



LANE WORKFORCE PARTNERSHIP

FINANCE POLICY # 4

Rescission: Fiscal Policy #4 Procurement and Purchasing (July 1, 2021)

References: Code of Federal Regulations 2 C.F.R. 200 and 200.317-326
Code of Federal Regulations 48 C.F.R. 2.101
Higher Education Coordinating Commission Office of Workforce
Investments Policy: Financial Management and Administrative
Standards (3/23/2020)

Effective Date: July 1, 2022

Topic: PROCUREMENT AND PURCHASING

Purpose:

The Lane Workforce Partnership (LWP) is committed to the primary principles of free and open competition in all procurement transactions. LWP shall honor this commitment to be fair and impartial in all its relations with vendors, contractors, and suppliers providing goods and services. This policy establishes the LWP policy regarding procurement activities. It is the intent of LWP, through this policy, to comply with all applicable federal and state laws and regulations, as they may change from time to time.

Policy:

It is the policy of the LWP to obtain goods and services through a procurement process that is most advantageous to LWP while providing for open, free and unrestricted competition. In conforming to this policy, the capability, capacity and historical performance of the supplier will be considered and weighed in the decision-making process. Supplier diversity, "Buy USA" recommendations and environmental impact will also be considered in the procurement process. Competitive bids will be solicited whenever possible and practical; in compliance with applicable federal and state regulations and local policy.

Procurement is defined as buying, purchasing, renting, leasing, or otherwise acquiring any product, supplies, professional services (including consultants), rental, equipment, construction, remodeling, or any other transaction that involves an expenditure of any LWP funds including program-specific services of program operators. This policy applies to all types of agreements including grants, contracts, and purchases of services, memos of understandings, and other legally binding procurement documents. Any purchase transaction must be processed with prior approval from LWP management to be a valid claim against LWP.

All purchases must comply with the following Federal Procurement Standards:

1. The purchase complies with local policy and procedures;
2. The purchase is necessary,
3. Avoid duplicative items, including analysis of lease vs. purchase.



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4. The purchase is made through open competition to the extent required;
5. The purchase does not violate the LWP Workforce Innovation and Opportunity Act Conflict of Interest Policy;
6. The purchase adheres to the LWP Workforce Innovation and Opportunity Act Fiscal Policy #9, Records Retention;
7. The purchase is supported by appropriate documentation.

LWP recognizes the following five methods of procurement:

1. Sealed bids: Bids are publicly solicited with a firm-fixed-price contract awarded to the responsible bidder selected.
2. Competitive proposals: Proposals are publicly solicited for either fixed-price or cost-reimbursement contract awards. Competitive proposals are generally used when conditions aren't appropriate for the use of sealed bids.
3. Small Purchase Methods (Simplified Acquisition Threshold): Small purchase procedures are relatively simple and informal methods used for securing services, supplies or other property that cost less than \$250,000. For small purchases, use the following steps:
 - a. Obtain price or rate quotes from an adequate number of qualified sources – generally three. Qualified sources should be able to demonstrate effectiveness in the provision of the good or service.
 - b. After choosing a qualified source, complete an LWP Request for Purchase (Blue) Form with comprehensive information including who the chosen vendor is, what is being purchased, the timeline, and why the purchase is necessary, reasonable, allowable and allocable.
 - c. For all purchases with a value greater than \$10,000, prior approval of the LWP Executive Director must be documented.
4. Micro-purchases: The acquisition of supplies or services with an aggregate dollar value less than \$10,000 may be made without soliciting quotations if LWP Management (Executive Director, Chief Operating Officer or Director of Workforce Programs) considers the purchase to be reasonable. A Request for Purchase (Blue) Form is completed with comprehensive information including who the chosen vendor is, what is being purchased, the timeline, and why the purchase is necessary, reasonable, allowable and allocable. Micro-purchases must be authorized by the LWP Executive Director, the LWP Chief Operating Officer or the LWP Director of Workforce Programs.
5. Non-competitive proposals (sole source): The reason for non-competitive procurement must be fully documented and authorized by the LWP Executive Director. Procurement by non-competitive proposal may be used when one or more of the following circumstances arise:
 - a. Item is only available from a single source;



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- b. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
A public exigency is defined as the need to start a new program or service within six months of a grant being awarded by proper authority. An emergency is any repair or purchase necessary to prevent some type of business disruption of more than 72 hours.
- c. If applicable, the federal awarding agency or pass-through entity expressly authorizes non-competitive proposals in response to a written request;
- d. After solicitation of a number of sources, competition is determined inadequate.

Real estate, regardless of the value, shall not be purchased.

The LWP reserves the right to accept or reject any or all offers for goods and services, and to accept the offer that appears to be in the best interest of LWP and its Board of Directors.

Procurement from any vendor who may have received an unfair advantage by providing substantial product specifications or contracted service standards for the price solicitation documents is not authorized.

Any vendor or contractor who, in the sole discretion of the LWP, may have received an unfair competitive advantage because of their involvement in preparation of the price solicitation document shall be disqualified from the procurement process and their price quotation/bid shall be rejected.

The LWP Executive Director shall ensure that procedures and systems are established and maintained to document and record all purchase transactions properly and accurately. The LWP Chief Operating Officer, under the direction of the LWP Executive Director, is operationally responsible for monitoring all purchase transactions and managing procedures to ensure compliance with required regulations.

Any LWP staff that fails to follow the Procurement and Purchasing Policy and related procedures or does not obtain proper, prior approval for a purchase, may be personally liable for the cost of the item or service procured.

LWP shall require all sub-contractors receiving funds administered by LWP to comply with this policy and applicable procurement procedures. It is the responsibility of each sub-contractor to become aware of all applicable regulations and to monitor financial activities to ensure compliance. LWP will review sub-contractor compliance with procurement and purchasing policies during the annual monitoring process.

Tiffany Cink

Tiffany Cink
Chief Operating Officer

TC
07/01/2022