

REGION XII COUNCIL OF GOVERNMENTS

PROCUREMENT POLICY

July 2021

This procurement policy is to be utilized for all programs and activities administered by Region XII Council of Governments, Inc. (COG). The selection of vendors will be in accordance with all applicable state and/or federal regulations. In situations where state and/or federal procurement policies do not coincide with COG policies, the state and/or federal policies will take precedence unless the policy of the COG is more restrictive.

The majority of vendors for the COG will be selected by staff members who perform generalized functions and will be based on the individual needs of the COG or each individual beneficiary, in the case of program operation. All such selections are contingent upon approval of the Executive Director and/or the appropriate department director of the COG.

Concerning workforce development activities, the Regional Workforce Development Board (RWDB) in the Western Iowa Local Workforce Development Area (WILWDA) may provide direction in certain cases, as the COG provides fiscal agent services under the Workforce Investment Opportunity Act (WIOA). For procurements with WIOA funds, the COG will determine when the Request for Proposal (RFP) format is to be used, based on the number of participants likely to benefit or the need for such an action demonstrated by need and outlined under the RFP section. In the event services or activities are subcontracted en-masse, the ~~agency~~ RWDB or its staff will issue an RFP to all agencies and private organizations who commonly provide services including Community Based Organizations. Selection of proposals will be made by the RWDB, its staff, or an RWDB-designated party based on the evaluation of the proposals. Others may be consulted during the selection process if the purchase of service involves their area of expertise.

A. AUTHORITY TO TAKE PROCUREMENT ACTIONS

Purchase agreements, contracts, modifications and terminations must be signed by the Executive Director. Purchase orders may be signed by the Transit Director or Local Assistance Director-following approval by the Executive Director. WILWDA procurement decisions will follow this policy but will be made by appropriate parties (RWDB, Board staff, WIOA Service Provider, etc.).

Procurement of WIOA-funded services or activities involving a budget greater than \$25,000 for participant training must receive RWDB approval, and proposals will be reviewed and selected by the RWDB.

B. STANDARDS OF CONDUCT

1. Conflict of Interest

The COG will require all service providers and vendors selected to receive appropriate board approval if anyone employed by the service provider or vendor in an administrative capacity is a member of the immediate family of anyone employed in an administrative capacity with the COG or is a member of the immediate family of a board member overseeing a certain program or elected official

representing a unit of local government which is a party to the 28E consortium agreement.

"Immediate family" includes: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild. "Administrative capacity" means those who have a role in, including the overall administrative responsibility for, submitting bids and/or the selection of service providers.

An individual in a decision making capacity, including staff, RWDB members, Policy Council and other board members, must not engage in any activity including the selection, award or administration of a purchase agreement or contract supported by program funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when any of the following has a financial or other interest in the firm or organization selected for award:

- a. The individual;
- b. Any member of the individual's immediate family;
- c. The individual's partner; or
- d. An organization which employs or is about to employ any of the above, has a financial or other interest in the firm or organization selected for award.

Conflict of interest may be personal or organizational. A personal conflict exists when any of the following stands to benefit directly or indirectly from a procurement decision:

- a. An officer of the COG;
- b. An individual on the COG staff;
- c. Any board member including both policy and advisory boards of the COG, the CEO and the RWDB; or
- d. A member of the immediate family of any of the above.

An organizational conflict occurs when an organization represented by one or more individuals involved in the procurement process stands to benefit financially, directly or indirectly, from the award of a contract.

At any time during the procurement process that an individual becomes aware of the fact that he or she has an actual or potential conflict of interest, that individual must immediately withdraw from the procurement process but is not restricted from submitting a bid. An individual who has an actual or apparent conflict of interest must not attempt to influence any individuals involved in the procurement process.

A member of the CEO, RWDB, Policy Council or any other COG board member must not cast a vote nor participate in any decision making capacity on the provision of services by such member (or any organization which that member directly represents), nor in any matter which would provide any direct or indirect financial benefit to that member. However, membership on the RWDB or any other board, by itself, is not to be construed a violation of the conflict of interest provision. Likewise, the receipt of funds to provide any services from any board member is not, by itself, a violation of the interest provision.

Conflicts of interest should be reported to an appropriate body at the earliest possible moment. Methods of acceptable conveyance of a conflict could be a board meeting where the conflict may

arise, the procurement officer conducting business for the COG, or the Executive Director of the COG.

Failure to adhere to these policies concerning conflicts of interest may result in expulsion from the board or in the case of employees, disciplinary measures outlined in the COG's Personnel Policy, up to and including termination.

2. Confidentiality and Non-Disclosure

Information must not be disclosed to anyone who is not directly involved in the procurement process relating to the intent to implement a procurement action, the amount of funds available, or any related data, until that information is made known to all offerors through a notification of the intent to solicit or dissemination of an RFP or RFQ.

Technical and cost/price information from any proposal must not be disclosed to anyone not officially involved in the procurement process while the procurement is still in progress.

Certain technical or proposal information that an offeror has designated as proprietary or trade secret, and with which the COG concurs, must not be disclosed to other offerors, even after the award is made and publicized.

The number of names of offerors must not be disclosed to anyone not officially involved in the procurement process until the contract is awarded and the decision is made public.

3. Disclosure

The announcements of solicitation requirements, including proposal evaluation factors that will be used to assess bids or proposals must be released to all offerors at the same time.

Information given in response to a question from one offeror must be shared with all known potential offerors.

4. Prohibited Actions of Staff or Board Members

Individuals involved in the procurement process that are predisposed either for or against any potential sub recipient, service provider or vendor must withdraw from the procurement process.

Individuals involved in a procurement process must not solicit nor accept any payment, gratuity, favor, offer of employment, kickback or anything of monetary value from grantees, sub recipients, service provider or vendors, or potential sub recipients, service providers or vendors.

Staff and board members not involved in the procurement process must not attempt to influence procurement decisions of individuals involved in the procurement process.

Any individual involved in a procurement process must not be employed by any offeror for that same procurement.

5. Penalties, Sanctions and Disciplinary Actions

Any attempt by a potential sub recipient, service provider or vendor to make any payment, gratuity, or offer of employment or kickbacks to any individual involved in a procurement process will result in

the disqualification of that entity's proposal.

C. METHODS OF PROCUREMENT AND SOLICITATION

All procurement activities undertaken by the COG will be made by one or more of the following methods:

1. Micropurchases

Micropurchases are very simple and informal procurements that are under \$10,000. Micropurchases are anticipated to be the most frequently used method for procurement (parts, office supplies, etc.) and are completed with the following in mind:

1. They should not be a collection of small purchases for a larger procurement broken up to avoid stricter procurement requirements.
2. They should be prudent, and completed only for demonstrated need of the organization.
3. They should be mindful of price, with some research periodically completed in order to establish that the price is reasonable without spending an inordinate amount of staff time vis-à-vis any anticipated savings.
4. They should be spread out equally among qualified vendors who offer similar goods at similar prices in the vicinity where the purchase is being made (e.g. office supplies).

2. Small Item Purchases

Small purchase procedures are relatively simple and informal procurement methods which are sound and appropriate for the procurement of services, supplies, or other property costing in the aggregate at least \$10,000. Purchases of \$10,000 and not more than \$250,000 will require written notification of vendors.

- a. Price or rate quotations will be obtained from a minimum of three (3) qualified sources
- b. At least one quotation will be obtained from a local (COG membership) service provider unless no such local providers are available.
- c. A reasonable length of time will be afforded service providers to formulate their price quotations and the period of performance will be stated.
- d. Price quotations will be presented to the department director or Executive Director in written form and documented in the Procurement File.
- e. Award of the service agreement will be made to the service provider with the lowest cost which best meets the agency's needs.

3. Invitation for Bid (IFB)/Sealed Bids

An IFB is used when the supplies, property, or service to be procured have been specifically defined and price quotes or bids are being sought to provide such supplies, properties, or service. Competitive sealed 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 lowest in price and best meets the agency's needs. This method will always be used for construction projects in excess of \$2,000. Solicitations of offers under the competitive sealed bid process must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, will set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its

intended use. Detailed product specifications will be avoided if at all possible. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a "brand name or equal" description will be used as a means to define the performance or other salient requirements of a procurement action. The specific features of the named brand that must be met by vendors will be clearly stated.

Formal advertising of the competitive bid process will be accomplished in such a manner as to allow service providers a minimum of two (2) weeks from the date of publication to submit a bid. All formal advertising will be placed in at least one paper of general circulation in the region (or in the case of procurements for WIOA, in one paper of general circulation among the member counties) and may be placed in all official county newspapers within Region XII COG and may also be placed in the *Des Moines Register* and/or *Omaha World Herald*. Procurements for grant programs (e.g. housing) may be done in a manner that is conducive to grant performance and policies of the local government served. In addition, the following items will be adhered to in the bidding process:

- a. A complete, adequate and realistic specification or purchase description will be made available.
- b. Two or more responsible suppliers must be willing and able to compete effectively for the COG's business.
- c. Competitive sealed bids will only be utilized if 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.
- d. The invitations for bids will clearly define the items or services needed in order for the bidders to properly respond to the invitation.
- e. A firm-fixed-price contract award will be made by written notice to that responsible bidder whose bid, conforming to the invitation for bids, is lowest. Where specified in the bidding documents, factors such as transportation costs and life cycle costs will be considered in determining which bid is lowest.
- f. Any or all bids may be rejected when there are sound documented business reasons in the best interest of the program.

The COG may procure items in consortium with other units of governments or agencies that have been procured in a manner similar to the COG's practices.

3. Request for Proposals (RFP)/Competitive Negotiation

An RFP is appropriate when the supplies, property, or services to be procured have not been specifically defined and proposals that further describe what will be provided are being sought, and will be evaluated on technical and other factors in addition to cost and price. Proposals received for which a direct comparison of price and cost for the same or substantially equivalent types of supplies, property or services cannot be made, must be treated as Sole Source Procurement.

In competitive negotiation, proposals are requested from a number of sources and a RFP is publicized, negotiations are conducted with more than one of the sources submitting offers, and either a fixed-price or cost-reimbursable type contract is awarded, as appropriate. Competitive negotiation may be used if conditions are not appropriate for the use of formal advertising. If competitive negotiation is used for a procurement action under a grant, the following requirements will apply:

- a. Proposals will be solicited from an adequate number of qualified sources to permit reasonable competition consistent with the nature and requirements of the procurement. The RFP will be publicized at least two weeks before responses are due and reasonable requests by other sources to compete will be honored to the maximum extent practicable.
- b. The RFP will identify all significant evaluation factors, including price or cost where required and their relative importance.
- c. The RFP will incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description will not contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, will set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications will be avoided if at all possible. When it is impractical or not economical to make a clear and accurate description of the technical requirements, a "brand name or equal" description will be used as a means to define the performance or other salient requirements of a procurement action. The specific features of the named brand that must be met by vendors will be clearly stated.
- d. The contract clauses that will be included in any resulting contract or purchase order;
- e. Certifications, assurances, and representations that the potential service provider will have to make including, at a minimum:
 - i. An assurance that to the best of the offeror's knowledge and belief, the cost data are accurate, complete and current at the time of the proposal;
 - ii. A guaranteed period of time for which the proposal is good;
 - iii. An assurance that the offeror is not debarred or suspended; and
 - iv. An assurance that the offeror will comply fully with the nondiscrimination and equal opportunity provisions of applicable programs.
- f. Instructions on how to prepare and submit the proposal including any required format;
- g. All requirements that the offeror must fulfill;
- h. Evaluation factors and criteria that will be used to judge the proposals;
- i. Time lines for submittal and review of the proposal and the manner in which late proposals will be treated; and
- j. Award of the contract will be based on the effectiveness of the agency or organization in delivering comparable or related goods or services based on demonstrated performance, service or product quality, fiscal responsibility of service providers, cost, distance from the COG service area (or area/place where the service is to be provided), and how well the service or product in question fulfills the agency's identified need.

4. Sole Source (Non-competitive) Procurement

Sole source or non-competitive procurement may be used only when competitive procurement processes are not feasible or they may have a negative impact upon the program for which they are intended. In those limited situations as delineated below, procurement may be conducted on a negotiated rather than a competitive basis. Noncompetitive negotiation is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. Noncompetitive negotiation may be used when the award of a contract is not feasible under small purchase, competitive bidding (formal advertising) or

competitive negotiation procedures. Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

- a. The item is available only from a single source; or
- b. Public exigency or emergency when the urgency for the requirement will not permit a delay incident to competitive solicitation; or
- c. The Federal grantor agency authorizes noncompetitive negotiation; or
- d. After solicitation of a number of sources, competition is determined inadequate; or
- e. Any single purchase of supplies, equipment, or services totaling less than three thousand dollars (\$3,000) in the aggregate (which should be spread around the area among qualified bidders); or
- f. Single Participant work experience, vocational exploration, and on-the-job training contracts; or
- g. Enrollment of individual participants in Institutional Skills Training; or
- h. All other individual training or services contracts involving only one participant, except where such contracts include the purchase of equipment. Such equipment must be purchased through competitive procedures; or
- i. Activities and services that are provided by staff when a determination of demonstrated performance clearly documents the staff's ability to provide the training or services; or
- j. A modification to a contract that does not substantially change the statement of work of that contract; or
- k. Any single service or workshop costing less than \$5,000 identified in the local Technical Assistance Plan for WIOA services; or
- l. Transfer of transit capital equipment from another system or purchase of proprietary parts and maintenance (must follow Chapter 9 of the IDOT Transit Manager Handbook; or
- m. Real property.

The agency will utilize a directory of Minority and Women's Business Enterprises (MBE/WBE) and actively solicit such firms whenever they are potential sources. All public notices of bidding opportunities will state that the COG encourages bids from disadvantaged businesses. Whenever economically feasible, total requirements will be divided into smaller tasks or quantities to permit maximum small and minority business participation. In addition, where the requirements permit, schedules will be established that encourage participation by small and minority businesses.

5. Transit Capital Purchases

All Transit capital purchases will be in accordance to Chapter 9 in the Iowa Department of Transportation Transit Manager's Handbook.

D. SOLICITATION

Solicitation is the process by which offers or bids are obtained from potential sub recipients, service providers or vendors.

The solicitation process must include steps that will ensure a maximum response that in turn will increase competition. Besides ensuring good prices, competition increases the chances of obtaining new ideas and approaches from potential sub recipients, service providers or vendors. Competition can be increased by holding meetings to announce procurement plans, word-of-mouth, formal

advertising, and by maintaining a potential service provider list.

In order to ensure that an adequate number of bids or proposals are solicited, the COG must create and maintain a list of project-specific potential service providers or vendors. Initial vendor lists may be created when the need for the service is determined. The list should include as many potential service providers or vendors as possible and can be developed by collecting the names of interested parties from "intent to solicit" meetings and publicity and from directories of appropriate service providers and vendors. The list must be updated on a periodic basis by removing defunct service providers and vendors and service providers that have not demonstrated any interest for a given time. Potential service providers and vendors that have shown interest must be added to the list regardless of their geographical location. The list must include community-based organizations and small and minority businesses and women's business enterprises that provide related services.

For WIOA activities, RWDB-approved education agencies in the WILWDA will be provided the opportunity to provide educational services, unless the WIOA Service Provider demonstrates that RWDB-approved alternative agencies or organizations would be more effective or would have greater potential to enhance the participants' continued occupation or career growth.

All potential service providers or vendors on the COG's list must be given the opportunity to submit a bid or proposal regardless of geographical location.

All procurements for any supplies, equipment, or service with an anticipated value of two hundred fifty thousand dollars (\$250,000) or more in the aggregate, must be publicly advertised.

E. SELECTION

The primary consideration in the selection of agencies or organizations to deliver services will be the effectiveness of the agency or organization in delivering comparable or related service based on demonstrated performance, in terms of the likelihood of meeting performance goals, quality of training, cost, fiscal performance, and the characteristics of the participants. Funds shall not be used to duplicate facilities and services available in the area, unless it is determined that alternative services or facilities would be more effective or more likely to achieve performance goals.

When using the IFB method of procurement, the award of a contract or purchase agreement must be made to the qualified bidder with the lowest price, unless there is a demonstrated and documented reason as to why this bid is not acceptable (e.g. quality, performance, timelines, etc.). When using the RFP method of procurement, the award of a contract or purchase agreement must be made to the qualified offeror with the highest rating.

All procurement activities undertaken by the COG, regardless of dollar amount, will be conducted in a manner that provides maximum and free competition. The COG will avoid conflict of interest or the appearance of conflict of interest in the procurement of all goods and services.

1. Price Analysis

Price analysis is an evaluation of the proposed price in relation to the going rate for the same, similar, or substantially equivalent training, services or property in the market place. Price analysis focuses on a comparison between the amount proposed and a benchmark amount that is considered fair and

reasonable for successfully accomplishing the work.

Price analysis must include one or more of the following techniques:

- a. The comparison of a significant number of competitive price quotations for the same, similar, or substantially equivalent training, services, supplies or property;
- b. The comparison of a significant number of prior quotations and contracts which were gathered through an adequate competitive procurement process, with the current quotations for the same, similar or substantially equivalent training, services, supplies or property;
- c. The use of measures (such as: price per unit, placement, instruction hour, participant training hour, etc.) to identify significant differences;
- d. The comparison of prices on published price lists or catalogs taking into account any discounts or rebates to the proposed price;
- e. The comparison of a catalog or market price of a commercial product sold in substantial quantities to the general public; or
- f. The comparison of the proposed prices with independent estimates of cost developed by the COG.

2. Cost Analysis

Cost analysis is the evaluation of each proposed cost element in terms of necessity, reasonableness, allocability, terms of the contract, cost principles and federal regulations and policies. Cost analysis focuses on what the work should cost a potential service provider, assuming reasonable economy and efficiency.

A cost analysis is necessary when the offeror is required to submit the elements of a proposed price, when adequate price competition is lacking, and for sole source procurement.

Cost analysis is not required when price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public, or based on prices set by law or regulation. Tuition charges for training or education provided by an institution of higher education or a proprietary institution of higher education that are not more than the charges for such training or education made available to the general public, as documented in the school catalog components.

Cost analysis must evaluate the following:

- a. A cost must be necessary for proper and efficient administration of the training or services proposed. The costs must be consistent with those normally allowed in like circumstances in non-federally sponsored activities.
- b. A cost must be reasonable in both type and amount. Costs are reasonable in type if they are consistent with sound business practices, consistent with actions a prudent businessperson would take under the circumstances, and are not a significant deviation from the established practices of the potential service provider. Costs are reasonable in amount if they are consistent with similar costs in the labor market area, are not increased from normal operations, and are necessary and sufficient to do the job in terms of quality and quantity.
- c. A cost must be allocable to a contract either as direct or indirect costs. A direct cost is

any cost that can be identified specifically with the training or services to be provided. An indirect cost is any cost not directly identified with the training or services to be provided, but benefits both the contract and other work, or are necessary to the overall operation of the organization.

- d. A cost must be within the limitations established during the procurement process. Such limitations could include limitations on administrative costs, acquisition of property, leases of facilities, travel, etc.
- e. A cost must be within the established cost principles relating to financial management, procurement, property and unallowable costs.
- f. A cost must be allowable under the regulations and policies of the program for which the service is to be provided

In order to evaluate the above six issues, a cost analysis must determine that:

- a. All calculations are accurate;
- b. Only necessary costs have been included in the proposal;
- c. Costs have been included no more than once;
- d. Proposed costs are justified;
- e. All proposed costs are allocated to the proper cost category and are within the limits set by statute and the RFP;
- f. All proposed costs are necessary, reasonable and consistent with the proposal;
- g. The proposed price of each cost element is fair and reasonable as compared to similar known prices;
- h. Any proposed profit or program income is reasonable based on contractor effort, risk and other measures. If profit or program income is included in a price, the COG must negotiate profit or program income as a separate cost element of the price for each contract where there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration must be given to:
 - i. The complexity of work to be performed;
 - ii. The risk borne by the contractor;
 - iii. The contractor's investment;
 - iv. The amount of subcontracting;
 - v. The quality of the contractor's past performance;
 - vi. Industry profit rates in the surrounding geographical area for similar work;
and
 - vii. Market conditions in the geographical area.
- i. All proposed cost elements have been explained and are justifiable.

In addition to the above, a judgment must be made about the total cost as compared to other proposals, independent estimates or any other measure of competitive cost. If significant subcontracts are proposed, those subcontracts must also receive a cost analysis review.

3. Evaluation for WIOA

The bid or proposal evaluation is an analysis of the quality of the training, services, supplies or equipment being proposed. It must rate, as appropriate:

- a. The adequacy of the response to the technical specifications or required elements of the

- solicitation;
- b. The potential service providers' knowledge of an understanding of the program for which the service will be provided; and
- c. The demonstrated performance of the offeror.

A Determination of the Demonstrated Performance is the process of ascertaining and documenting an offeror's demonstrated ability to perform successfully under the terms and conditions of a proposed contract. Such determinations must be in writing and must take into consideration, as appropriate, such matters as whether the proposer has:

- a. Adequate financial resources or the ability to obtain them;
- b. The ability to meet the program design specifications at a reasonable cost;
- c. The ability to meet performance goals;
- d. For WIOA programs, a satisfactory record of past performance in job training, basic skills training or related activities as evidenced by demonstrated quality of training, reasonable dropout rates from past programs, training completion, job placement and retention rates, earnings rates of participants, rates of licensure, and the ability to provide or arrange for other appropriate services identified in the Individual Employment Plan (IEP);
- e. For WIOA Title I programs, the ability to provide training and services that lead to the achievement of competency standards for participants with identified deficiencies;
- f. A satisfactory record of integrity, business ethics, and fiscal responsibility;
- g. The necessary organization, experience, accounting and operational controls; and
- h. The technical skills to perform the work.

If after evaluating the demonstrated performance of all proposals submitted, the COG determines that a contract or purchase agreement is to be written with a "high-risk" service provider, special restrictions that address the reason for the "high-risk" status must be included in the contract or purchase agreement.

A "high-risk" service provider is any entity that has a history of unsatisfactory performance, is not financially stable, and has a management system which does not meet the management standards set forth by IWD, or has not conformed to terms and conditions of a previously awarded contract or purchase agreement.

F. LEASE AND LEASE-PURCHASE PROCEDURES

When deciding to obtain equipment with a unit value of ten thousand dollars (\$10,000) or more, The COG must decide whether it is more advantageous to lease, lease-purchase, or purchase the equipment. The COG must consider the following factors:

- a. The estimated length of time the property is to be used and the extend of use during that time:
- b. The net purchase price (purchase price plus any additional costs, including transportation and installation costs, minus any trade-in credits, rebates or discounts) compared to the cumulative lease payments for the estimated time of use;
- c. Maintenance and other service costs, including the availability and quality of maintenance and service arrangements;
- d. The potential obsolescence of the property due to imminent technological

- improvements;
- e. The trade-in or salvage value;
- f. The availability of program funds; and
- g. The need to amortize the procurement over several program years.

The purchase method of acquisition is generally appropriate if the equipment will be used beyond the point in time when the cumulative leasing costs exceed the purchase costs. The COG will not rule out the purchase method of acquisition merely because of the possibility that future technological advances might make the property less desirable.

The lease method of acquisition is appropriate if it is to the program's advantage under the circumstances. In addition, the lease method may serve as an interim measure when the circumstances require immediate use of the property to meet program or system goals, or if the COG desires to field test a piece of property prior to making a procurement decision.

If a lease is justified, a lease with an option to purchase is generally preferable. A long-term lease should normally be avoided, but may be appropriate if an option to purchase or other favorable terms are included.

Documentation that the lease versus purchase policy has been followed must be maintained. The documentation must include a comparison of the purchase price and the lease and/or lease-purchase price, as well as the rationale for the acquisition method, based on the factors identified above.

G. DOCUMENTATION

All steps of the procurement process must be documented including solicitations, selection process, contract negotiations and award. If a procurement action requires state or federal approval, a copy of that approval must also be retained.

For competitive procurement through IFB and RFP's, the following must be documented:

- a. The name and title of the individual initiating the procurement process;
- b. Information relating to the amount and source(s) of available funds;
- c. The description of the supplies, property, or services to be procured;
- d. A list of service providers who received direct solicitations, and any publications which were made (for IFBs where verbal solicitations were conducted, the name of the individual contacted and the name of the individual making the contact);
- e. The prices or proposals received;
- f. For RFP's, a copy of the request which was released, a copy of all proposals received, and the evaluations of proposals received;
- g. The name(s) of offeror(s) selected for award;
- h. When the lowest cost offer is not accepted, additional justification is required; and

For Sole Source procurement, in addition to the items listed above, the following must be documented:

- a. The justification for why the Sole Source method was used;
- b. A description of the proposed service provider's or vendor's unique or special capacity to fill the requirement;
- c. A description of actions that were taken to obtain more than one quote or offer, where

- applicable; and
- d. Any other facts that support the use of Sole Source.

For procurements that include funding through the Federal Transit Administration (FTA) this items must also be present in the procurement file:

- a. Rationale for the method of procurement;
- b. Selection of contract type;
- c. Reason for the contractor/vendor selection;
- d. Independent Cost Estimates, and,
- e. Basis for the contract price.

H. SUBCONTRACTORS

Subcontractors will be required to abide by the various state and federal regulations that are tied to the funds paying for a particular service.

I. PROPERTY DISPOSAL

The COG may periodically determine certain equipment, supplies or other personal property to be obsolete or no longer of use to the agency. Unless otherwise stipulated by a funding, oversight agency, statute or rule/regulation, said property may be disposed, at the direction of the Executive Director or his or her appointee, in the following manner:

1. **Auction.** Property may be offered for sale to the public through a variety of outlets, including DOT or DAS auctions, eBay or other online auction, or a local auction house or auctioneer.
2. **Internet Exchange.** Specialty equipment may require a certain buyer or benefit from an ability to be offered for sale over a period of time. The COG may use Craigslist or similar outlet to offer surplus equipment in order to try to maximize revenue realized from a sale.
3. **Trade-in.** Equipment that is being replaced by newer equipment may be traded in for credit towards newly purchased replacement equipment (e.g. plotter, color printer).
4. **Advertisement for Bids.** The COG may advertise property for sale and receive bids for that property with the item being awarded to the highest bidder.
5. **Sale Through an Agent.** Primarily for real estate, the COG may enlist the services of a professional to market property and dispose of that property to a responsible and reasonable offeror.
6. **Donation.** Property may be donated to another non-profit corporation or government agency.
7. **Recycling/Disposal.** Equipment may be recycled, offered to others through the Iowa Waste Exchange, or properly discarded.
8. **Transfer to Another Agency.** Typical for transit vehicles, the COG may advertise through the DOT or other appropriate channels to transfer equipment (with or without compensation) to other agencies that will use the equipment to provide similar service (e.g. busses to a public transit system).
9. **Appropriate Other Means.** Equipment with minimal value may be disposed of in a variety of ways including an internal auction to employees, tag sale, or other appropriate method.

Property acquired with WIOA funding must follow disposal procedures allowed or prescribed in contracts between Iowa Workforce Development and the CEO.

J. PROTEST PROCEDURE

Bidding procedures, bidder selection, and subsequent bidder protest or appeals will be conducted in accordance with applicable local, state and federal procurement regulations and protest procedures established by the COG and/or required by a specific funding state or federal funding agency. Any protest of the proposed award under the Competitive Bid, RFP/Competitive Negotiation or Sole Source method of procurement to the bidder deemed the lowest responsible bidder must be submitted in writing to:

Executive Director
Region XII COG
PO Box 768
Carroll IA 51401

For IFB, RFP, and Sole Source procurements, the intent to protest should be made upon notification of award/rejection, with a formal protest to be submitted no later than ten (10) days from the award date or notice of rejection letter. The formal protest must:

1. Be a complete statement of the basis for the protest.
2. State the facts and refer to the specific portion of the document or the specific statute that forms the basis for the protest.
3. Include the name, address and telephone number of the person representing the protesting party. A subcontractor of a party filing bid on this project may not submit a bid protest. A party may rely on the bid protest submitted by another bidder, but must timely pursue its own protest.

The procedure and time limits set forth in this policy are mandatory and are the bidder's sole and exclusive remedy in the event of a bid protest. The bidder's failure to fully comply with these procedures shall constitute a waiver of any right to further pursue the bid protest. The COG shall review all timely protests prior to awarding of a bid. The COG shall not be required to hold an administrative hearing to consider a timely protest, but may do so at its option. At the time of the consideration of the award of the bid, the COG shall also consider the merits of any timely protests. The COG may either accept the protest and award the bid to the next lowest responsible bidder, or reject the protest and award to the lowest responsible bidder. Nothing in this policy shall be construed as a waiver of the COG's right to reject all bids.

Protests for Small Item Purchases are accepted and must include the same information as protests for other methods of procurement, but these will generally not preclude the purchase from being completed with the desired vendor as these purchases are small, routine, and often timely.

WIOA procurements undertaken by the CEO, RWDB, WIOA board staff, or WIOA providers may stipulate a different protest procedure within their procurement documents.