement need (e.g., a flood or fire requires the immediate availability of services)
- The federal awarding agency or pass-through entity authorizes the specific noncompetitive procurement (upon a formal request for approval)
- Competition is determined inadequate. This usually occurs after a sealed bid or competitive process has been used and there are insufficient bidders

Proper documentation for a noncompetitive proposal purchase includes the following:

- The reason for selecting the method, including why the procurement was infeasible under one of the other procurement methods and which of the additional conditions the procurement met

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- The estimate of the potential purchase price
- A copy of the RFQ/IFB/RFP
- A determination of the responsibility of the bidder
- Why the provider was selected
- Copy of the award document

Procurement Method Review

| Procurement Method | Cost Limits | Minimum Bids/Quotes Needed |
|--------------------------|--------------------------------|--|
| Micro Purchases | Less than \$10,000 | One quote at a reasonable cost |
| Small Purchases | Between \$10,000 and \$250,000 | Two quotes: written or from a catalog |
| Sealed Bids | Any | Three formal written bids in response to an IFB |
| Competitive Proposals | Any | Three written competitive proposals in response to a RFP |
| Noncompetitive Proposals | Any | All bids and quotes obtained |

Cost and Price Analysis

The Workforce Development Board or ICWED will perform a cost or price analysis in connection with every procurement action:

- Independent estimates will be made before receiving bids/proposals
- Cost Analysis must be performed when the offeror is required to submit the elements of his estimated costs
- A Cost Analysis will be necessary when adequate price competition is lacking, and for Sole Source procurements
- A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price
- ICWDB and/or ICWED will negotiate profit as a separate element of the price for each contract in which there is not price competition and in all cases where Cost Analysis is done
- Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles
- Cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used

Criteria for Selecting Goods and Services

ICWED and ICWDB will ensure the following with all of purchasing of equipment:

- Lowest price is obtained
- Qualifications of the vendor are satisfactory
- Availability of the goods and services are satisfactory
- Quality of Service
- Quality of Customer Service
- Location

Procurement Purchase Approval and Review Timeline

Written approvals must be obtained by the subrecipients prior to the purchase of procurements valued over \$5,000. To obtain purchase approval, subrecipients must complete the *Procurement Request for Approval to Charge WIOA Funds – Attachment II* and submit it with any other required paperwork, to

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their assigned Regional Advisor or Project Manager via email.

Procurement requests should be received no less than 30 calendar days before the requested procurement action is scheduled to occur (DOL Exceptions Section 2900.16). Procurement requests will include the following:

- Description of goods or services to be purchased (item[s] name and description)
- Estimated total cost (dollar amount of total cost)
- Description of item(s) (detailed description of procurement, including functionality and use)
- Reasons for procurement (detailed justification of procurement and why the procurement is necessary to WIOA operations)
- Procurement methods and lease-option sharing considerations
 - What procurement method was used and why
 - Quote or proposal and other documents as required by the procurement method
 - Justification of why a lease or property sharing cannot be used
 - Why the chosen provider or contractor was selected over other alternatives
- Cost (description of how the cost was determined, including any associated fees)
- Location (where the procurement item will be located or operated)

Approval can take a month once submitted, so it is crucial that requests are submitted timely. See the table below of approval process and timeline. A decision letter will be mailed to the entity’s director at the end of the review process.

| Step | Approver | Approval Criteria | Timeframe |
|------|---|--|------------------------|
| 1 | Regional Advisor or Project Manager | <ul style="list-style-type: none"> • Proposed procurement is reasonable, allowable and necessary • Cost sharing review | Up to 10 business days |
| 2 | Information Technology and Program Accountability Section (ITPAS) manager (if the procurement involves computer or Information Technology [IT] equipment, software, subscriptions or contracts) | <ul style="list-style-type: none"> • Technical review of proposed procurement • Proposed procurement cannot be provided by state or local partners | Up to 6 business days |
| 3 | Financial Management Unit | <ul style="list-style-type: none"> • Proposed procurement is reasonable and allowable • Availability of funds • Procurement method review | Up to 14 business days |

Once the procurement has been approved via an approval letter, the WIOA funds account may be charged for the purchase. If a procurement is denied, the subrecipient will receive a letter specifying the reason for the denial. If a procurement request is not approved and property is charged, the subrecipient may incur a disallowed cost. Subrecipients can appeal a denial of procurement through the Chief of the Central Office Workforce Services Division.

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DISALLOWED COSTS

Funds used for procurements that are determined by an auditor, the cognizant agency, the pass-through entity or authorized awarding agency representative to be unallowable will be returned to the federal government (Uniform Guidance Section 200.345). Such unallowable procurements are defined as questioned costs in DOL Exceptions Section 2900.3. Questioned costs could result from the following:

- Procurements that violate statute, regulations, or terms and conditions of award
- Procurements without support documentation
- Procurements with unreasonable costs

Lobbying

Sub-recipients that receive WIOA Title I funds must comply with restrictions on political activities as specified in WIOA Section 195. This provision prohibits the use of WIOA Title I funds for publicity or propaganda purposes, or for material designed to support or defeat the enactment of federal, state, or local legislation; propose or pending regulation; administrative action; or order by the executive branch of any state or local government. This also includes prohibition of the use of Title I funds of activities designed to influence the enactment or issuance of legislation; appropriation; regulation; administrative action; or an Executive Order propose or pending before Congress, any state government, state or local legislature or legislative body.

Marijuana Industry

Uniform Guidance Section 200.331 requires the state, as the pass-through entity, to advise sub-recipients of imposed requirements by federal laws, regulations, and the provisions of contracts or grant agreements, as well as additional requirements imposed by the state. Although California passed Proposition 64, in accordance with federal law (21 U.S.C 812), marijuana is classified as a Schedule 1 narcotic, and is therefore illegal from a federal standpoint.

All grant agreements between the DOL and the state must follow all applicable federal statute, regulations, and policies. Therefore, in accordance with federal law, WIOA funds cannot be used to directly or indirectly support the marijuana industry including, but not limited to, use, possession, growth or distribution of marijuana. This applies to WIOA; Wagner-Peyser; Trade Adjustment Assistance; Veterans' Employment and Training Service; and National Dislocated Worker Grant programs and services including, but not limited to, training, employer outreach, hiring events, career counseling, job orders and referrals.

RESOLVING DISPUTES, CLAIMS AND PROTEST OF AWARDED

Grantees and sub-grantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and sub-grantee before pursuing a protest with the Federal agency. **Reviews of protests by the Federal agency will be limited to:**

1. Violations of Federal law or regulations and the standard of this section (violations of State or local law will be under the jurisdiction of State or local authorities).
2. Violations of the grantee's or sub-grantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or sub-grantee.

Appeal Process

In accordance with ICWDB procedure, appeals arising from the Request for Proposal (RFP) process should be directed first to the Workforce Development Board Chairperson within fourteen days of the ICWDB award recommendation. Appeals must be completed in writing and must include the nature of

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appeal and requested resolution.

- The ICWDB Chair will schedule a meeting with the Executive Committee to review and forward a recommendation to the WDB at the next regularly scheduled meeting
- If no resolution is reached, the bidder may request a hearing with the Imperial County Board of Supervisors in accordance with county procedures

REQUIRED CONTRACT CLAUSES

Contracts entered into by subrecipients may be fixed price or cost reimbursement, depending on the method of procurement and goods or services being procured. Each agreement funded by federal funds must contain the following contract clauses referred to in Uniform Guidance Appendix II to Part 200, as appropriate:

- A. All contracts in excess of the Simplified Acquisition threshold must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms. The clause must also provide for sanctions or penalties, as appropriate
- B. All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-federal entity, including the process for exercising the clause and the basis for settlement
- C. Compliance with Equal Employment Opportunity provisions identified in 41 CFR Part 60.
- D. Compliance with the Davis-Bacon Act (40 U.S.C. 3141–3144 and 40 U.S.C. 3141-3148) for prime construction contracts in excess of \$2,000
- E. Compliance with the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701- 3708) for contracts in excess of \$100,000 that involve the employment of mechanics or laborers
- F. Compliance with Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants (37 CFR Part 401) for any small business or nonprofit organization
- G. Compliance with the Clean Air Act (42 U.S.C. 7401–7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251–1387) for any contract in excess of \$150,000.
- H. A provision requiring that contracts must not be issued for any entity listed on the Excluded Parties List System in the System for Award Management (SAM)
- I. Compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) for contractors bidding over \$100,000
- J. Compliance with Section 6002 of the Solid Waste Disposal Act and 40 CFR part 247 for items in excess of \$10,000

It should also be included in all applicable agreements that, regardless of the procurement method, anyone who provides WIOA services must abide by the WIOA equal opportunity and nondiscrimination provisions of Section 188 and 29 CFR Part 38.

INVENTORY RECORDS OF EQUIPMENT

The sub-recipient must keep an inventory record of all the equipment purchased with federal funds. All the equipment must be marked with a unique identification for inventory purposes. A physical inventory of the property must be taken and reconciled with the property records at least once every two years.

The equipment records must include the following information:

1. Description of the property
2. A serial number or other identification number
3. Source of the property
3. Whether title vests in the recipient or the federal government
4. Acquisition date
5. Per unit cost at acquisition
6. Records showing maintenance procedures to keep the equipment in good operating condition
7. Location and condition of the equipment and the date the information was reported

This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

8. Disposition data including date and sale price, loss, damage or theft

DISPOSITION OF EQUIPMENT

For equipment with a residual fair market value of \$5,000 or more, recipients of WIOA funds must use the following guidelines:

- The recipient may use the equipment in the program or project for which it was acquired as long as needed on any federally sponsored program. Preference will be given to programs funded by the Employment Training Administration.
- If the equipment is no longer needed by the original program/project, the item will be returned to recipient to be sold and deduct any actual and reasonable selling and handing expensive (\$500 to 10 percent, whichever is less). The balance of fund will be forwarded as instructed in the closeout guide. Disposition is to be completed within 30 days of filing the final closeout reports.
- If the equipment is no longer needed by the program/project or for other activities supported by a federal agency, the recipient may retain these items and reimburse the State the fair market value within 30 days.
- If only WIOA funds were used for the purchase, then the percentage would be 100 percent.

Equipment with a market value of less than \$5,000 may be retained, sold, or otherwise disposed with no need to report to the State.

MONITORING

ICWED must maintain a system for internal monitor to ensure grant financial management to avoid audit findings and potential liability.

ACTION:

Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.

**COUNTY OF IMPERIAL
BOARD OF SUPERVISORS POLICY**



| | | | |
|--|----------------------|----------------|-------------|
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PURPOSE

The purpose of the Procurement Policy is to establish guidelines for the provisions set forth by Section 25500 et seq. of the Government Code of the State of California and Imperial County Ordinance 2.52.010. This includes authorization, soliciting, and appropriate conduct of purchasing activities relating to the acquisition of approved goods and services for Imperial County. This policy is intended to provide a transparent, competitive, fair, and impartial process for conducting business with Imperial County’s vendor community.

All purchases must be made in accordance with this policy, other County policies and procedures, as well as all applicable laws and are subject to audit at any time. If applicable, failure to comply with this policy may result in disciplinary action.

This Procurement Policy supersedes all previous purchasing manuals, policies, and written procedures not consistent with this policy.

RESPONSIBILITIES

PURCHASING DEPARTMENT:

The Imperial County Board of Supervisors has adopted a centralized purchasing system and has designated the Purchasing Department to be responsible for the administration of that system. The Purchasing Manager acting as the ex-officio Purchasing Agent, shall have the duties and powers prescribed by law for county purchasing agents. Under that authority, the Purchasing Department is responsible for the following activities:

- Assist departments in matters related to the identification of possible supply sources, alternative product examinations, specification preparation, order follow-up and material expediting, and adherence to all contract terms and conditions.
- Assist departments in determining the appropriate method of acquisition and solicitation.
- Purchase, rent, or lease of supplies, equipment and services.
- Sell, lease, trade, or otherwise dispose of personal property that is no longer needed for County use.

- Registration of County-owned vehicles and heavy equipment.
- Administration of the Cal-Card (procurement card) program.
- Prepare, maintain, and amend the procedures to implement the Procurement Policy.

COUNTY DEPARTMENTS:

Departments are responsible for the following activities:

- Ensure that all purchases are made for official county business and make appropriate use of County funds.
- Submit requests for the acquisition of goods and services in a manner suitable to the type of solicitation required.
- Assure all requests are properly budgeted in the appropriate account.
- Provide adequate descriptions, specifications, scopes of work, or other instructions to assure a clear understanding of the requirements, including special conditions required by any grant or alternative funding source to be used for the purchase.
- Provide punctual responses to questions throughout the procurement process.
- Provide adequate inspection, receiving, and quality control practices for all purchases.
- Assure receipt and payment for good and services are documented and paid in a manner consisted with the approved contract and within the applicable prompt payment discount timeframes.
- Consult with Procurement as needed for assistance with resolving problems with product or service delivery and vendor performance.

COMPETITIVE PROCUREMENT

It is the policy of Imperial County to make appropriate use of County funds and promote transparency through the use of open and full competition to the maximum extent possible. Contracts for the purchase of county personal property or services shall be awarded as the result of a competitive process, except as otherwise provided for in this policy or by law where a competitive process is required.

THRESHOLDS

The following thresholds apply to procurement activities for the purchase of any goods or services required by Imperial County departments and agencies where a competitive process is required, except for public projects.

| Imperial County Thresholds | | |
|----------------------------|----------------------|-----------------------|
| Equal to or less than | \$2,500 | Small Purchases |
| Between | \$2,500 and \$50,000 | Informal Solicitation |
| More than | \$50,000 | Formal Solicitation |

Example of thresholds used by the Sheriff's Office:

| APPROVAL AUTHORITY | DOLLAR THRESHOLD | EXAMPLE OF PURCHASE | PURPOSE OR METHOD OF PURCHASE |
|----------------------|---|--|--|
| Sheriff's Office | Small Purchases \$0-\$2500 | 15 pair of work gloves | For inmate workers |
| Purchasing Agent | Informal Solicitation \$2500-\$50,000 | 2 Lawn mowers | Purchasing solicits for best value or accepts quotes as submitted by department |
| Board of Supervisors | Formal Solicitation \$50,000 and above | Inmate Telephone and Video Conferencing Services | A formal Solicitation would be used to find most qualified vendor. Award would be made by Board of Supervisors |

Purchases shall not be artificially divided to circumvent any competitive bidding requirement. In addition, no department or employee shall draft or cause to be drafted any specifications in such a manner as to limit the bidding directly or indirectly to any one specific vendor, or any specific brand, product, thing, or service, except for those items that are standardized for a particular purpose, are approved as exempt from competitive bidding requirements, or are approved as sole source purchases.

Public works projects are governed by the California Public Contract Code and have different thresholds. Solicitations must be made in accordance with applicable State Code and requirements.

SMALL PURCHASES

Department heads or designees are authorized to make individual purchases of products and services with an estimated total cost of \$2,500 or less, including tax, installation, and freight, if in the opinion of the department head, such direct purchases are in the best interest of the County.

The delegation of authority to make small purchases is not intended to be a substitute for centralized purchasing, or to be used to engage in repetitive purchasing without adequate analysis and competition. The following products and services are not authorized for direct purchase without prior approval from the Purchasing Department:

- Furniture and furnishings
- Construction, improvements, and maintenance of facilities
- Information technology software & hardware
- Telecommunications equipment
- Road projects, including parking lots
- Vehicles and heavy equipment
- Apparel
- Boots or uniforms negotiated within an employee MOU
- Any products or services available through department or Countywide contracts

INFORMAL SOLICITATIONS

Purchases of goods or services with an estimated total cost of \$50,000 or less may be conducted through informal solicitation. If in the Purchasing Agent or designee's judgement, a formal solicitation is in the best interest of the County, a formal solicitation process will be used.

Informal solicitations may be handled either by the department or Purchasing Department. A minimum of three quotes for the goods or services will be sought and evaluated to determine the lowest responsive and responsible bidder or the best value to the County. Final approval of any quote shall be determined by the Purchasing Agent or designee. Any award based on an informal solicitation shall be documented with the applicable reason and justification for the award.

FORMAL SOLICITATIONS

Purchases of goods or services with an estimated total cost of more than \$50,000 shall be made in accordance with the applicable procedures for Formal Solicitations and this section, which sets forth the requirements for competitive sealed solicitations, including but not limited to Invitations for Bids, Requests for Proposals, Requests for Qualifications, Requests for Information and any other formal solicitation method.

A. Public Notice and Solicitation Period

Public notice of formal solicitations shall be issued not less than ten (10) County working days prior to the opening. A notice shall be posted in a public forum. The public notice must specify the place where solicitation documents may be obtained, if a fees applies, and the time and place for submission of solicitation responses.

B. Specifications/Scopes of Work

Specifications and scopes of work shall permit free and full competition to the maximum extent possible under the attendant circumstances. The Purchasing Department shall make the final determination of the acceptability of specifications and scope of work requirements to be included in any solicitation.

A firm or vendor may be utilized as a professional consultant to assist the County with the development of the specifications. Such firms or vendors who participate in this capacity are prohibited from responding to the resulting solicitation. Vendor information from current and or past solicitations may be used as long as the information is not proprietary or will serve as a single-supplier specification.

Solicitation documents must identify all criteria which will be considered in an award recommendation.

C. Addendum(s)

Addenda shall be distributed to all firms known to have received solicitation documents. Addenda which are issued within four (4) County working days of the solicitation due date must also include an extension of the due date. The extension must be not less than four (4) County working days from the date the addendum is issued. Addenda which cancel a solicitation in its entirety may be issued at any time prior to the solicitation's posted due date.

D. Receipt of Responses/Opening

Vendors shall respond in the manner set forth in the solicitation.

Late responses to the County's solicitations shall not be accepted.

Formal solicitations shall be received via a secure method which prevents anyone from viewing the responses until after the deadline specified in the solicitation.

All responses shall be opened in the presence of one or more witnesses and in a public forum, at the time and place designated in the solicitation, and shall be administered by the Purchasing Agent or designee.

E. Public and Confidential Records

Responses to Requests for Proposals and Requests for Qualifications shall be considered confidential records upon receipt and throughout the evaluation process.

Responses to Invitations for Bids shall be considered public records immediately upon opening of the responses. Copies of the bid responses and other associated documents shall be made available upon request.

Records maintained by Purchasing to document processing and award of any solicitation shall be kept in accordance with the County's document retention policy.

F. Solicitation Clarifications

A firm may be permitted the opportunity to furnish other information called for by the solicitation and not supplied in the original response, provided it does not affect the price of the contract and does not give the responding firm an advantage or benefit not enjoyed by other respondents, in accordance with the criteria established in the solicitation.

A firm shall not be permitted to correct a response for errors of judgment.

The Purchasing Agent or designee shall maintain complete and sufficient records of evidence used to identify the oversight and the clarified response.

G. Option to Reject, Waive, and/or Re-Solicit

The Purchasing Agent or designee shall maintain complete and sufficient records of evidence used to justify any action taken under this section.

1. The County reserves the right to reject a response which is in any way incomplete, irregular, amplified, unqualified, conditional, or otherwise not in compliance with the solicitation documents in all material respects.
2. The County may waive any informality, irregularity, immaterial defects, or technicalities in any response.
3. The Purchasing Agent or designee has the final authority to reject or cancel a solicitation, prior to or after receipt of responses, if it is determined that an award would not be in the best interest of the County. If the responses are rejected or the solicitation is cancelled, the County may re-advertise the product or service or negotiate, whichever is in the best interest of the County.

H. Evaluation and Award

Responses to a solicitation shall be evaluated and awarded based on the criteria specified in the solicitation. Responses shall be inspected, reviewed, and evaluated by the Purchasing Agent or designee, who may request input and/or assistance from other County staff. Awards shall be made to the firm who submitted the lowest responsive and responsible bid, or to the highest ranked firm, as determined by the method specified in the solicitation. All evaluations shall provide sufficient justification for the award recommendation.

Notice of awards may be made available in a public forum and may include the date of the award, the successful vendor name, and the contract amount.

I. Option to Cancel Award

Failure on the part of the awarded firm within the time allowed to execute an awarded contract, furnish an acceptable performance bond, or comply with any other requirement imposed prior to execution of the contract shall be considered just cause for cancellation of the award and forfeiture of any applicable bid security. The Purchasing Agent or designee may award a contract to the next lowest responsible and responsive bidder, or to the next highest ranked firm, as determined by the method specified in the solicitation, re-advertise the solicitation, or take any other actions deemed appropriate by the County.

EXCEPTIONS TO COMPETITIVE SOLICITATION

The use of a competitive solicitation process is required unless there is an authorized basis for an exception, as defined below or as permitted for by law. Exceptions must be exercised indiscriminately as a method of circumventing the competitive process and related County policies.

- A. Purchases made from other public agencies competitive solicitations, or by use of Joint Powers Agreements, Cooperative Purchasing programs, Pooling Agreements, and other recognized types of agreements used by government agencies to combine agency requirements for purchases.
- B. Expert and professional services which involve extended analysis, the exercise of discretion and independent judgment in their performance, and an advanced, specialized type of knowledge, expertise, or training customarily acquired either by a prolonged course of study or equivalent experience.
- C. The Purchasing Agent or designee determines that it is in the best interest of the County to extend or renew a contract, provided the extension or renewal does not

adversely affect the integrity of the original award. Such extensions or renewals shall not be excessively utilized without Board approval.

- D. The Purchasing Agent or designee determines that competitive proposals do not produce any advantage, or it is impractical to obtain what is required and to observe a competitive process.

SOLE SOURCE/SINGLE SOURCE

A contract or purchase may be awarded without a competitive process if it meets either of the following criteria:

- A. Sole Source – a product or service which is the only product or service that satisfies the department’s operational requirements, usually because of a technological, specialized, or unique character, or proprietary nature.
- B. Single Source – a product or service that can only be obtained from a sole provider.

EMERGENCY PURCHASES

An Emergency is defined as an unexpected and pressing situation which requires swift and immediate procurement action precluding regular procurement policy and is essential to public life, health, safety, or improved property of the County.

- A. Department Level Emergency – In the event of an emergency which requires immediate action at the department level and limits the ability of the County to conduct a competitive solicitation, the department director or authorized designee may authorize an exception to the standard Procurement Policy and related procedures to address an immediate need. Emergency purchases between \$1,500 and \$2,500 are subject to ratification by the Purchasing Agent, CEO, or their designee.
- B. Local Emergency – In the event of a local emergency proclamation, procurement actions necessary to acquire the goods and services required to address an immediate threat to life, public health, or safety, or to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures may be performed outside of the existing policy requirements. The existing policy may be modified, waived or suspended, where deemed necessary, subject to the approval of the Board of Supervisors, as prescribed in the Public Contract Code Section 22050.
- C. State & Federal Emergency – In the event of an emergency declared at either a State or Federal level, all procurement actions necessary to acquire the goods and services required to address an immediate threat to life, public health, or safety, or

to eliminate/reduce an immediate threat of significant damage to improved public and private property through cost-effective measures shall be pursuant to applicable State and/or Federal policies and procedures.

UNAUTHORIZED PURCHASES

All purchases must be made in accordance with this policy, other County Policies, as well as all applicable laws and are subject to audit at any time. Departments are responsible for ensuring that all purchases are made for official county business and make appropriate use of County funds.

The Purchasing Agent shall investigate any Unauthorized Purchase that is brought to his/her attention and determine the actions necessary to correct the matter. Actions may include but are not limited to: approval or ratification of the purchase by the Purchasing Agent or Board of Supervisors; return of the items purchased, and/or; refer the issue to the applicable Department Head for disciplinary action. However, if it is determined that any purchases are deemed potentially illegal in nature, the matter will be referred to the appropriate law enforcement agency for further investigation.

IMPERIAL COUNTY PREFERENCE

LOCAL PREFERENCE

A Local Vendor Preference Policy was established and passed by the County's Board of Supervisors on October 29, 2013 by Minute Order No. 10. A business qualifying for a local preference credit shall meet the following criteria:

- A valid business license from the County of Imperial; and
- A Principal business office or a satellite office located within the County of Imperial which is staffed by at least one full time employee or the equivalent of one full time employee

The local preference does not apply where prohibited by law or regulation including but not limited to Public Works Contract or specified State or Federal funded projects.

Awarding of Preference is as follows:

- When the lowest bidder is not a local vendor, a local vendor whose bid is within 10 percent (10%) of the lowest bidder may match the lowest bid. The offer to match must be in writing and personally delivered to the Purchase Agent or designee within two (2) business days of the date of the bid opening.

- Where more than one local vendor meets the criteria above, priority shall be given to local vendors in order of proximity to the lowest original bid.
- Where a local vendor and a non-local vendor submit equivalent bids, the Purchasing Agent shall give preference to the local vendor.
- The Purchasing Agent may ask bidders requesting a preference to provide documentation evidencing eligibility. Any bidder who intentionally misrepresents their eligibility to receive a bid preference may be disqualified by the Purchasing Agent from the bidding process and from submitting future bids for up to three (3) years.

PUBLIC WORKS

A public works project is any work done on or to a public facility (or property such as a parking lot) or anything that is part of the facility or attached to it. Carpet installation and modular office furniture is included. The County of Imperial has adopted the Uniform Public Construction Cost Accounting Act (“UPCCAA”) VIA Chapter 4.08 of our codified ordinances to provide for informal and formal bidding procedures for public projects.

Competitive bidding on a public project is **not required** when the cost is \$60,000 or less. These public projects may be performed by County employees by force account, negotiated contract or purchase order.

All public works project requests must start with a Construction Project Request Form available on the County Public Works Facilities Maintenance webpage or by contacting County Facilities Maintenance at 442-265-4528.

RECYCLED PRODUCTS

It is the policy of the County to purchase recycled products in accordance with the Recycled Products and Recycled Materials Procurement Policy passed by the Board of Supervisors on September 19, 2006, Minute Order No. 37.

PROTESTS

Bidders may not protest the contents of the specifications of the bid nor the award based on the use of the local vendor preference policy.

Any participating vendor may file a protest of a contract award or proposed contract award. The protest or appeal must be made in writing within ten (10) days of award notification and contain at least the following information:

- The name, address and telephone number of the protester
- The signature of the protester
- The bid number and date of bid closing
- A statement of the legal and/or factual grounds on which the protest or appeal is

based, including copies of information relevant to the bid.

Resolution of Protests – The Purchasing Agent will investigate the grounds stated within the protest and respond within ten (10) days. The Purchasing Agent’s decision shall stand.

Participating vendor may submit a written notice of appeal on a decision no more than five (5) business days after the date of the final decision by the Purchasing Agent. Written notice of appeal must be filed in writing to the Imperial County Board of Supervisors, attn. Chairman, 940 Main Street, Ste. 209, El Centro, CA 92243

CONTRACT APPROVAL AUTHORITY

The Board of Supervisors, the County Executive Officer, the Purchasing Agent (or his/her designee), or a Department Head are responsible for the approval of County-issued contracts within the limits contained in this Policy, unless otherwise permitted by ordinance or as expressly authorized by the Board. The following policies set forth the requirements for execution of purchasing related matters.

BOARD OF SUPERVISORS APPROVAL REQUIRED

- A. All contracts required by law to be approved by the Board of Supervisors.
- B. All contracts with a total cost of more than \$50,000.
- C. Sale, transfer, or disposal of surplus personal property, having an individual current value of more than \$2,500, identified in the Purchasing Agent’s Surplus Pool or an individual item with a current value of more than \$7,500, as identified in the Imperial County Fixed Asset Manual, unless otherwise prohibited by law.
- D. Emergency purchases of goods or services that require Board action in accordance with Section 3.7 of this Policy.

BOARD OF SUPERVISORS RATIFICATION REQUIRED

- A. Orders to construction contracts which ordinarily require Board of Supervisors approval, but are approved by the County Executive Officer or the administering department because of emergency, damage, decay, or where the public interest would suffer by delay, shall be submitted by the administering department at the next regularly scheduled Board meeting for ratification.
- B. Emergency purchases of \$2,500 or more must be submitted by the responsible department at the next regularly scheduled Board meeting.

PURCHASING AGENT OR DESIGNEE APPROVAL AUTHORITY

- A. All contracts with a total cost of \$50,000 or less.
- B. Change orders, alterations, or addenda to a Board of Supervisors' approved contract that changes or amends the contract in an amount that is not more than ten percent (10%) of the Board-approved amount, not to exceed \$50,000, provided the change does not adversely affect the integrity of the original award, and authority for such changes was included with the original Board approval.
- C. Purchases involving a trade-in of less than \$10,000, per California Government Code Section 25503, provided the total contract amount before trade-in does not exceed \$50,000.
- D. Rejection or cancellation of solicitations with an apparent contract award amount of \$50,000 or less.
- E. Ratification of Department Level Emergency purchases between \$1,500 and \$2,500.

COUNTY EXECUTIVE OFFICER APPROVAL AUTHORITY

- A. Contracts with a value of \$50,000 or less for professional services including, but not limited to, studies, investigations, audits, surveys, consulting, or planning.
- B. Contracts for environmental impact reports (EIRs) for County-funded projects up to the limit authorized by California Government Code Section 25502.5.
- C. Ratification of Department Level Emergency purchases between \$1,500 and \$2,500.

DEPARTMENT HEAD AUTHORITY

Department Heads may authorize Small Purchases of goods or services in accordance with Section 3.2 of this policy.

VEHICLE REGISTRATION

The Purchasing Department is responsible for all administrative actions required for the registration of all County-owned vehicles and heavy equipment, except as otherwise provided by law. This provision includes processes required for newly acquired vehicles, as well as vehicles approved for disposal, transfer, or sale.

SURPLUS PROPERTY

In accordance with Imperial County Code Section 2.52.110 and Government Code Section 25504, County departments shall transfer excess property to the Purchasing Department. Purchasing shall sell, transfer, donate, dispose of, or exchange surplus property as provided by Imperial County Code, Government Code, and Board of Supervisors' direction. Surplus auctions shall be advertised in a public forum for a minimum of 14 calendar days. The proceeds of surplus property dispositions shall be deposited into the County treasury.

County employees shall not either directly or indirectly participate in the purchase of surplus property if the employee is responsible for surplus declarations, the acceptance of an offer, or assigned to the surplus program within the Purchasing Department.

The Purchasing Agent has the authority to dispose of surplus County-owned property or salvage worth less than \$2,500 with approval of the County Executive Officer.

County-owned surplus property or salvage with a value of more than \$2,500 must be approved by the Board of Supervisors.

Disposal of Surplus Property - Surplus property may be disposed of by means of auction, surplus bid, equipment trade-in, recycling or donation.

PROCUREMENT CARD

Purchasing is responsible for all administrative actions required for authorization, distribution, and appropriate use of the County Procurement Card for the acquisition of goods and services as provided by the Imperial County Procurement Card Policy.

ETHICS

Imperial County employees shall adhere to the Imperial County Code of Ethics as written in the Employee Handbook and shall perform their duties impartially to assure fair competitive access to the County's procurement process by all responsible suppliers, contractors, and providers of services and to foster public confidence in the integrity of the County's procurement process. If applicable, failure to comply with the Imperial County Code of Ethics may result in disciplinary action.

County employees shall not solicit or accept any fee, compensation, gift, payment of expenses, or promise of compensation in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a requirement, specification, standard, or contract. Employees shall discourage any inappropriate contact or encroachment on one's official duties by anyone who seeks to influence a procurement decision, and shall conduct their dealings with all suppliers of goods or services in a fair and impartial manner that guards against even the appearance of impropriety.

CONFLICT OF INTEREST:

County employees shall not participate directly or indirectly in a procurement when the employee knows that: (1) the employee or any member of the employee's immediate family (Immediate family member is defined as a parent; sibling; child by blood, adoption, or marriage; spouse; grandparent or grandchild) has a personal financial interest pertaining to the procurement; (2) a business or organization in which the employee, or any member of the employee's immediate family, has a personal financial interest pertaining to the procurement; or (3) any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

Upon discovery of an actual or potential conflict of interest, an employee shall promptly withdraw from further participation in the transaction involved and notify his/her immediate supervisor and Purchasing of the conflict.

VENDOR ETHICS:

No supplier, provider of services, bidder, offeror, contractor, or subcontractor shall offer any County employee any gift, gratuity, offer of employment, or anything of value in consideration for a preference, waiver, or any manner of influence in a current or future procurement action. Violation of this policy may result in debarment at the discretion of the Board of Supervisors.

DEBARMENT

Contractors/vendors and subcontractors must not be debarred, suspended or otherwise excluded by the United States Government in compliance with the requirements of 7 Code of Federal Regulations (CFR) 3016.35, 28 CFR 66.35, 29 CFR 97.35, 34 CFR 80.35, 45 CFR 92.35, Executive Order 12549, and Public Contract Code (PCC) Section 6109. (The County will verify bidder, its principal and their named subcontractors are not on the Federal debarred, suspended or otherwise excluded list of vendors located at www.sam.gov .) Contract and/or Purchase Order will be terminated upon verification that vendor is on the excluded list of vendors.

COMMITTEES

The Purchasing Agent may organize a variety of committees to facilitate the needs of the County for Office Furniture Standards and Junking of surplus property as follows:

- A. Standards – The Purchasing Agent may organize “Standards Committee” as needed to establish standards with respect to the type, design, quality, or brand of a certain article or group of related articles or services purchased by the County. The membership of the Committee shall be the Purchasing Agent who shall be Chairman, the County Executive Officer, and the heads of each County office, department, or institution that is a primary user of the item or group of items for which the committee is appointed. Any member of the committee may act through a representative appointed by him or her.
- B. Junk Committees – The “Junk Committee” is composed of (at least) Purchasing Agent, Auditor-Controller, and the Deputy Director of Facilities (or their agents) to take the responsibility for disposing of surplus County property determined to be of no value or

such little value that attempted sale would be futile. A junking memo, to include asset number (if applicable), description, and department (if available), will be prepared and maintained by the Purchasing Department. Any items with an asset number identified by the committee as junk will be processed through a Property Transfer Request (PTR) and sent to the Auditor-Controller to be used for his or her fixed asset controls.

SUNSET DATE

Nothing set

REFERENCES:

Government Code 25500

Imperial County Code of Ordinance 2.52.010

Board of Supervisors approved Purchasing Manual 3/08/16 #24

PROCUREMENT – REQUEST FOR APPROVAL TO CHARGE WIOA FUNDS

This form should be used for purchases of equipment and related services for the operation and support of the WIOA program or for the benefit of WIOA participants. Requests should be submitted to Regional Advisors or Project Managers for all procurements exceeding \$5,000 or if approval is required. Additional documentation (e.g., quotations, cost analyses, bid summaries) may be required. Please contact your Regional Advisor or Project Manager with any questions.

Date: _____ Subrecipient Code: _____

Subrecipient Name: _____

Item or Property to be Purchased: _____

Estimated Total Cost of Procurement: \$ _____

Anticipated Procurement Date: _____

Procurement Method: Small Purchase Sealed Bid (IFB)
 Competitive Proposal (RFP) Noncompetitive Proposal

Procurement Type: Purchase Lease/Rent Subscription/Contract
 Service Property Sharing

Description, function, and justification of procurement

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|--|
| |
|--|

Reason for procurement method and type, including lease option or property sharing considerations

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|--|
| |
|--|

Why provider was selected

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|--|
| |
|--|

Cost, including any maintenance, installation, taxes, or fees associated with the procurement

| |
|--|
| |
|--|

 Authorized Representative and Title
(Please print)

 Signature