



Workforce Innovation and Opportunity Act (WIOA) Title I Policy

Subject: [Local Workforce Development Area Procurement Processes](#)

Number/Reference: [FP - 5](#)

Review Date: [7/1/2018](#)

Revision # [Review Copy](#)

Overview

This policy provides guidance regarding the procurement of goods and services by entities receiving Workforce Innovation and Opportunity Act (WIOA) funds.

Policy Statement

All entities receiving WIOA funds are subject to the requirements for documented procurement procedures set forth in the Uniform Administrative Requirements Department of Labor Requirements. Where additional state, agency or local rules related to procurement provide further definition or direction, but do not contradict or conflict with federal rules governing WIOA funds, the state, agency or local rules are binding. If any state, agency or local rule contradicts or conflicts with federal rules governing WIOA funds, the federal rules take precedence.

State agencies using WIOA funds must comply with the requirements of ORS 190, ORS 279 and OAR Chapter 125, Divisions 246–249, as applicable for all procurements.

Procurement processes must be documented in writing and include all procurement policies, methods and the respective procedures related to each, and subsequent actions. Procurement processes must include and specifically address the following components:

- Solicitation methods that promote fair and open competition
- A system for the administration of contracts and grants, including awards made only to responsible and responsive parties
- A written standards of conduct to include the WIOA specific conflict of interest provisions
- Review of procurements to avoid purchase of unnecessary or duplicate items, including analysis of lease versus purchase
- Documentation standards need to appropriately address: marketplace research, evaluations, quotes, proposals, bids, contracts, agreements, payment, packing slip/receipt, and invoices
- A written protest procedure, negotiation procedure and settlement process

Procurement processes must stipulate that procurement records be maintained, and include clear descriptions of all work or materials being procured, specific definitions for deliverables and/or outcomes, standards for work quality or performance; acceptability criteria, timelines, reports or related documentation, cost components, vendor invoicing and contract payment structure.

Documentation specifically addressing market research, cost analysis and justification performed, solicitation methods used and outcomes, contract award process used, and contract or agreement documents must also be included.

Exclusions that apply to this policy include:

- On-The-Job (OJT) Training. The competitive provisions of this policy will not apply to OJT employers, except in the procurement of OJT brokering services.
- Individual Training Accounts (ITAs). The delivery of classroom training from vendors through an ITA is excluded if the cost falls within the guidelines of the small purchase procedures.
- Support Services. The provision of support services is excluded if the cost is within the established reasonable limitations as documented in local policy.

Action(s)

Local WDB fiscal agents and subrecipients must develop and implement policies or procedures that comply with this policy.

HECC will monitor local WDB fiscal agents and subrecipients for compliance.

Contact

Questions regarding this policy should be sent to HECC_OWI_WORKFORCE_POLICY@oregon.gov .

References

- Workforce Innovation and Opportunity Act (WIOA) Public Law 113-128 Section 116(i), Fiscal and Management Accountability Systems
- WIOA Section 184, Uniform Administrative Requirements
- 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards; Final Rule
- 2 CFR Part 2900, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Department of Labor (DOL) Exceptions)
- Oregon Revised Statutes (ORS) 190
- Oregon Revised Statutes (ORS) 279
- Oregon Administrative Rules (OAR), Chapter 125, Divisions 246, 247, 248, and 249
- 2 CFR 200.316 - 326

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