

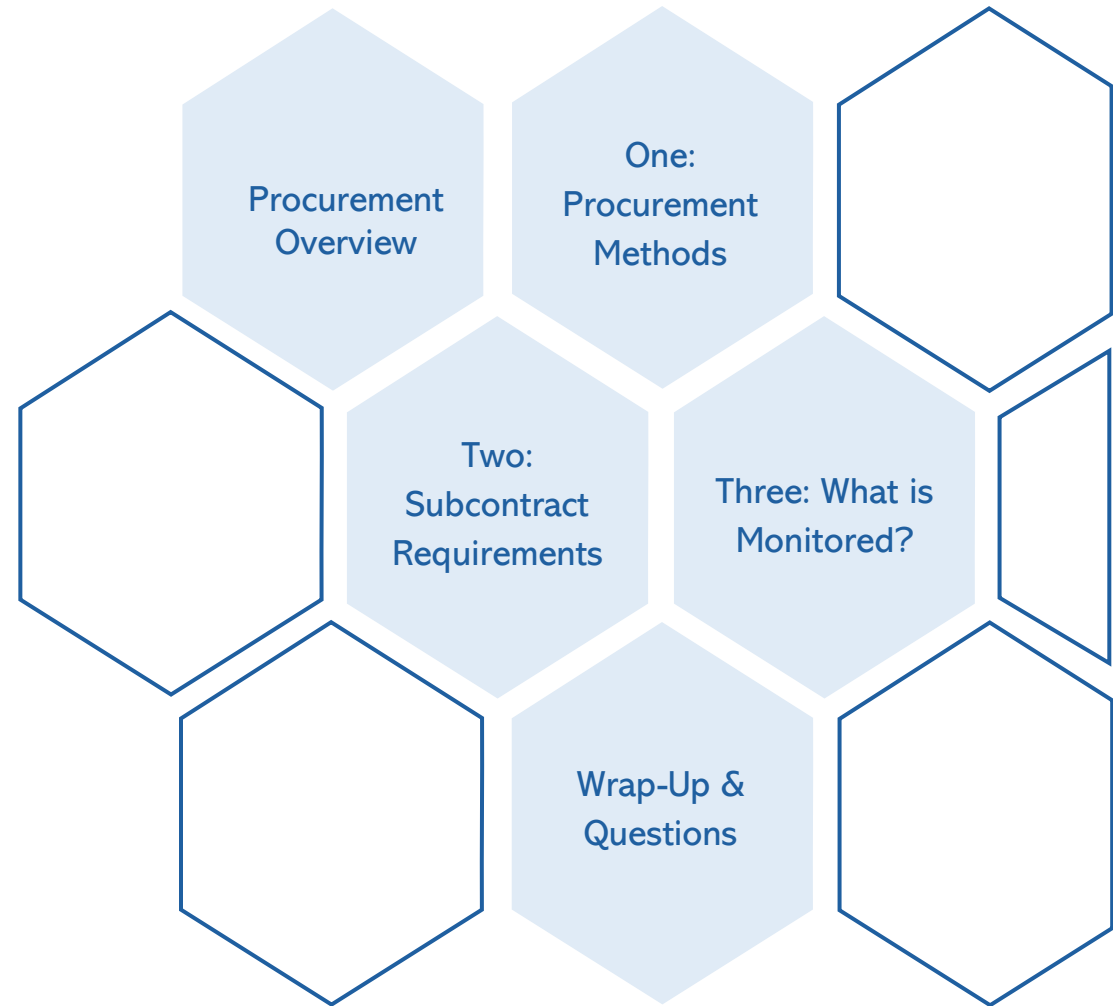
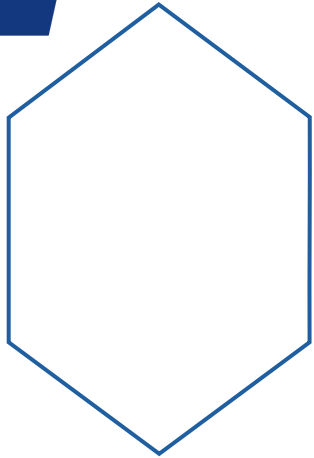


Procurement & Subcontracts

April 18, 2024

Greg Hart, OS Supervisor





Agenda



Introduction

The Local Workforce Development Board is charged with the oversight of Federal funds. The local board, in conjunction with the designated fiscal agent (if one has been designated), must create and maintain a local procurement policy to align with the requirements set forth in Federal, state, and local statutes, regulations, policies and procedures, directives and technical guidance, contracts, and grant agreements regarding procurement.”

[WSP Financial Management Policy, Financial Management Guide 2021](#)





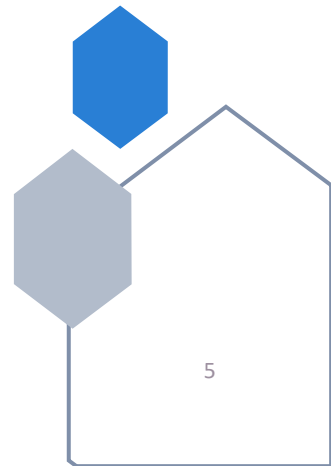
Procurement



LWDB Procurement Policy Requirements

Align with and conform to applicable Federal, state, and local statutes, regulations, policies and procedures, directives and technical guidance, contracts, and grant agreements regarding procurement, the awarding of contracts for any WIOA-related, or federally-funded activity or program, and the continued administration requirements associated with said procured good(s) and/or service(s).

- Full and Open Competition
- Procurement Methods
- Pre-release Criteria
- Contract Requirements
- Pre-award review procedures
- Negotiation and Award
- Protest Process
- Post-award Administration
- Closeout
- Records
- Communications – Stevens Amendment





Methods of Procurement



Micro-Purchase

- Goods & Services
- Equitably distribute purchases across suppliers

Small Purchase

- Goods limit up to \$23,200
- Obtain price/rate quotes from reasonable number of qualified sources

Sealed Bids

- Option only for goods.
- Bids publicly solicited
- Firm fixed price contract
- Responsible lowest price bidder

Competitive Proposals

- Contracts for services only
- Formal Request for Proposal
- More than one source proposal
- Price not sole selection factor

Non-competitive Proposals

- Available only from single source
- Inadequate competition from solicitation
- Public emergency
- Agency approved



All purchases must:

- **Comply with the non-federal entity's documented procedures in place;**
- **Be deemed necessary;**
- **Be open competition (to the extent required by each method);**
- **Comply with conflict of interest policy; and**
- **Have proper documentation.**

Procurement Standards (2 CFR 200.318)



Not Allowable



“Piecemeal” Contracts

- Multiple small contracts to evade advertising and procurement requirements



LWDB as OSO without following L&I’s One-Stop Operator Policy

- LWDB must seek permission to act as OSO
- LWDB must procure third party to undertake procurement process of OSO.



Performance Based Contract for Title I or OSO

- Payment only when specific terms of performance are met.





Subcontracts



Contract Requirements

- Service Provider Name
- BWDA Contract Number
- Funding Stream
- Service Provider – LWDB Contract No.
- CFDA No. & Title
- Project Period
- Dollar Amount of Award
- Scope of Work
- Appropriate Signatures
- Required budget

- Statement of financial interests, capability-certified financial statements, or single audit report and compliance with the Uniform Guidance and FMG as appropriate.
- Required performance measures (a description of the products and/or results that are expected to be achieved).
- Reporting requirements

- All applicable provisions and assurances in accordance with Appendix II to Part 200 of the Federal Uniform Administrative Requirements (2 CFR § 200, et. seq.)
- Remedies for Violations, default and/or breach of contract.
- Termination
- Records and Retention Requirements
- Audit Requirements
- Access to Records
- Modification



What is Monitored?



Desk Monitoring

Section 1: Procurement

- Procurement Policy
- Request for Proposal
- Public Notice
- Review documents
- LWDB Committee/Board meeting minutes

Section 1a: Subcontract

- Title I and OSO Contracts
- Required contract elements



Summary

WIOA requires states to monitor each local workforce development area each program year for compliance in procurement and contracts.

Procurement policy, procurement process and contract requirements are set forth in the Financial Management Guide.

Questions or requests for technical assistance may be submitted to your assigned OS monitor or to the resource account at RA-LI-BWDA-OS@pa.gov.





References

[OMB Definitions](#)

General procurement standards
[2 CFR 200.318](#)

Financial Management Guide, Chapter 9, page 122-
[FMG, Chp. 9](#)



Thank you

Greg Hart

RA-LI-BWDA-OS@pa.gov

www.dli.pa.gov

