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Procurement Procedures
(Effective July 1, 2005)
Revised January 10, 2020

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

General Policy of Competition – Section 14.3 – FMGC

OPERATING PROCEDURE

Workforce Solutions utilizes a procurement process for all goods and services necessary in administering various federal/state program dollars received through the Texas Workforce Commission. The procurement policies and procedures adhered to be Workforce Solutions will ensure that all purchases, regardless of the solicitation method utlilized or the total dollar amount, will be conducted in a manner which provides for full and open competition. These standards are intended to ensure that such purchases are obtained efficiently and economically and are in compliance with the provisions of applicable federal/state laws, legislation, OMB Circulars and Codes of Federal Regulation.

The minimum standards utilized by Workforce Solutions to meet the above criteria are:

> All procurement shall be conducted in a manner which provides full and open competition.
>
> The use of sole source procurement shall be minimized to every extent possible, but the use of sole source, in every case, shall be justified.
>
> All procurement shall include an appropriate anaylsis of the reasonableness of cost and price.
>
> All procurement shall clearly specify deliverables and the basis for payment and identifies all requirements which offerors must fulfill and all other factors to be used in evaluating bids and/or proposals.
>
> No grantee, contractor or subcontractor shall engage in any conflict of interest, actual or apparent, in the selection, award or administration of a contract.

All contractors and subcontractors shall conduct oversight to ensure compliance with procurement/contract standards.

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Procurement Authority – Section 14.2 – FMGC

The authority for procurement actions, as well as the responsibility for design and implementation of procurement systems, is vested with Workforce Solutions for the purchasing of goods and services related to provisions of the Texas Workforce Commission's Workforce development services. Workforce Solutions will utilize specific program requirements and the Financial Manual for Grants and Contracts (FMGC) in the event of a conflict with these requirements.

A procurement process may be initiated by any Board staff member utilizing the Goods & Services Request Form. Once the Goods & Services Request Form has been filled out according to the instructions and approved by the applicable supervisor and Deputy Director it can be submitted to Purchasing for processing. However, the final documents must be approved by Workforce Solutions CEO or Deputy Director prior to the solicitation for goods/services.

All purchases require a Purchase Order and the final approval signatures (electronic) must be noted on the Electronic Requisition/Purchase Order printed from the Purchasing Workflow Module. The box on the lower left hand side of the Electronic Requisition/Purchase Order documents the approval process (per total dollar amount). The outline below documents the approval threshold.

Procurement Coordinator	($1-$1,000)
Chief Financial Officer	($1,000-$5,000)
Chief Executive Officer	($5,000 and over)

Final Contracting authority will be retained by the Workforce Solutions CEO.

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POLICY

Procurement of Historically Underutilized Businesses (HUBs) – Section 14.5 – FMGC

OPERATING PROCEDURE

Historically Underutilized Businesses (HUBs) are minority-owned businesses, small organizations and women's businesses which are locally based and considered disadvantaged. Workforce Solutions will consider HUBs as sources for acquisitions to the fullest extent possible, through all procurement methods. Workforce Solutions will provide every opportunity for HUBS to compete equally with other businesses, including utilizing extra efforts to solicit bids/proposals from HUBs. The Procurement Coordinator /Buyer will make every effort to utilize the use of HUBs whenever possible by:

¶ Awarding contracts to HUBs in the case of tie bids.

¶ Establishing and maintaining vendors lists which include small, minority, disadvantaged and women's businesses.

¶ Soliciting these businesses whenever they are potential sources. HUBs will automatically receive a solicitation to bid and/or proposals for each procurement in which the HUB is a potential vendor. The procurement department will ensure that at least one HUB (if identifiable) is solicited for each small purchase procurement.

¶ To the fullest extent possible, the Procurement Department will divide the total desired goods/services (from the appropriate determination of need) into smaller components to permit maximum participation by HUBs and establishing delivery schedules that will encourage HUBs to participate in the procurement process.

¶ Workforce Solutions will require that the Manager/Operator of the One Stops and other subcontractor utilize the above affirmative steps with respect to HUBs as sources of goods and services. The Procurement

Department will ensure that all subcontractors incorporate a policy which addresses the above actions.

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POLICY

Conflict of Interest/Code of Conduct – Section 14.4 – FMGC

OPERATING PROCEDURE

Every reasonable course of action shall be taken in order to maintain the integrity of the expenditure of public funds and to avoid any favoritism or questionable conduct. Any situation will be avoided which suggests that a decision was influenced by prejudice, bias, special interest, or personal gain. Workforce Solution's Board Members, Board staff, or agents involved in the procurement process are prohibited form accepting gifts, favors, or anything of monetary value form the existing or potential subcontractors are parties to sub-agreements.

The following guidelines reflect a Conflict of Interest and must be avoided by all Workforce Solution's Board members, officers, employees (staff) or agents in procuring goods or services with federal/state funds.

1. **Gratuities** – To solicit, demand, accept, or agree to accept, or to offer, give, or agree to give, form/to another person any economic opportunity, future employment, gift, loan special discount, trip, favor or service.

2. Any individual's participation in the development of procurement documents, review of procurement packages prior to release to potential bidders, acceptance by deadline, initial review of procurement packages, negotiation, selection, discussion, award or administration of a procurement supported by TWC funds where, to the individual's knowledge, any of the following has a financial or other **substantive interest in** any organization which may be considered for award:

   - the individual
   - any member of his/her immediate family
   - his or her partner; and
   - any organization in which any of the above has a material financial or other substantive interest.

Note: Please refer to Conflict of Interest Policy and Code of Ethics for Board Members.

3. **Contingent Fees** – To solicit or secure a contract upon agreement or understanding for a commission, percentage, brokerage, or contingent fee except for retention of bona fide employees, or established commercial selling agencies for the purpose of securing business.

4. **Confidentiality and non-disclosure** – Certain information may not be disclosed until a particular point in the procurement process has been reached. Other information shall be kept confidential permanently. No procurement information shall be used by any person for actual of anticipated personal gain, or for the gain of any other person. Information that my not be disclosed includes:

- Information about the funds available, or related data, until that information is made know to all offerors;
- The number of and names of offerors until the contract is awarded and the decision is made public;
- Technical or cost/price information to anyone not officially involved in the procurement while the procurement is in progress; and
- Certain Technical or proposal information that the offeror has designated as proprietary or trade secret, even after the award is made and publicized. A attorney general opinion must be obtained for request made for the information designated as confidential.

5. **Illegal Acts** – Accepting or paying bribes or kickbacks, conspiring to thwart the competitive procurement process.

6. **Other actions** – which create a real, or apparent, conflicts of interest.

The Procurement Coordinator will ensure that all reviewers and evaluators of proposals/bids received by Workforce Solutions shall complete the Conflict of Interest/Non-Disclosure Statement (attached).

Note: Attached are the definitions of Substantial Interest.

The Board will ensure that Board's staff and Board's contracted Workforce service providers comply with federal and state statutes and regulations regarding standards of conduct and conflict of interest provisions including, but not limited to, the following:

1. Texas Government Code, Chapter 572;

2. Texas Penal Code, Chapters 36 and 39, in the same manner as applicable to a state officer or employee;
3. 29 CFR. <*>97.36(b)(3); and

Professional licensing requirements, when applicable;

The Board shall ensure that contracted Workforce providers comply with

1. federal and statutes and regulations; and
2. Office of Management and Budget (OMB) circular requirements as applicable, which are available through the Commission an the Governor's Office in the Governor's <eti>Uniform Grant Management Standards<et>(UGMS).

The Board shall ensure that Board's contracted Workforce service providers do not give advice or provide services relating to a matter where a real, appearance of, or possible conflict of interest exists unless that applicable Board of Board's designee waives this prohibition in writing.

Disclosures – The Board requires that all contractors disclose the items below in writing.

A substantial financial interest that the Workforce center contractor, or any of its Workforce service contract employees in decision making positions, have in a business entity that is a party to any business transaction with a Board member or Board employee who is in a Board decision making position.

A gift greater that $50 in value given to a Board member or Board employee by a Workforce service contractor or its employee; and

The existence of any conflict of interest and any appearance of a conflict of interest, or the lack thereof.

The Board will receive at least annually a statement disclosing each relationship and pecuniary interest, or a statement that no such relationships or pecuniary interests existed during the disclosure period from each Workforce service provider.

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Procurement Records – Section 14.9 – FMGC

OPERATING PROCEDURE

A complete, historical file reflecting the trail of events and actions leading to the procurement of goods and/or services is developed for each procurement action. All files retained in the procurement department or designated file room. The designated file room is kept locked at all times and is only accessible by the Procurement Department staff. The Procurement Coordinator and Buyer are the only staff with a key to the room (besides facilities and Workforce Solutions Management). Any other staff wishing to obtain a procurement file must request the file from the Procurement Coordinator /Buyer. All files must be returned in a timely fashion to the Procurement Department.

All small purchases are retained files or binders in the Procurement Department in order of Purchase Order Number. All documentation relating to the use of Request for Proposals, Sealed Bids, Request for Information, Request for Quotes, etc. will be maintained in three ring binders and retained in bookshelves in the designated file room. All files require a public solicitation will include a procurement file checklist (attached). After the procurement is completed, the procurement file will be retained for a minimum of three years from the date the audit report was submitted to the TWC. If any legal action, claims or audit findings arise during the three year period the records shall be maintained until the issue (s) have been resolved.

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POLICY

Cost or Price Analysis – Section 14.19 – FMGC

OPERATING PROCEDURES

The Procurement Coordinator will ensure that a independent cost estimate is developed and retained on file to assist in the comparison to other bids received.

Establishing Price Analysis

Price Analysis is the process of examining and evaluating the total price without looking at the estimated cost elements and any proposed profit or offer. Therefore, price analysis will be utilized for small purchase procurement, or for Invitation to Bids, where, in most cases, there is no breakdown of cost elements, just submitted price(s) for the goods and/or services. As Workforce Solutions adheres to a full and open competition policy, most price analysis may be conducted through a comparison of other bids received. Such a comparison of prices will be documented in a matrix of bids received and maintained in the procurement file for the price analysis.

The Procurement Coordinator /Buyer will, in order of preference, utilize one of the following to seek and document the price analysis. The Buyer will ensure that irregardless of the method used, documentation is retained and incorporated into the procurement file. The Buyer will document the price analysis through:

> **Comparison of other bids/proposals received**. A matrix of all submitted offers will be established resulting in an easy and efficient price analysis. Provided that All offers are relatively consistent, the matrix will provide all necessary documentation to ensure cost reasonableness. If adequate competition is not received through a competitive process, one of the following methods of documenting the reasonableness of cost must be utilized.
>
> **Comparison of catalog pricing** – The Procurement Coordinator /Buyer shall compare bids received with the established catalog pricing. The Buyer will ensure that all catalog discounts are taken into consideration to reflect Workforce Solutions true competitive pricing.

Recent past pricing for similar goods and/or services procured locally by Workforce Solutions. Buyer will ensure that past pricing was proven reasonable by referencing the documentation in past procurement files for similar goods and/or services.

Recent past pricing for similar goods and/or services procured by other entities in the vicinity – The Buyer will contact other local entities to inquire about recent pricing for similar goods and/or services and will document all information received.

Small Purchase Shopping – The Buyer will make every reasonable effort to obtain a minimum of two quotes for equipment, supplies or services for those acquisitions not to exceed the small purchase limit. Provided the quotes are for the same or similar goods/services, the quotes will also serve as the price analysis for the particular purchase.

Establishing Cost Analysis

A cost analysis must be performed:

When the offeror is required to submit the cost elements of its estimated price,

When adequate price analysis is lacking, and

For non-competitive procurement, including contract modifications or change orders, unless price analysis can be established on the basis of catalogs or market prices of a commercial product sold in substantial quantities to the general public or based on prices set be law or regulation.

Cost analysis, usually necessary for proposals that include a detailed line item budget, such as program services, is used to establish the basis for negotiating contract prices where price competition is not adequate or is lacking altogether, and price analysis, by itself, does not ensure the reasonableness of individual cost elements. A cost analysis is the review and evaluation, element by element, of the cost estimate supporting an offeror's for the purpose of pricing a contract. A cost analysis includes evaluation of:

The individual cost elements of the proposals;

The supporting data submitted by the offeror; and

The factors the offeror considered in projecting from that data to develop the estimate of total price to perform the specified work.

The Procurement Coordinator will ensure that all offerors are requested to submit backup data to support its cost estimates, either with the proposal or at a later point in the procurement process (before negotiations). The Procurement Coordinator , along with the Chief Financial Officer and/or RFP proposal evaluators will verify the cost and pricing data submitted and evaluate the cost elements in that data. All cost will be scrutinized to determine the necessity for and reasonableness of proposed costs. In addition, a technical appraisal of the estimated labor, materials and all other requirements will be evaluated. If applicable, evaluators must apply negotiated, audited or proposed indirect cost rates to determine the contract price.

The Procurement Coordinator, to ensure the reasonableness of all individual costs, will ensure that cost proposed are compared:

By offerors with different data,

To actual cost incurred by the same offeror in the past,

To current proposed costs with previous cost estimates from the same offeror or from other offerors for the same or similar items.

To other offeror's cost proposed in the same procurement, and

To the Workforce Solutions independent cost estimate for that procurement activity.

In addition, the Procurement Coordinator, with the CFO of his designee, will verify that all offeror's proposed costs are in accordance with applicable contract cost principles. Costs that do not conform to these costs principles will not be allowed. These costs must be identified to be discussed at contract negotiations.

The Procurement Coordinator, with the CFO or his designee, will also negotiate profit a separate element of price. According to Section 14.19 of the FMGC, under no circumstances shall fees or profits exceed 10% of the contract amount.

Consideration will be given to establish a fair and reasonable profit according to the criteria identified in Section 14.19 of the FMGC.

The Procurement Coordinator shall ensure that a record is maintained certifying that the cost analysis has determined that all costs are reasonable. The record will include the name(s) of individual(s) who performed and approved the cost reasonableness review. Any differences in the quality or output of the services will also be included in that record.

The Procurement Coordinator will ensure that a report outlining strengths and weaknesses of the proposed applicants budget will be compiled and used in contract negotiations. Any and all changes from negotiations must be documented.

Section 14.19 of the FMGC provides a guide to conduct a cost reasonableness review and is incorporated by references through this procedure. In addition, the Procurement Coordinator will ensure that all documentation of the review is compiled and retained in the official procurement file. The Procurement Coordinator will also ensure that the Cost Analysis is documented in the procurement file.

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(Effective July 1, 2005)
(Updated October 31, 2016)

POLICY

Small Purchase Method of Procurement Section 14.10 – FMGC

OPERATING PROCEDURE

1. The decision to procure goods and/or services may be initiated by any Workforce Solutions staff member. Prior to the start of the procurement process a Goods & Service Request Form must be filled out according to the instructions. Once the Goods & Service Request form has been completed, reviewed and approved by the appropriate supervisor and Deputy Director, it can be submitted to procurement for processing. An Electronic Requisition (E-req) shall be completed by the respective department or Procurement Department requesting the goods and/or services which are not to expected to exceed $150,000 in the aggregate. The E-req must include the justification as well as the price or estimated price for the goods and/or service.

   Note: Only Procurement Department personnel are authorized to place orders for Workforce Solutions. In addition, all procurement/purchases cannot be ordered without a completed and signed Purchase Order.

   Note: Each department must plan for and allow a minimum of five (5) days for processing of the request.

2. The E-req must be approved electronically by the respective supervisor, either approving or denying the request.

   Note: Staff/Departments requesting a **"brand name or equivalent"**, or any sole source request, must submit to the Procurement Department a **Memo of Justification** approved by the CEO or President to proceed with the request.

   Note: Whenever cost effective and feasible, Workforce Solutions will purchase federal and state salvage property in lieu of purchasing new property. (Section 14.8)

3. If approved, the E-req shall be forwarded to the CFO to determine allocability of proposed costs and to ensure the availability of funds. If the request is denied by the CFO, the request will be cancelled.

4. If approved, the E-req shall be forwarded to the Procurement Department. Buyer will confirm with the Facilities Department, that the items requested are not in stock. If the item is/are in stock the request will be denied, and the supplies will be provided to the requestor, if not in stock the Buyer will process the request for procurement and make every reasonable effort to obtain bid price/quotations form a minimum of two responsive vendors.

5. If the request to order exceeds $5,000, the CFO will be informed of the upcoming expenditure to ensure availability of funds and budget.

6. For vendors supplying goods and supplies the Procurement Department will obtain at a minimum two (2) price quotations through catalogs, internet, telephone, or facsimile. Such quotations shall be documented through the "Quotes" form or the "Quote Worksheet" form. **Please note that micro-purchases (under $10,000) will utilize a test of cost reasonableness. If the cost is reasonable based on information such as research, experience, prior purchases, or other information, price or rate quotations are not required.**

7. The two quotes which provide the best price/value (if applicable) will be transferred to the E-req form to reflect and document the cost/price analysis for the purchase. The E-req software will automatically assign a requisition and purchase order number for each purchase.

8. The Purchase order will document on the bottom left hand the final approvals for the requisition as directed below**.**

Procurement Manager	($0 - $1,000)
Chief Financial Officer	($1,000-$5,000)
CEO	($5,000 and over)

9. After final authorization of the E-req is obtained, the Procurement Department will place the order with the vendor. The E-req software will issue the Purchase Order in numerical sequence. The purchase order can be faxed, picked up or delivered by Workforce Solutions staff to the vendor. Vendors may also be notified via telephone if the situation warrants.

10. The Facilities Department will receive the goods and supplies using the E-req receiving document which details the order. The Facilities Department will verify the quantities on the shipping document and file the shipping document with the receiving form in numerical order.

10. The receptionist will receive goods and supplies in the event the Facilities Department is not present. To ensure accountability, only Facilities personnel or the receptionist may receive goods and supplies. In the unlikely event that none of the above personnel is present, other staff may receive the items. However, Facilities must sign off on the items as soon as possible.

11. Facilities will deliver items to the appropriate department and have authorize personnel verify and sign for items being delivered to them.

12. At that point, facilities will deliver original packing slips or the original signed invoice to the Procurement Department.

13. The Procurement Department will ensure that all appropriate documentation is retained. Documentation includes Purchase Order, Quote sheet, Quote worksheet, original packing slip, original invoice and any other relevant information concerning the purchase.

14. A copy of the invoice, Purchase Order will be forwarded to the Finance Department for payment.

15. All documentation is placed (in order of occurrence) in three inch (3) binders. All files are filed in numeric order of applicable Purchase Order Number. The outside of the binder reflects the first and last dates, as well as the Purchase Order numbers contained in the binder for easy reference.

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POLICY

Sealed Bid (Formal Advertising) Method of Procurement 14.11 – FMGC

OPERATING PROCEDURE

1. The decision to procure goods and/or services may be initiated by any Workforce Solutions staff person.

2. The Procurement Department will develop a Needs Assessment Determination and an Independent Cost Estimate based on the justification outlined in the Independent Cost Estimate. Both of the above are required elements to be included in the procurement file.

3. The Independent Cost Estimate must be reviewed by the CFO and CEO, either approving or denying the request.

   Note: Staff/Departments requesting a "brand name or equivalent", or any sole source request, must submit to the Procurement Department a Memo of Justification. The Memo of Justification must be routed through the CEO and must be signed off by the CEO before the Procurement Department can proceed with the procurement process.

4. The Procurement Coordinator and or Buyer will utilize the method of procurement which best meets the needs of the agency and specifications supplies. For procurements where complete, adequate, and realistic specifications or purchase descriptions are available; the procurement lends itself to a firm fixed price contract; and vendor selection based primarily on price is appropriate, the Sealed Bid Method of Procurement may be utilized.

5. Invitations for Bids (IFB) bids shall be solicited from an adequate number of known suppliers form the agencies vendors list. The IFB shall also be publicly advertised in at least one local newspaper of general circulation (The Monitor), other local papers if need to expand the scope of competition. For goods unavailable locally from a adequate number of suppliers, the notice may be placed in appropriate trade journals, Texas Register, or any other publications of general circulation in major Texas cities or national metropolitan areas.

6. The Procurement Department shall document all vendors requesting the Invitation to Bids through the Log of Invitation of Bids/Request for Proposals Distributed (Attached).

7. The Invitation to Bids, including specifications and pertinent attachments, shall clearly define the items or services necessary in order to properly respond to the invitation. (See Attached Invitation for Bids format)

8. The Procurement Coordinator reserves the right to call a meeting with appropriate personnel/Departments requesting the items and/or services to ensure that appropriate specifications are included in the Invitation for Bids, i.e. specifications meet minimum acceptable standards (to be determined by staff) and are not overly restrictive in nature. This is to ensure that the Department (s) requesting the items receive what they originally requested and that the concept of full and open competition is continually maintained.

9. The Procurement Department must allow adequate time for the receipt of bids prior to the date set for opening of bids. Depending upon the particular one to two weeks at minimum up to thirty days.

10. The Procurement Department shall be designated to receive all bids. Each bid will be stamped with the time and date of receipt. Each bid submitted in person, upon receipt, will be recorded in the Logs of Bids/Proposals Received (attached) maintained for the IFB. All bids received before the opening will remain sealed and secured in a locked file cabinet in the procurement file room or storage. Workforce Solutions will not receive any late bids. Late bids will not be considered.

11. Usually, for a sealed bid, a pre-bidders conference is not necessary, however, one may be held is Workforce Solutions determines a conference to be in the best interest of the agency. i.e., large dollar amounts, high tech equipment, many potential bidders, etc.

12. All bids will be opened publicly at Workforce Solutions office(s) at the time and location stated in the Invitation to Bids. Bids/prices will be read aloud at the opening and all bids will be recorded by the Procurement Department.

13. The Procurement Coordinator and the Buyer will ensure that bids received are responsive to the IFB and that the bidders are deemed “responsible” before receiving any contract (s) as result of the IFB.

14. The Procurement Coordinator and or Buyer will develop letters of award and non-selection to those vendors who submitted bids. The Procurement Department will mail (or fax) the appropriate letter (s) to the vendors. A copy will be retained in the procurement file.

15. A firm fixed price contract (or Purchase Order Award) shall be made by written notice to the responsive, responsible bidder whose bid, conforming to the IFB is lowest in price. Factors such as discounts, transportation costs, and life cycle costs shall be considered in determining the lowest bid, provided such factors are included in the Invitation to Bids.

16. The Procurement Department will maintain all required/relevant documentation of the sealed bid process and develop an official procurement file. The file will be documented with the RFP/IFB Procurement Checklist to ensure that all relevant information is included in the file.

17. The official procurement file, along with any additional information regarding the procurement process, will be stored in the Procurement File Room.

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POLICY

Competitive Negotiation (Request for Proposals) Method of Procurement 14.12 – FMGC

OPERATING PROCEDURE

1. Workforce Solutions shall utilize the competitive negotiation method when the items or services needed precludes developing a specification or a purchase description so precise that all interested parties have an identical understanding of the requirement, and other factors in addition to price will be considered in making an award.

2. Staff of the appropriate Department requesting items or services will develop a written description of the services it wishes to fund. This description shall at a minimum

   A description of the requested products or services
   Background information
   Legal authority
   A description of the target population, if applicable
   Performance requirements
   Type of contract to be awarded
   The scope of the funding period
   Funding available
   Any limitations

3. The Determination of need will be utilized by the appropriate Department to finalize the Statement of Work which is the design

section, or the detailed description of the services requested or performed.

4. The Procurement Department shall prepare the Request for Proposal (RFP) using the information supplied by the appropriate department in the Statement of Work. The Procurement Coordinator will ensure the Statement of Work and all other necessary information is included in the RFP by referring to Section 14.12 of the FMGC – Competitive Proposal Method. If omissions are identified or additional information is required, the requesting Department shall be notified and must submit the necessary information to the Procurement Department in order to proceed with the Development of the RFP.

5. Evaluation criteria will be developed in conjunction with the Procurement Department and the appropriate department requesting services before the RFP is publicized.

6. The Procurement Department will ensure that all elements considered during the rating of proposals are included in the RFP. Review criteria will include, at a minimum:

    1. Administrative and Organizational Capability,
    2. Scope of Work Activity, Demonstrated Effectiveness and
    3. Program Budget/Cost

7. The appropriate staff, with assistance from the Procurement Department (if necessary), will develop the RFP Public Notice. The Procurement Coordinator/Clerk shall ensure that all information is included in the Public Notice as in Section 14.12.

   The Procurement Department will ensure that the RFP is solicited from all known suppliers of the type of service requested from the agencies vendors list. The RFP shall also be publicly advertised in at least one local newspaper of general circulation (The Monitor). If need arises to expand the scope of competition, such as for a large scale program services throughout Workforce Solution's three county area, other local newspapers will be utilized. In addition, to promote maximum and full and open competition, the notice maybe placed in appropriate trade journals, Texas Register, or any other publications of general circulation in major Texas cities or national metropolitan areas.

8. The Procurement Coordinator /Clerk shall be designated to maintain a log of prospective proposers requesting the Request for Proposal. The Receipt of IFB/RFP Log will be utilized for all proposals picked up in person or for proposals mailed out.

9. A Bidders Conference will usually be held for the Request for Proposal process. The Bidders Conference shall be held within seven to ten (7-10) days after the RFP is released to the public. Workforce Solutions will accept written and oral questions and respond orally and in writing with copies of the questions and answers provided to all potential proposers of record by the department who originally requests the services.

   Only written questions will be considered official and binding. The Procurement Department or Designee shall ensure that all proposers receive a copy of the questions and answers and that all questions and answers are documented and maintained in the procurement file. No questions regarding the procurement will be answered subsequent to the conference, unless in writing and specified in the RFP. The questions and answers will be distributed to all parties who received a copy of the RFP.

10. The Board and/or Board staff may notify or amend the RFP during the procurement process. All proposers of record (from Receipt of IFB/RFP Log) shall be notified of the modification(s) in writing. The Procurement Coordinator shall ensure that the modification/amendment (Chapter 14.12) is retained in the official procurement file. The Procurement Coordinator will ensure that all modifications are not substantial to the point that the proposer's rights to equal and non-biased treatment are affected. If this is determined, the proposal shall be withdrawn and another RFP shall be prepared.

11. The Procurement Coordinator shall maintain the official Receipt of Proposals Log (Chapter 14.12). All proposals will be stamped with the time and date upon receipt by the receptionist or designee. For individuals who hand deliver proposals, a Receipt of Signature Sheet shall be filled out and a copy of the receipt given to the individual delivering the proposal.

12. The Procurement Coordinator shall ensure that offers received after the RFP's specified date and time (Chapter 14.12) shall not be considered. The Procurement Coordinator shall promptly close the receipt of offers at the time and date specified in the RFP.

13. All proposals accepted will be subjected to an RFP initial review (Chapter 14.12) by the Procurement Department or designee to ensure that all proposals contain the necessary elements specified in the RFP and that all proposals are submitted in accordance with the specification requirements, including timeliness. This initial review will also ensure that all proposers are not debarred from federal and/or state

transactions and that the proposers are not delinquent in taxes owed to the state under Chapter 171 of the tax code.

Workforce Solutions may elect to address incomplete proposals be contacting the proposers for additional information or be declaring incomplete proposers to be unresponsive. Each RFP will specifically address the procedure for incomplete proposals. If an RFP does not specifically address this issue, proposers will be allowed to submit additional information; provided the information is a minor informality or irregularity that goes to form and not to substance of the RFP.

14. An RFP Selection Committee will be established by the CEO or President or his/her designee. For large scale RFPS (i.e. program services, large complex procurements), a three (3) to five (5) member committee will be appointed to evaluate the proposals. One member may be included from the procurement department. A lead evaluator will be appointed by the President or CEO. Committee members shall be comprised of Board staff from the various departments. RFPs with a smaller dollar amount will require a smaller committee appointed by the CEO or President. If the need arises, outside evaluators/reviewers may be procured to form the evaluation Selection Committee. All evaluators/reviewers will be required to sign the Conflict of Interest/Non-Disclosure Statement (attached with Conflict of Interest Policy) to inform them of Workforce Solutions' conflict of interest policy and rules.

15. The RFP Selection Committee (Chapter 14.12) may, at its discretion, hold a discussion of the evaluation factors in advance of the actual rating. However, once evaluation begins, each committee member must evaluate each proposal independently and objectively. A specific deadline for completion of the review will be established by the Selection Committee. Each Committee member shall complete and sign a scoring/rating sheet for each proposal, without consulting with each other, prior to the deadline. Each member of the Selection Committee should review every proposal (to ensure objectivity).

16. After each committee member has rated each proposal, the Selection Committee may, at its discretion, meet as a group to discuss the evaluation process. If any committee member above must be documented in the reviewers evaluations, notes, etc. wishes to change his/her scoring rating sheets after the group meeting, a newrating/scoring sheet must be completed along with the justification for the changes. All the Proposals receiving the score at or above 70% of total points awarded will be considered responsive, but will not be guaranteed funding.

17. After the group discussion (if held) the scores are recorded in a Matrix.

Other factors shall be documented and considered in addition to the final scores including proposals deficiencies, weaknesses, strength, ambiguities, contradictions feasibility, etc. The lead evaluator should ensure that all individual scores are aggregated and that final recommended awards are consistent in dollar value and category with the RFP;s stated intentions and with numerical ratings. Sometimes the evaluators may reach a consensus that two or more proposals are so close in final score that a final recommendation cannot be readily made, in this case, the two (or more) proposals will be considered equal and be forwarded on the a Board Committee for review.

17 A. The evaluation committee will also take into consideration the insurance and bonding submitted by each proposer. The minimum requirement for insurance in bonding shall be in compliance with Section 801.55 of the Texas Workforce Commission Contracting Guidelines. The Board will ensure that the method of securing funds is available to cover a loss of at lease ten percent of the funds placed under the control of the Board's contracted Workforce service providers. In the setting the Amount the Evaluators shall evaluate the cost of the bonding, insurance or other protection as well as the risk assigned by the Board to the service provider. Factors that can be considered include provider's history, experience, verification of payment, policy period and other relevant factors. If a bond is used the Evaluators shall ensure that the bond is executed by a corporate surety or sureties holding certificates of authority to do business in the State of Texas and acceptable to TWC.

18. The results of the evaluation process, including the factors identified above, will be presented to the appropriate Board committee(s), i.e., planning, executive, finance committees, etc. for review. The committee(s) will make a recommendation for funding to the full Board.

19. The full Board will make the final decision on the selection of proposals after recommendations from the appropriate Board Committees and/or the RFP Selection Committee.

19. **Note** Workforce Solutions will not make awards to any party that is debarred or suspended or otherwise is excluded or ineligible for participation in federal assistance programs. (Section 14.18)

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Non- Competitive Negotiation & Sole Source Method of Procurement – Section 14.13

OPERATING PROCEDURE

Non-competitive negotiation is procurement through solicitation of a bid/proposals/quote form only one source (Sole Source Procurement) or, after soliciting a number of sources, competition is deemed inadequate or non-existent.

Non-competitive procurement actions are not planned or desired. Sole source contracting is planned and deliberately pursued. However, in accordance with Workforce Solutions' General Policy of Competition, the use of non-competitive and sole source procurement shall be minimized to every extent possible.

1. The Procurement Coordinator will strive to ensure that Workforce Solutions meet its General Policy of Competition to develop and maintain as competitive a procurement system by:

    Writing (or assisting in writing) very clear and detailed, but not otherwise restrictive specifications and Statements of Work.

    Utilizing price or cost estimates that are fair and reasonable and which provide incentives to offerors to participate in the procurement.

Allowing ample time in the planning process to publicize solicitations in newspapers and other sources and to otherwise increase competition, i.e. vendors list, bidders conferences, promoting the use of fair selection procedures, etc

Limit the use of open or rolling RFP's, perhaps using them to supplement procurement actions where the requirements are narrowed enough to allow for full and vigorous price and technical competition.

Utilizing the Request for Information and/or Request for Applications when applicable.

2. The Procurement Coordinator will limit the use of sole source procurement to all subrecipients/vendors with very few exceptions.

   When an emergency exists and competitive procurement would wait too long to reduce or remove the danger. Such an emergency should be limited to physical emergency that threatens the safety or well being of agency or participants.

   When provider is the sole source of the supply. Utilities that provide Gas, Electric, Water. Etc.

   When a supplier has a unique capacity to economically provide the service of supplies. This exception is very hard to justify without the benefits of an advertised process to substantiate that a supplier does indeed have a unique capacity. This exception will be used in very few instances.

   When TWC authorizes noncompetitive bids/proposals.

Note: *An emergency does not result from poor agency procurement planning. If Workforce Solutions fails to allow sufficient time for the procurement action to be written, assembled, released, responded to, evaluated, and awarded in time, Workforce Solutions can not claim an emergency as justification for the use of sole source procurement.*

3. Staff/Departments requesting any "sole source" item/service must submit to the Procurement Coordinator a E-Requisition and a Memo of Justification to the Procurement Department. The E-Requisition and the Memo of Justification must be routed through the CEO before the Procurement Department can proceed with any action. The Memo of Justification must provide rationale for the use of sole source procurement and supporting documentation concerning the

reasonableness of all costs. Sole source procurement especially requires cost/prices analysis.

4. The Procurement Coordinator and the Chief Financial Officer will review the E-Requisition for the sole source procurement to ascertain if the order meets the above exception criteria. If the order does not meet the above criteria, the E-Requisition will not be approved through the use of sole source procurement. Therefore, a bidding process will be initiated to purchase the goods/services. The type of bidding process and the time-frame involved will depend on the amount of money to be expended for the purchase.

5. If the Procurement Coordinator and the Chief Financial Officer approve that the order adhered to the above sole exceptions, the Procurement Coordinator will submit the Form 6200 for non-competitive concurrence from TWC for any non-competitive procurement exceeding, or expected to exceed $3,000 in the aggregate. The Procurement Coordinator will prepare a Form 6200 and a short narrative regarding the rationale and justification for the use of sole source procurement. Non-competitive/sole source procurement cannot be purchased without receiving concurrence from TWC in writing for those procurement actions which exceed $3,000.

6. If the Request to Order does not exceed $3,000 in the aggregate and if approved by the Procurement Coordinator and Chief Financial Officer, the Buyer will prepare and Electronic Requisition and process the request.

6. Documenting the use of non-competitive and sole source procurement is a vital element, as the benefits of a competitive process were not available. The Procurement Coordinator will ensure that all non-competitive/sole source files contain the following justification.

   The name/department of the initiator of the request and all justification.

   A statement that sole source procurement approval is being sought.

   A description of the supplies/goods/services required,

   The justification being used (sole supplier, emergency, etc.)

   Where an emergency exists, a description of the problem,

   A description of the proposed supplier's or service provider's unique or special capacity to fill the requirement, A description of actions that were or will be taken to get more than one quote or offer, where this is practicable,

Any other facts that support the recommendation and decision,

Approval documented on the E-Req,

TWC concurrence for sole source awards that exceed, or are expecting to exceed $3,000 and sole source equipment awards exceeding $3,000.

Cost/Price comparisons and analysis; and

Evidence of negotiation.

8. The Procurement Coordinator will develop an official procurement file that contains all above information and will retain the file in the Procurement Department.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Request for Application/Information procurement process for Goods/Supplies/Services– Section 14.6

OPERATING PROCEDURE

Workforce Solutions utilizies a Request for Application (RFA) or a Request for Information (RFI) process to develop bidder's list, through public advertisement, for such items as:

Consumable Items, i.e. office supplies, printing services, etc.

Rapid Response Activities

Advertising/Marketing

Other activities as deemed necessary through the RFA/RFI process

The development of such lists reflects Workforce Solutions' continued intent to promote the concept of full and open competition (Section 14.3) to all parties, especially in the local area; assist to establish reasonable pricing; and assist in documenting the procurement file.

1. The Procurement Coordinator will ensure that a public advertisement is posted in all major local newspapers (The Monitor, Valley Morning Starr, etc.), on an as needed basis, indicating the availability of the RFA/RFI. Usually the RFA/RFI will not include a closing date to

receive applications, as the solicitation will remain open until the next year, when the RFA/RFI is re-issued.

2. The Procurement Department will also notify all current vendors and potential vendors (off the current bidders list) who can provide these types of goods/supplies by submitting to them a copy of the advertisement. This will be accomplished through facsimile, e-mail, mail or telephone call.

3. The Procurement Department will ensure that all vendors requesting the RFA/RFI receive a copy. The Procurement Department will maintain a log of all vendors requesting the RFA/RFI.

4. The RFA/RFI (attached) includes an Applicant Response Form which must be completed by all potential vendors. This form includes potential vendor information identified in the RFA/RFI, such as the availability of catalogs (with applicable discounts), delivery times/schedules, adherence to Workforce Solutions' payment policy and information concerning the vendors business (to ensure the responsibleness of the vendor).

5. Applications received will be date and time stamped by the Procurement Department or receptionist and an RFA/RFI receipt log (attached) will be maintained for all applications received.

6. Applications received will be reviewed by the Procurement Coordinator to ensure responsiveness and responsibleness of the vendor in regards to the specific RFA/RFI. If these criterion are met, the vendors are included on the vendors list as approved vendors for that type of goods/supplies/services.

7. Catalogs (including discounts) supplied by the vendors will be utilized to obtain quotes, throughout the year, for purchases of necessary items. The Procurement Department will adhere to the standard operating procedure for the Small Purchase Method of Procurement utilizing the supplied catalogs to obtain, at a minimum, for each purchase activity. (See Small Purchase Method of Procurement).

8. The Procurement Department will ensure that the complete history of events regarding the procurement action is documented and maintained in the official procurement file. The procurement file will be maintained in the Procurement Centralized File Room.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Program Related Client Services– Section 14.14

OPERATING PROCEDURE

Contracts for the purchase of program related client services must comply with contracting requirements of applicable legislation, in addition to the requirements of the FMGC Contracts Chapter.

No funds appropriated to Workforce Solutions may be used for contracts for the purchase of program related client services unless:

> Such contracts include clearly defined goals, outputs, and measurable outcomes which directly related to program objectives;
>
> Such contracts include clearly defined sanctions or penalties for noncompliance with contract terms and conditions;
>
> Such contracts specify the accounting, reporting, and auditing requirements applicable to funds received under the contract;
>
> Workforce Solutions has implemented a formal program using a risk assessment methodology to monitor compliance with financial and performance requirements under the contract, including a determination of whether performance objectives have been achieved; and

Workforce Solutions has implemented a formal program to obtain and evaluate program costs information to ensure that all costs, including administrative costs, are reasonable to achieve program objectives.

The Competitive Proposal Method will be used for all contracts under this section as required by Section 14.12.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Proposer Inquiry and Appeal Process– Section 14.20

The Board is responsible for handling complaints or protests regarding the procurement and proposal selection process. No protest shall be accepted by the grantor (State) until all administrative remedies at the Grantee level have been exhausted. This includes, but is not limited to: disputes, claims, protests of award or non-selection for award, source evaluation, or other matters of a contractual or procurement nature. Matters concerning violation of law shall be referred to such authority, as may have proper jurisdiction.

OPERATING PROCEDURE

Lower Rio Grande Valley Workforce Development Board
Bidder Debriefings and Protests

The Lower Rio Grande Valley Workforce Development Board (the "Board"), is the responsible authority for handling protests regarding the procurement and bid selection process.

Once a procurement decision is made, the Board shall notify each bidder in writing of the results. Unsuccessful bidder shall be advised, in writing, that they have the right to request a debriefing or to request a hearing.

DEBRIEFING

The purpose of a Debriefing is to promote the exchange of information between a bidder and Board staff pertaining to the proposal process and the bid evaluation system. The goal of a Debriefing is to assist a bidder in improving the quality of future bids. The Board will not host a Debriefing to a bidder who has engaged in the Hearing process described below.

A Debriefing shall include an informal exchange of information pertaining to the Board's proposal process and bid evaluation system and shall serve as an educational function for bidders. During a Debriefing the bidder will receive information on how their proposal was received and ranked. The Board reserves the right to limit the amount of time allocated for a Debriefing.

Step 1: Bidders who desire a Debriefing must submit a written request within ten (10) calendar days of receipt of the Board's notification of the procurement decision. The Board shall acknowledge receipt of the request for a Debriefing in writing within five (5) working days of receipt, along with the date and time of the scheduled Debriefing.

The Request for a Debriefing must be sent by registered mail or hand delivered (receipt will be issued), clearly identified externally as "Dated Material" and addressed to:

Mr. Francisco Almaraz
CEO
Workforce Solutions Administrative Office
3101 West Business 83
McAllen, TX 78501

Telefax, facsimile and e-mail requests for a Debriefing will NOT be accepted.

Step 2: The Debriefing shall be scheduled at the Board's Office located at 3101 West Business 83 McAllen, Texas no later than ten (10) working days from the date the inquiry is received by the Board.

Step 3: Board staff and the independent evaluators of the specific bid proposal shall meet with the bidder and shall review: 1) the proposal and bid evaluation process; and 2) how the appealing party's proposal/bid was scored and ranked; suggestions on how to improve future bids (if applicable).

APPEAL/HEARING REQUEST

An Appeal occurs when an unsuccessful bidder believes that they were treated unfairly in the bid proposal and award process and that they, rather than the organization selected for the award, deserve the procurement contract. The

Board will not grant a Hearing to a bidder who has engaged in the Debriefing process described above.

Step 1: If a bidder wishes to appeal the decision of the Board regarding their bid proposal, the complainant bidder must submit to the President/CEO, a written Request for a Hearing within ten (10) calendar days of receipt of the Board's notification of the procurement decision. The Board shall acknowledge receipt of the request for a Hearing in writing within five (5) working days of receipt, along with the date and time of the scheduled Hearing. The Request for a Hearing must be sent by registered mail or hand delivered (receipt will be issued), clearly identified externally as "Dated Material" and addressed to:

Mr. Francisco Almaraz
CEO
Workforce Solutions Administrative Office
3101 West Business 83
McAllen, TX 78501

Telefax, facsimile and e-mail notices will NOT be accepted.

Step 2: The written Request for a Hearing sent to the President/CEO must include the following information:

a. The funding decision being appealed (i.e. specific date of the RFP/IFB and the Board action taken).
b. Name, address and phone number of the protesting party(ies);
c. A description of any alleged acts or omissions by the Board that form the basis for the protest (this must include the specific concerns and the specific grounds for the protest).
d. Any written information the bidder believes is relevant to the protest;
e. The remedy sought by the bidder.

Step 3: Upon written request, the Board staff shall make available to the bidder all requested documents not exempted from disclosure under state or federal law. The Board will provide copies of these documents upon payment of the standard fees for record duplication.

Step 4: A Hearing shall be scheduled at the Board Offices at a mutually agreed time and date but no later than twenty (20) calendar days from the date the request for a Hearing is received by the Board.

Step 5: The President/CEO or his/her designee shall act as the Hearing Officer. The President/CEO shall also appoint a Committee of either Board members and/or Workforce Solutions staff to serve as the

Hearings Committee. Such committee shall consist of the Hearing Officer and either two (2) or four (4) additional committee members.

Step 6: The Hearings Committee shall meet with the protesting party to discuss the specific concerns and the specific grounds for the protest identified in the Request for a Hearing (see Step 2(c) above). Only those issues presented in the Request for a Hearing will be addressed at the Hearing. The Hearings Committee shall evaluate the appropriate actions which should be taken while abiding by Workforce Solutions funding rules and regulations and which are consistent with the Board's procurement policies.

Step 7: A determination will be made within ten (10) business days from the date of the Hearing. Should the Hearings Committee determination result in a different outcome for the bidder, such recommendation shall be presented to the full Board for consideration and possible action at the next scheduled meeting. However, the Board is NOT obligated to accept the Hearings Committee determination and/or recommendations.

If the Hearing Committee's determination does not result is a different outcome to the bidder, such information need not be presented to the Board and the bidder shall be informed in writing by the Hearings Officer of the Hearing outcome.

APPEAL TO TEXAS WORKFORCE COMMISSION

Texas Workforce Commission (the "TWC") will not review any protest from a bidder until all administrative remedies at the local Board level have been exhausted. TWC appeal review is limited to:

- Violations of federal laws and regulations (Violations of state and local laws shall be under the jurisdiction of state and local authorities).

  Violations of the Board's protest/dispute procedures or failure to review a protest or dispute.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Procurement of Professional Services (RFQ) – Section 14.15

OPERATING PROCEDURE

1. The decision to procure "Professional Services" may be initiated by any Workforce Solutions staff person.

2. The Procurement Department will develop a Needs Assessment Determination and an Independent Cost Estimate based on the justification outlined in the Request. Both of the above are required elements to be included in the procurement file.

3. The Procurement Department will utilize the method of procurement which best meets the needs of the agency and the specifications supplied. For Procurement of Professional Services, only those that are not defined as Consulting Services (Section 14.15) can use the Request for Qualifications (RFQ) method of Procurement.

4. Qualifications shall be solicited form an adequate number of known suppliers from the agencies bidders list. The qualifications shall also be publicly advertised in at least one local newspaper of general circulation (The Monitor), other local papers if the need to expand the scope of competition. For goods/services unavailable locally from an adequate number of suppliers, the notice may be placed in appropriate trade

journals, the Texas Register, or any other publications of general circulation in major Texas Cities or national metropolitan areas.

5. The Procurement Department shall document all “professionals” requesting the Request for Qualifications through the log of IFB/RFP/RFQ Distributed (attached).

6. The Procurement Coordinator reserves the right to call a meeting with appropriate personnel/Departments requesting the items and/or services to ensure that appropriate specifications (statement of work) are/is included in the Request for Qualifications, specifications meet minimum acceptable standards (to be determined by staff) and are not overly restrictive in nature. This is to ensure that the Department(s) requesting the items received what they originally requested and that the concept of full and open competition is continually maintained.

7. A pre-bidders conference may be held if Workforce Solutions determines a conference to be in the best interest of the agency.

8. The Procurement Department must allow adequate time for the receipt of qualifications prior to the due date. Depending on the procurement three to four weeks minimum.

9. The Procurement Department shall be designated to receive all qualifications. Each packet will be stamped with the time and date of receipt. Each packet, upon receipt, will be recorded in the Logs of Bids/Proposals/Quotes Received (attached) maintained for the official procurement file. All packets received will remain sealed and secure in a locked office in the Procurement Department. Workforce Solutions will not receive any late packets. Late packets will not be considered.

10. A Qualification Selection Committee will be established by the CEO or President or his/her designee. One member shall be appointed as lead evaluator. Committee members shall be comprised of Board staff from various departments. If the need arised, outside evaluators/reviewers may be procured to form the evaluation Selection Committee. All evaluators/reviewers will be required to sign the Conflict of Interest/Non-Disclosure Statement (attached with Conflict of Interest Policy) to inform them of Workforce Solution’s conflict of interest policy and rules.

11. Note: As the qualification evaluation process is similar to the RFP evaluation process, due to the presence of evaluation criteria other than cost, the Selection Committee shall adhere to the RFP Evaluation Procedures of the procedures manual, unless specified in the RFQ.

12. Award and Selection will be based on:

Demonstrated performance
Qualifications to perform statement of work
References for similar work
Fair and reasonableness of price

13. The lead evaluator should ensure that all individual scores are aggregated and that final recommended awards are consistent with the dollar value and category with the RFQ's stated intentions and with numerical ratings.

14. The results of the evaluation process will be presented to the CEO for award or if necessary to the appropriate Board Committee(s), i.e. planning, executive, finance committees, etc. for review. The Committee will make a recommendation for funding to the full Board.

15. The full Board will make the final decision on the selection proposals after the recommendations from the appropriate Board committees and/or the RFQ Selection Committee.

16. The Procurement Coordinator will develop letters of award and non-selection to those professionals who submitted qualifications. The Procurement Coordinator will mail (or fax) the appropriate letter (s) to the vendors. A copy will be retained in the procurement file.

17. The Procurement Coordinator will maintain all required/relevant documentation of the Professional Services RFQ process and develop an official procurement file. The file will be documented with the RFP/IFB/RFQ Procurement File Checklist to ensure that all relevant information is included in the file and stored in the central file room.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Interlocal Purchasing Agreements – Section 14.7

OPERATING PROCEDURE

Workforce Solutions will utilize interlocal purchasing agreements to foster greater economy and efficiency in the procurement of goods/services.

TBPC Co-op

Goods/services purchased through the Co-op will follow the rules and regulations set forth by the Co-op. A requisition and purchase order documenting the quantity, description and unit acquisition cost will be submitted to the Co-op when the program is used. All relevant documentation for the purchase will be filed in the Purchase Order package.

DIR GoDirect Program

Goods/services purchased through the Go-Direct program will follow the rules and regulations set forth by the Co-op. The contract number for the Go-Direct vendor will be noted on the Purchase Order and E-Req used to make the purchase, and a printout of the Go-Direct Vendor's web page documenting the DIR program will be attached to the Purchase Order package.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective July 1, 2005)

POLICY

Pre-Award and Review – Section 14.21

OPERATING PROCEDURE

The Board shall ensure that a pre-award survey (Key Control Evaluation) is conducted (See attached)

1. for contracts under $100,000.00, the pre-award must be conducted prior to award of the contract and at each renewal of the contract.
2. for contracts between $100,000.00 and $500,000.00, the pre-award must be conducted prior to award of the contract, at each renewal of the contract, and no less that biennially
3. for contracts over $500,000.00, the pre-award must be conducted prior to award of the contract, at each renewal an not less than once annually.

The pre-award survey will be filed in the contract file.

The Board may deem a contractor to be high risk if it meets the following guidelines.

Has a history of poor performance;

Is not financially stable;

Has a management system that does not meet the standards prescribed in the OMB Circular A-110;

Has not conformed with the terms and conditions of the previous contract;

Or is not otherwise responsible.

If the bidders is deemed “high risk”, but is still awarded the contract, Workforce Solutions can impose additional restrictions which include, but is not limited to:

Performance based reimbursement contract;

More detailed financial reports;

Additional project and fiscal monitoring;

Additional technical assistance;

Additional prior approvals;

When additional requirements will be enforced Workforce Solutions must notify the contractor in writing the requirements to be imposed as well as the justification noted in the pre-award survey.

Lower Rio Grande Workforce Development Board – Workforce Solutions

Standard Operating Procedures
(Effective March 1, 2008)

POLICY

Workforce Service and Youth Workforce Service Delivery Models Contingency Plan

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OPERATING PROCEDURE

The Board shall ensure the un-interruption of services to the client population as well as the continued management of the Workforce centers pursuant to the applicable laws, regulations, and Commission policies.

The process shall involve two phases, the planning phase and the implementation phase.

Planning Phase

The Board shall update the bidders list with the current information for all respondents from the original procurement on an annual basis.

> A request will be sent to the respondents on an annual basis requesting updates for the contact person, address, phone, fax and email.
>
> The responses will be used to update the Board's bidders list.

The Board shall update the procurement documents to remain in compliance with the applicable laws, regulations and Commission polices.

On a semi-annual basis in January and July of the calendar year the Board will review and revise the scope of work of the procurement documents as needed.

If the current enforce contract is in jeopardy for material breech etc. the Board shall immediately begin the implementation phase of the process.

Implementation Phase

If the Board determines that a potential lapse or lapse in service is anticipated the Board shall implement the follow steps.

The Texas Workforce Commission's Workforce Development Division Director will be notified in writing of the potential lapse or lapse of services immediately upon official notice of the interruption or potential interruption of services.
The Board will immediately review potential alternatives to the lapse in services.
The review will include the following options.

Continuation with the current contracted service provider on a temporary basis not to exceed three months in compliance with the original procurement's renewal periods.

The submission of a sole source procurement to the Texas Workforce Commissions Workforce Development Division for a period not to exceed three months.

Review and release a revised formal procurement for the delivery of services in the service delivery areas in compliance with the applicable laws, regulations and Commission polices