

West Central Arkansas Workforce Development Board
Larry Carr, Chairman
P O Box 6409, Hot Springs, AR 71902

Procurement Policy and Procedures

Purpose:

To establish a policy for One Stop Operator Procurement.

Policy Information

Per Training and Employment Guidance Letter WIOA No. 15-16, WIOA requires that all one-stop operators be selected or designated through a competitive process. WIOA does not allow for the "designation" or "certification" of any entity as a one-stop operator, including a Local WDB, without a competitive process. WIOA provides no explicit authority to "grandfather" in existing one-stop operators.

The WIOA Joint Final Rule requires that States follow the same policies and procedures they use for procurement with non-Federal funds, and requires Local WDBs to use a competitive process based on local procurement policies and procedures and the principles of competitive procurement in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) at 2 CFR part 200, including the Department of Labor (Department) specific requirements at 2 CFR part 2900, which may be found at <http://www.ecfr.gov>.

The WIOA Joint Final Rule requires that a competitive process be conducted at least once every four years. The requirement to use a competitive process for one-stop operator selection is set forth in WIOA sec. 121(d)(2)(A). Due to this statutory requirement, the competitive selection process for one-stop operators in all Local Areas cannot be waived

Local Procedures for One Stop Operators

The West Central Arkansas Workforce Development Board (WCAWDB) or the Administrative Entity/Fiscal Agent will utilize a Request for Proposal (RFP) process in securing a One Stop Operator. If the Administrative Entity/Fiscal Agent wants to submit a proposal, the Administrative Entity/Fiscal Agent cannot assist with the RFP. Another party without a conflict of interest may be used to assist with the RFP.

- A. Closed bids shall be obtained through formal advertising (at least one newspaper of general circulation within the state for a period of at least three (3) calendar days). Although it is not required, the WCAWDB or the Administrative/Fiscal Agent may make additional contacts as feasible with potential vendors, for the purpose of maximizing competition. Upon receipt of written specifications, prospective bidders shall respond by the date designated in the invitation for bids. Proposals that are hand delivered, a date and time of receipt shall be recorded on the proposal. A receipt signature form showing the date and time received shall be completed with one copy being retained for the procurement file and the other given to the bidder/proposer submitting the proposal. The lowest qualified bid shall be accepted. If other than the lowest bid is accepted, a letter of justification will be filed with the bid record. The bid file will contain the newspaper advertisement and all pertinent data related to the awarding of the bid.
- B. Grounds for rejecting bids include, but are not limited to:
 1. Failure of the bid or bidder to conform to the essential requirements specified in the invitation for bid;

West Central Arkansas Workforce Development Board

Larry Carr, Chairman

P O Box 6409, Hot Springs, AR 71902

2. Failure to conform to the specifications contained or referenced in any invitation for bids unless the items offered as alternatives meet the requirements specified in the invitation;
 3. Failure to conform to a delivery schedule established in an invitation for bid, unless the invitation for bid contains provisions for acceptance of offers with alternative delivery schedules;
 4. A bid imposing conditions that would modify the terms and conditions of the invitation for bid;
 5. Unreasonable prices;
 6. Bids from vendors who are on the State of Arkansas' debarment list;
 7. Failure to furnish a bid guarantee when required;
 8. Any/All bids when WCAWDB determines it to be in the best interest of the program.
- C. Bidders who disagree with the WCAWDB's decision will be made aware of the complaint procedure.
- D. The negotiation process between the WCAWDB and the selected vendor will be documented via written correspondence. WCAWDB reserves the right to work with any proposer if the proposal submitted has the potential to be qualified for funding. This process shall take place after those proposals that were qualified have been funded. All charges/expenses are to be defined by the WCAWDB or the Administrative/Fiscal Agent.
- E. Policy on Opening Sealed Bids:
1. As sealed bids are received, the packages will be date/time stamped. Sealed bids will remain unopened until the date/time/place specified by the WCAWDB.
 2. A WCAWDB Ad Hoc committee of at least 3 members will open all sealed bids and score the bids based on the evaluation forms of the Request for Proposal.
 3. Once the sealed bids have been scored, they shall be submitted with any/all pertinent information to the WCAWDB for the final decision. The WCAWDB reserves the right to reject any/all bids.
 4. Once a bid has been selected by the WCAWDB, the winning bidder will be notified. If both parties agree on the terms, a contract will be made with the winning bidder. If both parties are not able to agree on the terms, the bid will be rejected and the next successful bidder will be selected or the bid process will begin anew.
- F. Non-competitive negotiation (sole source): This method will be used when a proposal is solicited from only one source, or after solicitation of a number of sources, competition is determined inadequate. The procurement must be documented.


Larry Carr, Chair

8/2/2021
Date

WDB is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons of disability.