

04 Procurement Policy

It is the policy of TRWIB Inc., dba Partner4Work (“P4W”) to follow a practice of transparent, ethical, economical, responsible, and reasonable procedures in all matters related to purchasing, agreements, contracts, and related forms of commitments. Partner4Work has developed this procurement policy in adherence with all established government mandated regulations and standards to control all purchases of goods and services and to encourage maximum levels of competition. Partner4Work employees and representatives will follow the policies detailed in this policy.

1.1 Definitions

BWDA Bureau of Workforce Development Administration

Contract (2 CFR 200.22) a legal instrument by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award.

Contractor (2 CFR 200.23) an entity that receives a contract as defined in “Contract” above, also:

Contractor (in relation to definition vs. subrecipient) (2 CFR 200.330) A contract is for the purpose of obtaining goods and services for the non-Federal entity's own use and creates a procurement relationship with the contractor. See § 200.22 Contract. Characteristics indicative of a procurement relationship between the non-Federal entity and a contractor are when the contractor:

- (1) Provides the goods and services within normal business operations;
- (2) Provides similar goods or services to many different purchasers;
- (3) Normally operates in a competitive environment;
- (4) Provides goods or services that are ancillary to the operation of the Federal program; and
- (5) Is not subject to compliance requirements of the Federal program as a result of the agreement, though similar requirements may apply for other reasons.

(2 CFR 200.330 (c)) Use of judgment in making determination. In determining whether an agreement between a pass-through entity and another non-Federal entity casts the latter as a subrecipient or contractor, the substance of the relationship is more important than the form of the agreement. All of the characteristics listed above may not be present in all cases, and the pass-through entity must use judgment in classifying each agreement as a subrecipient or a procurement contract.

Cost Analysis is done for a subrecipient, and is the review and evaluation of the separate cost elements and profit or fee in an offeror's or contractor's proposal to determine a fair and reasonable price

Cost Basis is done for a vendor contract, and is an understanding of what a particular contract, service, or product cost is going to be based on background knowledge such as (but not limited to) previous or recently collected contract value or purchase price of said contract, service, or product.

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Equipment (2 CFR 200.33) tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000.

Federal Awarding Agency (2 CFR 200.37): The Federal agency that provides a Federal Award directly to a non-Federal entity.

Intangible Property (AKA Intellectual Property, or “IP”): The Uniform guidance (§200.59) defines Intangible property as property having no physical existence, such as trademarks, copyrights, patents and patent applications and property, such as loans, notes and other debt instruments, lease agreements, stock and other instruments of property ownership (whether the property is tangible or intangible).

Price Analysis the process of examining and evaluating a proposed price without evaluating its separate cost elements or the proposed profit

RFP Request for Proposals, part of solicitation for a competitive procurement where justification of the awardee is based on a predetermined evaluative system / scorecard that is released as part of the RFP, and a formal RFP committee is required to grade the proposals based on said evaluative system. ¹

RFQ Request for Quote, part of solicitation for a supplier or contractor that requires two or more quotes (otherwise it may qualify as sole source- 1.6.6) where a justification is made in writing as to which one is selected and why. No formal committee or evaluative criteria is needed and the justification can be based on any one or a combination of cost, value, or quality. ²

Subaward (2 CFR 200.92) an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

Subgrant a subaward using only private funding.

Subrecipient (2 CFR 200.330) a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of

¹ Note that these definitions for RFP and RFQ are defined by P4W in an effort to unify internal vernacular and better comply with federal, state, and local procurement policy

² See footnote above

such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency.

Characteristics which support the classification of the non-Federal entity as a subrecipient include when the non-Federal entity:

- (1) Determines who is eligible to receive what Federal assistance;
- (2) Has its performance measured in relation to whether objectives of a Federal program were met;
- (3) Has responsibility for programmatic decision making;
- (4) Is responsible for adherence to applicable Federal program requirements specified in the Federal award; and
- (5) In accordance with its agreement, uses the Federal funds to carry out a program for a public purpose specified in authorizing statute, as opposed to providing goods or services for the benefit of the pass-through entity

Supplies (2 CFR 200.94) Supplies means all tangible personal property other than those described in §200.33 Equipment. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the non-Federal entity for financial statement purposes or \$5,000, regardless of the length of its useful life. See also §§200.20 Computing devices and 200.33 Equipment.

TANF Temporary Assistance for Needy Families

WIOA Workforce Innovation and Opportunity Act

1.2 Conflict of Interest

P4W (Partner4Work) has a Conflict of Interest policy, signed by the board, P4W Handbook 103, which all employees must sign. AnyRFP/RFQ evaluators must also complete Conflict of Interest declarations.

1.3 Non-Discrimination Policy

An employee, representative, contractor, or subrecipient conducting procurement on behalf of or in association with P4W shall maintain an Equal Employment and Non-Discrimination Policy that complies with their grant award requirements. P4W shall adhere to their internal policies in the P4W Handbook, sections 501, 502, and 503.

1.4 Whistleblower/No Retaliation Policies

P4W maintains a policy to protect Whistleblowers, Partner4Work Handbook policy 504. Employees may report any suspected violations of procurement policies, regulations, or conflicts of interest internally, through public officials, or directly to funding agencies in accordance with this provision. To report fraud, waste and abuse in government agencies/programs, call 1-855-FRAUD-PA (1-855-372-8372).

1.5. Additional Requirements

1.5.1 Consideration of Minority, Small, Women-Owned, Veteran-Owned, and Disabled Veteran-Owned Businesses; and Businesses in Labor Surplus Areas (2 CFR 200.321 and State Financial Guide)

Steps will be taken to assure that minority or women-owned, small businesses, labor surplus area businesses, and veteran-owned businesses are used when possible. These steps are:

- A. Placing qualified small businesses; minority, veteran, service-disabled-veteran-owned businesses and women's business enterprises on solicitation lists;
- B. Assuring that small businesses; minority, veteran, service-disabled-veteran-owned businesses and women's business enterprises are solicited whenever they are potential sources;
- C. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- D. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- E. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- F. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section.

1.5.2 Prohibited Contracts (2 CFR 200.216)

No telecommunication device contracts will be extended to Huawei Technologies Company, ZTE Corporation, Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, Dahua Technology Company, and any of their many subsidiaries or affiliates

1.6 Purchasing Process and Authorization Levels

The procurement process and the approvals required at each level are summarized below.

Procurement Levels			
Procedure	Value of Purchase	Required Approval	Form
Micro-purchase	\$0-2,999.00	Supervisor and Fiscal	Purchase Request
Small Purchase	\$3,000 to \$49,999.99 and if	P4W Officer Level; two independent quotes/bids required.	Procurement Request

	required by funding		
RFP/RFQ Process	\$50,000 to \$149,999 and if required by funding	P4W Officer Level and Follow RFP/RFQ Process	Procurement Request
RFP/RFQ Process	\$150,000 or higher	Follow RFP/RFQ Process	Procurement Request
Equipment	Equipment totaling \$5,000 each or in aggregate	Prior Federal or BWDA approval (as appropriate), CFO	Procurement Request

All contracts utilizing federal, state, or local grant funding must be approved by Partner4Work’s Executive Committee and included on the consent agenda for the Full Board of Directors.

All contracts in excess of \$250,000 utilizing private funding must be approved by Partner4Work’s Executive Committee and included on the consent agenda for the Full Board of Directors.

Any contract directly benefiting a Partner4Work board member, a former board member, or former employee must be approved by Partner4Work’s Executive Committee and included on the consent agenda for the Full Board of Directors.

1.6.1 General Guidelines to Evaluate Contractor/Sub Recipients

Alternative contractor/sub recipients shall be evaluated on a weighted scale that considers the following criteria:

- A. Adequacy of the proposed methodology of the contractor/sub recipient;
- B. Skill and experience of key personnel;
- C. Demonstrated company experience;
- D. Other technical specifications (designated by department requesting proposals);
- E. Compliance with administrative requirements of the request for proposal (format, due date, etc.);
- F. Contractor/sub recipient’s financial stability;
- G. Contractor/sub recipient’s demonstrated commitment to the nonprofit sector;
- H. Results of communications with references supplied by contractor/sub recipient;
- I. Ability/commitment to meeting time deadlines;
- J. Cost;

- K. Minority, women-owned business, labor surplus area, veteran owned, or small diverse business (sdb is for state contracts only) status of contractor/sub recipient; and
- L. Other criteria (to be specified by department requesting proposal).

Not all of the preceding criteria may apply in each purchasing scenario. However, in each situation requiring consideration of alternative contractor/sub recipients, the department responsible for the purchase shall establish the relative importance of each criterion prior to requesting proposals and shall evaluate each proposal on the basis of the criteria and weighting that have been determined. In following Commonwealth policy, if the lowest cost contractor/sub recipient is not selected, Partner4Work will provide sufficient justification.

After a contractor/sub recipient has been selected and approved by the department director, the final selection shall be approved by the CEO and the Executive Committee and included for approval on the Board consent agenda.

All contracts involving board members, former board members, or former employees as owners, officers, or board members of an offeror must be approved prior to signing by the Partner4Work's Executive Committee.

1.6.2 Micro-Purchase Policy

Procurement by micro-purchase is the acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold for the funding source. To the extent practicable, Partner4Work will distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if Partner4Work considers the price to be reasonable.

1.6.3 Small Purchase Policy

Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold as defined in 2 CFR Part 200, or State Procurement Thresholds. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources, with a minimum of two required, written quotes.

1.6.4 RFP/RFQ Policy

The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids.

If this method is used, the following requirements apply:

- A. Purchases must be approved by the CEO and an additional C-level representative of Partner4Work;
- B. Written cost/price estimates are required in advance for each RFP \$150,000 or higher;
- C. RFPs \$150,000 or higher must be advertised for at least 30 days and in two places, one of which must be the Partner4Work website, by the Communications Department **with the**

- exception of Goods and Services; RFP's/RFQ's \$50,000 to \$150,000 must at a minimum be advertised on the P4W website;
- D. Goods and Services are required to be advertised for a lesser period, at least 14 days and are only required to be advertised on Partner4Work's website; These items have standardized pricing and are not commonly negotiated.
 - E. Any deviation to this or any other policy herein requires written approval of the Executive Committee of the Board of Directors;
 - F. RFP's/RFQ's must be sent to all appropriate entities on the Partner4Work bidder list and identify all evaluation factors and their relative importance;
 - G. Any response to requests for proposals or quotes must be considered to the maximum extent practical;
 - H. Proposals must be solicited from an adequate number of qualified sources;
 - I. Bidders conferences may be held at the discretion of P4W for RFP's;
 - J. Bidder Questions will be answered in a public format at least one week before the bid due date;
 - K. An evaluator list will be developed and approved before bids are due;
 - L. Evaluators will complete a conflict of interest form prior to participating in the process. When a conflict of interest is identified, an evaluator shall not assess a proposal in which they have the conflict;
 - M. RFP's/RFQ's over \$50,000 will require at least 3 evaluators;
 - N. RFP's over \$500,000 will require at least 5 evaluators;
 - O. Evaluators will be given adequate time to evaluate bids;
 - P. A risk assessment of each bidder will be completed and included in the evaluation criteria;
 - Q. Contracts will be awarded to the responsible provider(s) whose proposal(s) is(are) most advantageous to the program, with price and other factors considered; and
 - R. Unsuccessful and successful bidders will be notified in writing within two weeks of the decision;
 - S. A debrief of an unsuccessful bidder may be requested and may be performed at the discretion of P4W.

1.6.5 Sealed Bids Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction. Make sure to follow all federal, state, and local policy regarding small and diverse business solicitation.

- A. In order for sealed bidding to be feasible, the following conditions should be present:
 - (i) A complete, adequate, and realistic specification or purchase description is available;
 - (ii) Two or more responsible bidders are willing and able to compete effectively for the business; and
 - (iii) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

B. If sealed bids are used, the following requirements apply:

- (i) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (ii) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (iii) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (iv) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (v) Any or all bids may be rejected if there is a sound documented reason.

1.6.6 Noncompetitive Proposals (Sole Source) Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

- A. The item is available only from a single source; or
- B. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; or
- C. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
- D. After a complete and rigorous solicitation of a number of sources, competition is determined inadequate.

1.6.7 Equipment Equipment purchased with federal or state pass-through monies will adhere to uniform guidance provisions in 2 CFR 200.313, 2 CFR 200.439, and any applicable state, WIOA, DOL or funder regulations specific to that contract.

Equipment and other capital expenditures charged to Federal awards will be subject to certain additional policies as described below:

For purposes of Federal award accounting and administration, "equipment" will include all assets with a unit cost equal to the lesser of \$5,000 or the capitalization threshold utilized by Partner4Work, which is currently \$5,000.

All purchases of "equipment" with federal funds will be approved in advance in writing by the federal or State awarding agency. In addition, the following policies will apply regarding equipment purchased and charged to federal or state awards:

1. Any equipment that is owned by the Federal government and given to Partner4Work for use in a program will be marked as such;
2. Adequate insurance coverage will be maintained with respect to equipment and capital expenditures charged to Federal awards;
3. Approve or disapprove all lower tier requests for the purchase of property in accordance with the applicable requirements. Copies of all approvals and WIOA (or local) tag number(s) assigned must be maintained at the grantee/fiscal agent's office and made available for review by authorized representatives. For sub grantee purchases with a unit acquisition cost of \$5,000 or more, the grantee/fiscal agent must obtain the BWDA's approval;
4. If property was purchased using WIOA funding, notify the BWDA of excess property with a unit acquisition cost of \$5,000 or more;
5. Establish a control system that will safeguard all property against loss, damage or theft; and
6. Maintain policies and procedures for leasing or renting non-expendable personal property;
7. Each lower tier sub grantee is responsible for establishing and maintaining an adequate system of property management. That system must adhere to all applicable requirements, including those of the grantee/fiscal agent from which funding is received. The lower-tier sub grantee must also identify and safeguard all property acquired with said funds.
8. A physical inventory of all equipment purchased with federal funds will be performed annually by the Operations Department as necessary. The results of the physical inventory will be reconciled to the accounting records of state and federal reports filed by Partner4Work.

1.6.8 Intellectual Property and how it is handled depends on the funding source used to create it. In some cases it may be prudent to contractually mandate that no IP will be generated as a result of the contract in order to avoid IP disputes with external entities. See below for how to deal with IP as relates to specific funding streams.³

- **Pennsylvania State:** According to the PA state financial management guide, all Intellectual property created as a result of PA monies must be open source and licensed under Creative Commons.
- **Direct Federal:** From the uniform guidance (§200.59, §200.315) exclusive rights to IP created with these monies can legally be given to the entity that created it. For very specific line item fiscal constraints see the above UG references. In addition to UG, The Bayh Dole Act permits businesses (large and small) and nonprofits (including universities) to retain ownership of the inventions (including IP) made under federally funded research and contract programs, *while*

³ If you are ever in doubt of how any money can be spent, there is always a grant or project officer that is the official representative of the funder whose role is (among other things) to answer any expenditure or compliance related questions.

also giving the government the license to practice the subject invention. Current P4W contract template language references this act appropriately.

- **Private or Foundation:** These are specific to the grant agreement in question. That said it is very rare to have IP restrictions with private or foundation dollars.

1.6.9 Contract Requirements Partner4Work is required to enter into contracts for goods and services when certain criteria are met. Below are guidelines for determining when a contract is required. Consult with the Contracts Management department if further clarification is necessary. All other purchasing procedures still apply.

GUIDELINES FOR DETERMINING WHEN A CONTRACT IS REQUIRED					
NO Contract Required	One single delivery of service	Most goods purchased under \$3,000	Not project/program related	No performance outcomes	Services less than \$3000 (in total by project or projects)
Contract Required	Multiple deliveries of service	Most goods purchased over \$3,000	Related to project/program	Performance outcomes required	Services totaling more than \$3000 (in total by project or projects)

All contracts are approved at the Partner4Work C-level. Contracts are not considered approved until they are executed with the CEO's or CSO's signature.

1.7 Contract Cost and Price (2 CFR 200.323)

1. Partner4Work will perform a cost or price analysis in connection with every procurement at the RFP Policy level, including contract modifications. The method and degree of analysis will be dependent on the facts surrounding the particular procurement situation, but as a starting point, Partner4Work will make independent, documented estimates before receiving bids or proposals and retain records of these estimates.

2. Where applicable, Partner4Work will negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
3. Costs or prices based on estimated costs for contracts under the Federal award are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for Partner4Work under Subpart E – Cost Principles-of the Uniform Administrative Guidance 2 CFR Part 200. Partner4Work may reference its own cost principles that comply with the Federal cost principles.
4. The cost plus a percentage of cost and percentage of construction cost methods of contracting are not allowable.

1.8 Procurement Review (2 CFR 200.324)

1. Partner4Work will make available, upon request by the Federal awarding agency or pass-through entity, technical specifications on proposed procurements where the Federal awarding agency or pass-through entity believes such review is needed to ensure that the item or service specified is the one being proposed for acquisition.
2. Partner4Work will make available upon request, for the Federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates when the circumstances detailed in 200.323(b) apply.
3. Partner4Work is exempt from the pre-procurement review if the Federal awarding agency or pass-through entity determines that its procurement systems comply with this part.
 - a. Partner4Work may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis.
 - b. Partner4Work may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal awarding agency may rely on written assurances from Partner4Work that it is complying with these standards. Partner4Work must cite specific policies, regulations, or standards as being in compliance with these requirements and have its system available for review.

1.9 Bonding Requirements (2 CFR 200.325)

For construction or facility improvement contracts or subcontracts exceeding the Simplified Acquisition Threshold, the Federal awarding agency or pass-through entity may accept the bonding policy and requirements of the non-federal entity provided that the Federal awarding agency or pass-through

entity has made a determination that the Federal interest is adequately protected. If such a determination has not been made, the requirements of 200.325(a) – (c) must be followed.

1.10 Contract Provisions (2 CFR 200.326)

Partner4Work contracts must contain the applicable provisions described in 2CFR Appendix II to Part 200 – “Contract Provisions for non-Federal Entity Contracts Under Federal Awards”.

- Scope of work describing the good(s) and/or service(s) being procured;
- Federal and state employer’s tax identification number and nature of the company (non-profit, profit, local government);
- Certifications, assurances, clauses, and conditions required by USDOL, state, or local policies;
- Required budget;
- State of financial, capability-certified financial statements or single A-133 audit report;
- Required performance measures;
- Reporting requirements;
- Applicability and compliance with required statute and/or regulations;
- Equal Employment Opportunities;
- Copeland Anti-Kickback Act;
- Davis Bacon Act;
- Compliance with all applicable standards, orders, or requirements issued under the Clean Air Act, Clean Water Act, and the Environmental Protection Agency regulations for contracts/grants exceeding \$150,000;
- Mandatory standards and policies relating to energy efficiency that are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act;
- Patent rights;
- Copyrights and rights to data;
- Byrd Anti-Lobbying Amendment; and
- Debarment and suspension and integrity requirements.
- Administrative, contractual, or legal remedies for violations, default, and/or breach of contract;
- Termination for cause and for convenience;
- Ownership and access to records and retention requirements;
- Audit requirements;
- Access by the grantee, federal, and state personnel or any of their duly authorized representatives to any books, documents, papers, and records of the contractors that are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions; and
- Modifications.

1.11 Subrecipient and Contractor Determinations (2 CFR 200.330)

Partner4Work will make a case-by-case determination whether each agreement it makes for the disbursement of Federal program funds casts the party receiving the funds in the role of a subrecipient or a contractor (see Subrecipient and Contractor in the Definitions section of this policy). In determining whether an agreement between Partner4Work and another non-Federal entity casts the latter as a subrecipient or a contractor, the substance of the relationship is more important than the form of agreement. Partner4Work will use judgment in classifying each agreement as a subaward or a procurement contract. In compliance with 2 CFR 200.330.

1.12 Post–Award Administration (WORKFORCE SYSTEM POLICY (WSP) No. 03-2015, Chapter 10)

Partner4Work will provide technical assistance to all sub recipients when appropriate and upon request of a sub recipient. Partner4Work will also provide programmatic monitoring, careful analysis of performance, and the review of documentation and reports.

1.13 Closeout (2 CFR 200.343)

Partner4Work will close-out federal or pass through award when it determines that all applicable administrative actions and all required work of the have been completed using the following time-line and steps:

1. No later than 90 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the award will be submitted. If this is not possible, an extension will be requested.
2. Partner4Work will liquidate all obligations incurred under the award not later than 90 calendar days after the end date of the period of performance as specified in the terms and conditions of the award.

Partner4Work will promptly refund:

- any balances of unobligated cash that were paid in advance to Partner4Work by the government
 - any monies paid out to subs or contractors that P4W was not authorized to give
 - any monies used on projects not previously authorized by the funder
 - See OMB Circular A-129 and see § 200.345 Collection of amounts due for requirements regarding unreturned amounts that become delinquent debts.
3. Consistent with the terms and conditions of the award, Partner4Work must make a settlement for any upward or downward adjustments to the Federal or state share of costs after closeout reports are received.
 4. Partner4Work will account for any real and personal property acquired with Federal funds or received from the Federal Government in accordance with §§ 200.310 (Insurance coverage) through 200.316 (Property trust relationship) and 200.329 (Reporting on real property).
 5. Partner4Work will complete all closeout actions for Federal and state awards no later than one year after receipt and acceptance of all required final reports.

1.14 Procurement File Standards – Record Retention (2 CFR 200.333)

Partner4Work will maintain records and files for all large purchases and shall include at a minimum: a) the basis for subrecipient selections; b) justification for lack of competition when competitive bids or offers are not obtained; and c) a cost or price analysis. Procurement records will be retained for seven (7) years after final payment on a contract and all other matters are closed. Records shall detail the significant history of procurement. These records may include, but are not necessarily limited to, the following:

1. Identification of Service or Goods;

2. Cost Estimate;
3. Proof of Publication;
4. Proof of Attempts at Identification of Potential Providers;
5. Request for Proposal Package;
6. Bidder's Conference Publication, Agenda, and Minutes;
7. Responses to Requests for Proposal;
8. Evaluation of Responses;
 - a. Evaluation Sheets with Scoring
 - b. Conflict of Interest Signed Forms for Outside Evaluators
 - c. Any Communications Concerning Bids
 - d. Recommendations by Evaluators
9. Requests for Additional Information;
10. Related Correspondence;
11. Letters of Status Determination;
12. Recommendations by Staff;
13. Risk Assessment;
14. Determinations by Board of Directors or Committees;
15. Justification for lack of competition when competitive bids or offers are not obtained
 - a. Sole Source Checklist
 - b. Cost/Price Analysis.

In addition, Partner4Work Board of Directors meeting agendas, records of actions, and minutes will be retained permanently.

Records of any contract under dispute or legal challenge will be retained until the dispute is entirely resolved.

1.15 Delivery of Career Services-Adult and Dislocated Workers [WIOA Sec. 134(c)(2)(C)]

Career services described in WIOA Section 134(A) for eligible workers shall be provided through the one-stop delivery system: 1. Directly through one-stop operators identified pursuant to section 121(d), or 2. Through contracts with service providers (subrecipients), which may include contracts with public, private for-profit, and private nonprofit service providers, approved by the local board.

1.16 Training Contracts [WIOA Sec. 134(c)(3)(G)(ii)]

- A. Training services authorized under this paragraph may be provided pursuant to a contract for services in lieu of an individual training account (ITA) if:
 - i. The Consumer Choice Requirements [WIOA Sec. 134(c)(3)(F)] are met;
 - ii. Such services are on-the-job training (OJT), customized training, incumbent worker training or transitional employment;
 - iii. Partner4Work determines there are an insufficient number of eligible providers of training services in the local area involved to accomplish the purposes of a system of individual training accounts;

- iv. Partner4Work determines that there is a training services program of demonstrated effectiveness offered in the local area by a community-based organization or another private organization to serve individuals with barriers to employment;
- v. Partner4Work determines that
 - a. It would be most appropriate to award a contract to an institution of higher education or other eligible provider of training services in order to facilitate the training of multiple individuals in in-demand industry sectors or occupations; and
 - b. Such contract does not limit customer choice; or
 - c. The contract is a pay-for-performance contract.
- B. Training services must be directly linked to an in-demand industry sector or occupation in the Allegheny County region or the planning region, or in another area to which an adult or dislocated worker receiving such services is willing to relocate, except that Partner4Work may approve training services for occupations determined by the board to be in sectors of the economy that have a high potential for sustained demand or growth in the Allegheny County region [WIOA Sec. 134(c)(3)(G)(iii)]
- C. Nothing in this paragraph shall be construed to preclude the combined use of individual training accounts (ITAs) and contracts in the provision of training services, including arrangements that allow individuals receiving ITAs to obtain training services that are contracted this clause [WIOA Sec. 134(c)(3)(G)(iii)].

1.17 Selection of Eligible Providers of Youth Workforce Investment Activities **(WIOA Sec. 107(d)(10)(B) and Sec. 123)**

- A. Partner4Work shall award grants or contracts on a competitive basis to providers (subrecipients) of youth workforce investment activities based on the criteria in the State plan (including such quality criteria as the Governor shall establish for a training program that leads to a recognized postsecondary credential), and taking into consideration the ability of the providers to meet performance accountability measures based on primary indicators of performance for the youth program as described in WIOA Section 116(b)(2)(A)(ii) and in WIOA section 102(b)(2)(D)(i)(V), based on the recommendations of the youth standing committee; and
- B. Shall conduct oversight with respect to such providers.
- C. Exceptions: Partner4Work may award grants or contracts on a sole source basis if Partner4Work determines there is an insufficient number of eligible providers of youth workforce investment activities in the Allegheny County region involved for grants and contracts to be awarded on a competitive basis.
- D. Consistent with [section 123](#), Partner4Work may terminate for cause the eligibility of such providers (subrecipients).

1.18 Selection of One-Stop Operators [WIOA Sec. 121(d)]

Partner4Work, with the agreement of the chief elected officials, is authorized to designate or certify one-stop operators and to terminate for cause the eligibility of such operators. To be eligible to receive funds made available under this subtitle to operate a one-stop center, an entity:

- A. Shall be designated or certified as a one-stop operator through a competitive process; and
- B. Shall be an entity (public, private, or nonprofit), or consortium of entities (including a consortium of entities that, at a minimum, includes 3 or more of the one-stop partners described in subsection 121(b)(1)), of demonstrated effectiveness.

Partner4Work will ensure that in carrying out activities under this title, one-stop operators:

- A. Disclose any potential conflicts of interest arising from the relationships of the operators with particular training service providers or other service providers;
- B. Do not establish practices that create disincentives to providing services to individuals with barriers to employment who may require longer-term services, such as intensive employment, training and education services; and
- C. Comply with Federal regulations, and procurement policies, relating to the calculation and use of profits.

1.19 Grievance and Complaint Procedures

Disputes arising out of any procurement conducted by Partner4Work shall be settled at the lowest level of protest as agreed upon by the protesting agent and in accordance with the Partner4Work Grievance/Complaint Process. Under this process, WIOA staff, program applicants, participants, recipients of grant awards, contracts, labor unions, service providers, etc., may file complaints alleging violations of the Act, or other federal and state rules. Complaints under this process must be in writing and must adhere to the timelines specified. Complaints for the process must be submitted to:

Partner4Work

Attention: Partner4Work, CEO

Email: admin@partner4work.org

Complaint

Complaints may be filed with the CEO and appealed to the Partner4Work Board of Directors Chairman or his/her designee within 180 days of the award date.

1.20 Suspension and Debarment (2 CFR part 180)

Non-federal entities and contractors are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as all terms and conditions in 2 CFR 2900. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. Partner4Work will also adhere to any state, state agency, or other restrictions concerning subcontractors(vendors) and sub-recipients as applicable to individual subawards.

1.20.1 PA State Integrity Provision

For PA state funded contracts there is an additional integrity provision that subrecipients of said funding must comply with. This provision, outlined in management directive 215.8

1.21 WIOA Specific Regulations

For the expenditure of WIOA funds, Partner4Work will adhere to all WIOA specific procurement rules and guidance as set forth in:

- A. Workforce Innovation and Opportunity Act (Pub. L. 113-128). July 22, 2014.
- B. Workforce Innovation and Opportunity Act (“DOL WIOA Final Rule”), at 81 FR 56072. August 19, 2016.
- C. WIOA Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions (“WIOA Joint Final Rule”), at 81 FR 55791. August 19, 2016.
- D. Office of Management and Budget (OMB) CFR Chapter II, Part 200, et al. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards: Final Rule. December 26, 2013.
- E. Workforce Innovation and Opportunity Act (121(d)(2)(A)) and as set forth in U.S. Department of Labor TRAINING AND EMPLOYMENT GUIDANCE LETTER WIOA NO. 15-16, dated January 17, 2017.

Partner4Work will also adhere to any State specific WIOA [policies and directives](#) WIOA funding.

1.22 TANF Specific Regulations

Partner4Work will also adhere to any State specific TANF [policies and directives](#) for state pass-through TANF funding.

1.23 Program Specific Guidelines

Partner4Work will adhere to Program Specific funding guidelines not already specified including federally funded program requirements

1.24 Purchases that will be charged to programs funded with federal awards are subject to the additional policies listed below

- A. Partner4Work will avoid purchasing items that are not necessary for the performance of the activities required by a Federal award or any other activity of the organization.
- B. Where appropriate, an analysis will be made of lease and purchase alternatives to determine which would be the most economical and practical procurement for the Federal government. This policy is not needed if there are no funds available for purchases, in which case leasing will be the only choice

1.25 Compliance with Laws, Regulations and Provisions of Awards

Partner4Work recognizes that as a recipient of private, State and Federal funds, the Organization is responsible for compliance with all applicable laws, regulations, and provisions of contracts and grants. To ensure that the Organization meets this responsibility and allocates funds appropriately, the following policies will be applied with respect to every grant or contract received directly or indirectly from a State and Federal agency. (Private funding grants will be reviewed on a case by case basis for requirements):

- A. Read each award and prepare a summary of key compliance requirements and references to specific laws and regulations.
- B. Review the OMB Uniform Guidance for compliance requirements unique to the award and for compliance requirements common to all awards.
- C. Review the section of the Catalog of Federal Domestic Assistance applicable to the award.
- D. Identify and communicate any special changes in policies and procedures necessitated by awards as a result of the review of each award.
- E. Contracts Management will take all reasonable steps necessary to identify applicable changes in laws, regulations, and provisions of contracts and grants. Steps taken in this regard will include, but not be limited to, reviewing subsequent grant and contract renewals, and reviewing annual revisions to the OMB Uniform Guidance Compliance Supplement.”
- F. The CEO will facilitate any communications with Federal awarding agency personnel. The CEO may choose to delegate this responsibility.

1.26 Monitoring of Sub recipients

When Partner4Work utilizes Federal funds to make sub-awards to sub recipients, Partner4Work is subject to a requirement to monitor sub recipients based on the results of a risk assessment, in order to provide reasonable assurance that sub recipients are complying, in all material respects, with laws, regulations, and award provisions applicable to the program.

In fulfillment of its obligation to monitor sub recipients, the following policies apply to all sub-awards of federal funds made by Partner4Work to sub recipients:

- A. Sub-award agreements will include all information necessary to identify the funds as federal funding. This information will include:
- B. The applicable Catalog of Federal Domestic Assistance (CFDA) title and number
 - i. Award name
 - ii. Name of Federal agency
 - iii. Amount of award
 - iv. Period of performance
 - v. Scope of work
- C. Sub-award agreements will identify all applicable audit requirements, including the requirement to obtain an audit in accordance with OMB Uniform Guidance, if the sub recipient meets the criteria for having to undergo such an audit.

- D. Sub-awards will include a listing of all applicable Federal requirements that each sub recipient must follow.
- E. Sub-awards will require that sub recipient employees responsible for program compliance obtain appropriate training in current grant administrative and program compliance requirements.
- F. Sub- awards will require that sub recipients submit financial and program reports to Partner4Work on a basis no less frequently than monthly or as defined in the contract.
- G. Partner4Work will follow- up with all sub recipients to determine whether all required audits have been completed. Partner4Work will cease all funding of sub recipients failing to meet the requirement to undergo an audit in accordance with OMB Uniform Guidance. For sub recipients that properly obtain an audit in accordance with OMB Uniform Guidance, Partner4Work will obtain and review the resulting audit reports for possible effects on Partner4Work accounting records or audit.
- H. Partner4Work Compliance Department monitors subrecipients based on the results of their risk assessments, on an ongoing basis, during the period of performance by each subrecipient. A system for the ongoing monitoring of the sub recipient shall be established. The Director of Compliance will maintain a manual identifying the procedural requirements of the monitoring process.
- I. Ongoing monitoring of sub recipients by Partner4Work will inherently vary from sub recipient to sub recipient, based on the nature of work assigned to each sub recipient. However, ongoing monitoring activities may involve any or all of the following
 - i. Regular contacts with sub recipients and appropriate inquiries regarding the program.
 - ii. Reviewing programmatic and financial reports prepared and submitted by the sub recipient and following up on areas of concern.
 - iii. Monitoring sub recipient budgets.
 - iv. Performing site visits to the sub recipient to review financial and programmatic records and assess compliance with applicable laws, regulations, and provisions of the sub-award.
 - v. Offering sub recipients technical assistance where needed.
 - vi. Maintaining a system to track and follow up on deficiencies noted at the sub recipient in order to assure that appropriate corrective action is taken.
 - vii. Establishing and maintaining a tracking system to assure timely submission of all reports required of the sub recipient.
- J. Documentation will be maintained in support of all efforts associated with Partner4Work's monitoring of sub recipients.