

POLICY

PROCUREMENT AND PURCHASING

1) BACKGROUND

As a Department under the Will County Executive's Office, the Workforce Investment Board must adhere to the Purchasing Procedures adopted by the Will County Board.

These purchasing procedures ensure that:

- All Workforce Investment Board of Will County reimbursements comply with applicable federal, state, and local laws, regulations, and policies;
- Provide safeguards for the maintenance of a reimbursement system of quality and integrity; and
- Provide guidelines for purchases of equipment, materials, supplies, and services for the operational requirements of the Workforce Investment Board, and the reimbursement of those purchases.

2) OBJECTIVES

The underlying purposes and policies of this ordinance are:

- A. to invite competition, to guard against favoritism, improvidence, extravagance, fraud, and corruption, and to secure the best work or supplies at the lowest possible price;
- B. to provide for fair and equitable treatment of all persons involved in purchasing by the Workforce Investment Board of Will County;
- C. to provide to increased public confidence in the procedures followed in public procurement;
- D. to simplify, clarify, and modernize the policies governing procurement by the Workforce Investment Board of Will County;
- E. to maximize to the fullest extent practicable, the purchasing value of public funds in procurement;
- F. to foster broad-based competition within the free enterprise system;
- G. to provide safeguards for the maintenance of a procurement system of quality and integrity; and
- H. to provide guidelines for purchases of equipment, materials, supplies, and services for the operational requirements of the Workforce Investment Board of Will County, insuring competitive and unbiased selection of vendors.

3) RECOMMENDATIONS

As a department under Will County, the Workforce Investment Board shall follow the purchasing and procurement policies of the County of Will as provided in the Will County Purchasing Ordinance.

This Ordinance and amendments can be accessed at:

http://www.willcountyillinois.com/Portals/0/Purchasing_Ordinance_11-20-08.pdf

4) COMPARATIVE COST ANALYSIS

The Workforce Investment Board shall ensure that documentation of a comparative cost analysis when there are not multiple bidders responding to an RFP to confirm the reasonableness of the proposed contract and for procurement actions in excess of the simplified acquisition threshold as required in Uniform Guidance 2 CFR 200.323(a). This documentation (Attachment 1) will include:

- Cost information regarding the service or product that is being procured;
- The source and date that the information was compiled;
- The conclusion / recommendation of the comparative cost analysis and rationale;
- Information regarding who completed the analysis;
- Signature of individual that completed the analysis.

5) ONE-STOP-OPERATOR PROCUREMENT

Consistent with the Uniform Guidance and as required under WIOA Regulations (20CFR 678.605(d)), Attachment 2 provides written documentation explaining the determination and nature of the competitive process to be followed in selecting a One-Stop Operator. This Attachment also includes the 4 year timetable for the procurement and the process for settling all contractual and administrative issues arising out of procurements.

Last Revision: June 12, 2017
Motion: Herb Brooks
Second: Don Moran

Previous Revision: February 8, 2016
Motion: Pete McLenighan
Second: Nancy Baldwin

**Workforce Investment Board of Will County
Cost and Price Analysis Worksheet
Revised 12/15**

Part I Contract Information:

Name of Contractor: _____

Type of Contract (professional service, material, construction, etc.): _____

Comparison to in-house estimate (for all procurements, attach estimate). A cost analysis as is done before the RFP is issued. The purpose is to establish reasonableness of cost for negotiation purposes. This is required for any professional services contract for which a standard scale does not exist.

Part II Price Analysis:

The price analysis was conducted based on one or more of the following (check those that apply and attach documentation).

- Sealed bid with 2 or more responsible bidders and the low bidder was selected (documentation of compliance ordinances and laws regarding advertisements and other compliance requirements regarding direct solicitations, bid opening minutes, original bid envelopes, and bid tabulation).
- Small purchase with documented phone or fax quotations from an adequate number of offerors and the lowest price was selected (documentation indicating the name of the contact person, phone number, date and time of call, and a description of what the quote was based on).
- Small purchase with documented published price lists from 2 or more vendors and the lowest price was selected (documents of published prices from catalogues, web pages, or faxed price lists).
- Competitive proposals (RFPs) where price was part of the proposal and there were 2 or more offerors.

Part III Cost Analysis:

If one or more of the boxes above is not checked, an additional cost analysis is necessary. Please check each of the boxes below which apply and provide narrative and/or documentation as necessary.

A: Has the grantee determined that each of the cost items listed by the contractor is:

- The cost is allowable (see 24 CFR Part 85, 85.22)

Explanation of determination: _____

- The cost is allocable (logically related to the performance of the contract)

Explanation of determination: _____

The cost is reasonable (what a prudent business would pay in a competitive marketplace). This portion of the cost analysis must be done independently and should compare costs for comparable projects or activities.

Explanation of determination: _____

The cost is necessary

Explanation of determination: _____

B: Costs items submitted by the contractor (attach copies of the rates along with verifiable citations).

Hourly/Daily rate with estimate of hours/days

Published rates schedules for the same activity from a state or federal program

Other historical cost data that has already been established as reasonable

Actual Costs and proposed profit (provide support documentation such as payrolls, etc., explanation of cost item, and justification for each cost item checked below).

Personnel Costs: \$ _____ Details: _____

Travel Costs: \$ _____ Details: _____

Equipment Costs: \$ _____ Details: _____

Supply Costs: \$ _____ Details: _____

Other Direct Costs \$ _____ Details: _____

Indirect Costs \$ _____ Details: _____

Proposed Profit: \$ _____ Details: _____

Part V Cost/Price Reasonableness Certification:

I have reviewed and compared the price and cost data provided by the contractor and have determined that the costs proposed are necessary and reasonable for the work to be performed by the contractor.

Signature of Reviewer

Date

Printed Name

Date

Workforce Investment Board of Will County One-Stop Operator Procurement Policies

The Workforce Investment Board of Will County must select their One-Stop Operator through a competitive process at least once every four years (WIOA sec. 121(d)(2)(A)). The competitive process must comply with 2 CFR § 200, including the Department of Labor specific requirements at 2 CFR part 2900. As part of that competitive process, the Workforce Investment Board of Will County will clearly articulate the expected role(s) and responsibilities of the One-Stop Operator (20 CFR § 678.620(a)) and include the role(s) and responsibilities in the resulting contract/MOU.

All procurements will be conducted using competitive request for proposals as required under 2 CFR 200.320(d) and allow for full and open competition. The procurement shall ensure that the proposed costs of the one-stop operator are reasonable, necessary, and allocable, as required in the Uniform Guidance at 2 CFR part 200.

The Workforce Investment Board of Will County will adhere to strict standards of conduct ensuring fairness and objectivity during all phases of the procurement process. These standards include the following:

- All persons involved in the competitive process to select a one-stop operator must be free of apparent or real conflicts of interest as required by the Workforce Investment Board of Will County's By-Laws, Article VI, Section 5.
- All real or apparent conflicts of interest, whether individual or organizational, must be disclosed and individuals must recuse themselves from discussion and voting on the procurement.
- All information contained in the proposals submitted is maintained in a confidential manner to avoid the use of the information to another bidder's advantage and prevent collusive bidding.
- No entity that develops or drafts the procurement specifications, requirements, statements of work, RFP, or evaluations may compete under the procurement.
- The entire procurement process will be performed under a process that promotes transparency including the selection and certification of a one-stop operator. This information will be made available to the public through electronic means and open meetings and allow for public comment and participation.
- The procurement process will be detailed in a written document (see attached for PY15 One-Stop Operator procurement).

All contractual and administrative issues arising out of procurements will be handled in the manner outlined in the One-Stop Operator Procurement RFP which states: In the event a proposer wishes to file a grievance in connection with the process, a grievance procedure is available and may be obtained from the Workforce Investment Board Office (also included as Attachment 3). Grievances related to this proposal must be filed in writing within 10 days of the public Workforce Investment Board

meeting at which proposals are selected for award and must comply in all other respects to the information requested and service requirements as stated in the Workforce Investment Board grievance and complaint policy.



Workforce Investment Board Workforce Innovation and Opportunity Act Grievance and Complaint Procedures

Who Can File

All persons who are program applicants, participants, or staff under the Workforce Innovation and Opportunity Act (WIOA), all contractors and grantees, and sub recipients thereof, WIOA funds, and all interested persons shall be afforded the opportunity to resolve, by means of administrative process, any alleged violation of the Act, federal regulations promulgated pursuant thereto, any grant, contract or other agreement entered into pursuant to the Act.

Time Limits

A time limit begins upon receipt of a written complaint whether or not the complaint received has insufficient information. Time limits have been established to ensure both expeditious resolution of complaints, and provide necessary time for adequate review of all appropriated material. Should an aggrieved person(s) or entity neglect to adhere to the time requirements set throughout this procedure, the aggrieved party(ies) are considered to have abandoned his/her complaint and the matter shall be considered resolved. In turn, failure by management to render a decision within an allotted time at any step constitutes denial and the complaint may proceed to the next step.

Policy/Confidentiality

It is the policy of Department of Commerce and Economic Opportunity (DCEO) and the U.S. Department of Labor that no one be punished for filing a complaint under WIOA. It is also the policy not to discuss the identity of any person who has furnished information or assistance in the investigation of a WIOA violation unless absolutely necessary, nor may any person, organization, or agency discharge or in any way discriminate or retaliate against a person for the filing of a complaint or the rendering of testimony in any proceeding or investigation.

Various Types Of Complaints May Be Filed:

Fraud/Abuse Complaints

Complaints concerning fraud, abuse or criminal activity shall be reported immediately to the Department of Labor.

Labor Standards Complaints

Complaints concerning labor standards violations will follow the procedures outlined under local level.

State Level Complaints

Complaints arising from actions taken by DCEO i.e., monitoring, sanctions, investigations are filed directly at the State level and the hearing would then be made through an Independent State Review. Complaints should be mailed to:

State Equal Opportunity Compliance Officer and Investigator
Director's Office - Office of Equal Opportunity Monitoring and Compliance
Illinois Department of Commerce and Economic
500 E. Monroe Street, Springfield, IL 62701

Discrimination Complaints

If a complaint concerns discrimination on the basis of race, color, national origin, age, sex, religion, disability, political affiliation or belief, and for beneficiaries only citizenship or participation in programs funded under WIOA, The complaint shall be filed with the local level recipient or the US Department of Labor, Directorate of Civil rights (DOL/DCR). Complaints must be filed not later than 180 days of alleged discrimination. An extension of the 180-day filing period may be granted for good cause shown by the complainant. Only the Director of the Civil Rights Center of the U.S. Department of Labor can

grant this extension. Discrimination complaints will follow the procedures as outlined under “Equal Opportunity is the Law”

Local Level Complaints

Complaints concerning program discrimination, i.e. hiring, promotions, working conditions, disciplinary actions, pay disputes, shall be filed at the local level within 180 days from the date of alleged incident. The complaint procedures involve several steps, some of which are combined responsibilities of the complainant and the WIOA. A complaint may be filed by submitting to:

Kim McCarthy, EO Officer - Workforce Services Division
2400 Glenwood Avenue, Joliet, IL 60435
kmccarthy@willcountyillinois.com Phone: 815-723-3867

Complaints concerning WIOA contracting and procurement shall be filed at the local level within 10 days from the date of alleged incident. The complaint procedures involve several steps, some of which are combined responsibilities of the complainant and the WIOA. A complaint may be filed by submitting to:

Workforce Investment Board Director
116 N. Chicago Street, Suite 101
Joliet, IL 60432
Phone: 815-727-5670

Filing Complaints

Applicants, participants, subgrantees, subcontractors, staff and other interested persons, hereto referred to as the complainant, shall notify the Grant Recipient’s or the Administrative Entity’s Equal Opportunity Officer when filing a complaint. Complainants shall be advised of their rights to have the complaint resolved either informally or by submitting a written complaint. A written complaint shall be filed by either completing the State of Illinois Workforce Innovation and Opportunity Act Complaint Form or the written complaint shall contain the following information: must be signed by the complainant or his/her authorized representative, contain the complainants name and address (or specify other means of contacting him/her); identify the respondent; and describe the complainant’s allegations in sufficient detail to allow the Directorate of Civil Rights or the recipient, as applicable, to determine whether, the Directorate or recipient, as applicable, has jurisdiction over the complaint; the complaint was timely filed; and has apparent merit. The EO Officer must assist the complainant when a written complaint is filed.

Informal Resolution

Nothing in the state or federal statute or regulations precludes the use of informal mechanisms for the resolution of all complaints and prospective complaints under WIOA. Complainants shall be encouraged, but not required to, informally resolve complaints. The complainant should first notify the proper authority at the local level of the alleged violation. Prior to the commencement of the investigation, pre-hearing conference, or hearing activities conducted by the WIOA, attempts shall be made to resolve a complaint with the involved supervisor. Upon receipt of a written complaint, the EO will log, investigate and review the allegations prior to a pre-hearing conference so that an appropriate resolution can take place at the meeting.

Within 10 days of receipt of the written complaint by the WIOA, they will forward to the complainant and other involved parties, a report outlining the judgment on the issues: and the complainant shall request a formal hearing.

Formal Request For A Hearing

A formal complaint shall be filed by either submitting the State of Illinois Workforce Innovation and Opportunity Act Complaint Form or the required information requested under Filing Complaint.

Upon request for a formal hearing, the WIOA shall appoint an impartial Hearing Officer to hear the complaint. The Hearing Officer shall schedule a hearing to convene within 30 days of receipt of written complaint. Written notification shall be sent by the Hearing Officer to interested parties stating the date, time and place of the formal hearing and the issues to be heard.

Conduct Of Hearing

Complainants and respondents shall make every effort possible to be present at the hearing. However, if they are unable to present, a 48 hour prior written notice must be given to the Hearing Officer. In the event circumstances arise prior to the hearing which, in the opinion of the Hearing Officer, is such as to be beyond the reasonable control of the complainant or respondent to prevent their attendance at the hearing, the Hearing Officer shall reschedule the proceedings. If the Hearing Officer determines that the complainant's or respondent's failure to attend the hearing is not beyond their reasonable control, the hearing shall be held in his/her absence.

All parties involved shall have the right to be accompanied by an attorney or other duly authorized representative; and the right of presenting any witness(es) or to introduce any evidence desired, subject to the approval of the Hearing Officer. The complainant shall be permitted access to WIOA files which would be germane to the complainant's allegations. Complainant's may be questioned and may also question any of the parties or witnesses at the hearing.

Hearing Officer's Decision

A written decision shall be prepared and distributed by the Hearing Officer to the complainant and all parties who attended the hearing within 90 days of the filing of the complaint. The conclusions or opinions of the decision shall be based upon facts and evidence presented during the hearing and shall address each issue raised in the complaint either a statement of the recipients' decision, or a description of the way the parties resolved the issue. The decision shall be based upon facts and evidence presented during the hearing. The decision of the Hearing Officer shall contain a statement of the issues; synopsis of facts, a statement of reasons for the decision, remedies; and, the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if her or she is dissatisfied with the recipient's final action on the complaint.

WIOA Public Law 113-128 Non-Discrimination Section 188 States In Part

For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C.6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

No individual shall be excluded from the participation in, denied the benefits of, subject to discrimination under, or denied employment in the administration of or in connection with, and such a program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with the respect to maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights to provide to, the individual, solely because of the status of the individual as a participant.

Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Equal Opportunity Is The Law

It is against the law in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiaries of programs financially assisted under the Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in a WIOA Title I financially assisted program or activity. The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity; Providing opportunities in, or treating any person with regard to, such a program or activity; or Making employment decisions in the administration of, or in connection with such a program or activity.

What to do if you believe you have experience discrimination. If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with the recipient's Equal Opportunity Officer, or you may file a complaint directly with the Director of the Civil Rights Center (CRC), US Department of Labor (USDOL), 200 Constitution Avenue, NW Room N-4123, Washington, D.C. 20210. If you file your complaint with the recipient, you must wait either until the recipient issues a written notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.