



CWP Policy/Procedure Transmittal

Policy and Procedures Transmittal Number: 22-13

Effective Date: November 18, 2022

To: CWP Staff and Subrecipient Staff

From: Julie Watson, Compliance & Accountability Administrator

A handwritten signature in blue ink, appearing to read 'Julie Watson', is positioned to the right of the 'From:' field.

Issue Date: November 29, 2022

Subject: CWP Procurement Standard Operating Procedures (SOP)

With this transmittal, CWP is issuing its revised Procurement Standard Operating Procedures (SOP). The revisions include updated competitive procurement thresholds, regulatory citations, and internal processes. In addition to being attached to this transmittal, this policy can be found in Section 7 Administrative of the CWP online policy and procedures manual at <https://capitalworkforce.org/policies/>.

Questions regarding CWP's Procurement SOP should be addressed to Julie Watson, CWP's Compliance and Accountability Administrator, at jwatson@capitalworkforce.org.



Capital Workforce Partners

Procurement

Procurement Standard Operating
Procedures

CWP PROCUREMENT SOP

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Section 11

Guiding Principle

Capital Workforce Partners (CWP) strives to have the highest quality standard of business practices. These procedures and subsequent revisions and updates reflect CWP's commitment to procuring quality and cost-effective goods and services while adhering to state and federal laws and regulations and protecting the public and private investors' trust.

Purpose

To ensure that the appropriate goods and services are obtained in a fair, uniform, cost effective and efficient manner that is compliant with the applicable provisions of State and Federal statutes, regulations, executive orders, CWP Table of Authorities and CWP's procurement policies and procedures.

Definitions

Authorized Agent: A person authorized to act on behalf of an agency.

Bidder's Conference: A meeting that an agency schedules upon releasing a new bid solicitation such as a Request for Proposals (RFP). The bidder's conference is designed to give interested and eligible vendors the chance to ask questions regarding the project. This will give vendors a better understanding of whether their agency/company is interested in seeking out the project and to see if their company qualifies to complete the work.

Competitive Bidding Process: A process of issuing a public solicitation such as a Request for Proposal (RFP) with the intent of obtaining the best service or product for the best value as entities compete for a specific project. Competitive bidding creates a transparent environment that is open and fair.

Consultant: A consultant is a professional who provides professional services or expert advice in a particular area such as security (electronic or physical), management, accountancy, law, human resources, marketing (and public relations), finance, engineering, or any of many other specialized fields. A consultant is usually an expert or a professional in a specific field and has a wide knowledge of the subject matter. The overall impact of a consultant is that clients have access to deeper levels of expertise than would be feasible for them to retain in-house and may purchase only as much service from the outside consultant as desired.

Contract: A legal instrument used to purchase property, goods and/or services needed to carry out a project or program under state and federal regulations.

Contractor: The entity that receives a contract as defined above. For purposes of these procedures, any non-federal entity that receives a subaward of federal funds through CWP to carry out part of a Federal program is referred to as a Subrecipient, not contractor.

Cost-Reimbursement Contract: A type of contract that provide for payment of allowable incurred costs, to the extent prescribed in the contract. These contracts establish an estimate of total cost for the purpose of obligating funds and establishing a ceiling that the contractor may not exceed (except at its own risk) without the approval of the contracting officer.

De-obligation: A process of reducing the financial obligations on a contract. This is done by canceling a project, reducing the contract budget amount or reducing the costs or cost overruns.

Fee for Services Contract: A contract for a predetermined amount, as set forth in the contract, which does not vary with the amount of the contractor or subrecipient's actual incurred costs. The key distinction between a fee for services and a cost reimbursement contract is the lack of

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a direct relationship between the costs incurred by the contract and the amount paid by CWP. Accountability is based on performance and results.

Fixed Amount Purchase/Contract: A fixed amount purchase or contract is a type of purchase/contract that provides a specific level of goods or service without regard to actual costs incurred under the contract. Accountability is based on performance and results. Fixed amount purchases are appropriate when the work that will be performed can be priced with a reasonable degree of certainty based on past experience with similar types of work for which outcomes and costs can be reliably predicted or estimates easily obtained (e.g., bids, quotes, catalog pricing).

Legal Notice (used in context of competitive procurement process): A formal, public notice soliciting proposals, quotes, qualifications or information from the general public or a pre-qualified list of vendors with pertinent knowledge, expertise or experience. The notice contains a clear and accurate description of the product or services to be procured, basis on which the award will be made, and submission requirements such as the due date and format of proposals. The purpose of the legal notice is to facilitate open and fair competition in the procurement process.

Letter of Intent: A letter of intent (LOI) is a document in which one or more parties signify an intention to do or to refrain from doing one or several things at a later date. Within the procurement process, potential responders to requests for proposals (RFPs) or qualifications (RFQs) may be required to submit letters stating that they intend to submit proposals or their qualifications. Letters of Intent are generally not binding and are unenforceable.

Memorandum of Understanding: A memorandum of understanding (MOU) is a non-financial, formal agreement between two or more parties. It expresses a common understanding and commitment between the parties.

Micro-purchase: A purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold as set by the Federal Acquisition Regulation at 48 CFR Subpart 2.1 which is currently set at \$50,000. The CWP Finance and Audit Committee has set the current CWP micro-purchases threshold at \$5,000.

Non-Federal Entity: A term used by Federal agencies to define a state, local government, Indian Tribe, institution of higher education or non-profit organization that carries out a federal award as a recipient or subrecipient.

Pass-Through Entity: A non-federal entity that provides a subaward of Federal funds to a subrecipient to carry out part of a Federal program. For example: CT DOL is considered a pass-through entity when it provides a subaward of WIOA funds to CWP and CWP, the subrecipient,

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is also considered a pass-through entity when it awards those federal funds to a subrecipient such as an American Job Center program provider.

Pre-award: The time prior to the effective date of the award, directly pursuant to the negotiation, and in anticipation of the award.

Procurement: The term 'procurement' includes all stages of the process of acquiring property, goods or services, beginning with the process for determining a need for property or services and ending with the contract completion and closeout.

Proposal: A proposal is a written document sent to a prospective client in order to obtain a specific job. Proposals may be solicited or unsolicited. As a component of the competitive procurement process, CWP solicits proposals for goods and/or services through a Request for Proposal process. CWP may also participate in a federal, state or privately funded competitive process by submitting a proposal to provide services.

Request for Proposals (RFP): A Request for Proposal (RFP) is an instrument used to conduct competitive procurement, publicized by legal notice and used for the procurement of services when the following applies: there is more than one prospective proposer; the lowest price is not necessarily the determining factor for award, and either a fixed price contract or cost reimbursement contract will be awarded. The RFP includes a description of need for goods or services and any special requirements of the service. When an RFP is used, CWP intends to select the respondent(s) proposing the most effective goods or service for the price quoted.

Request for Quotations (RFQ): A Request for Quotation (RFQ) is a competitive solicitation, publicized by legal notice, for goods or services. Quotes submitted in response to an RFQ include timeframes for delivery, qualifications of the respondents and the requirements to deliver the goods or service as specified in the RFQ. This method of procurement is preferred when CWP is able to define in detail the specific product or services being solicited, the method of delivery, the results desired and the necessary qualifications of the respondents.

Request for Statement of Qualifications (RSQ): A Request for Statement of Qualifications (RSQ) is a solicitation for qualifications from potential proposers. An RSQ is used when the task being procured is well-defined, uncomplicated, and requires a specific skill set.

Signatory: Authorized Signatory is an individual who is authorized to execute a binding document on behalf of a corporation, partnership or other legal entity.

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Simplified Acquisition Thresholds: The dollar amount below which a non-Federal entity may purchase property or services using small purchase methods (see §2 CFR 200.1) which helps to expedite and simplify the purchase of items at or below the threshold. As a non-Federal entity, CWP is responsible for determining an appropriate simplified acquisition threshold which must not exceed the \$250,000 threshold established by the Federal Acquisition Regulation at 48 CFR Subpart 2.1. The CWP Finance and Audit Committee has set the current CWP Simplified Acquisition Threshold for “small purchases” at \$150,000.

Sole Source: “Sole Source” is a noncompetitive procurement through solicitation of a proposal from only one source, or, when after solicitation through an RFQ, RFP, or from a number of sources, all competition is determined inadequate to fulfill the requirements of CWP. CWP shall minimize the use of sole source procurement to the extent practicable. In every case, the use of sole source procurement must be justified and documented.

Subaward: An award of federal funds provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of the Federal program. It does not include an individual that is a beneficiary of the program.

Subrecipient: A term used by federal agencies such as US DOL to refer to non-federal agencies who receive a subaward from a pass-through entity to carry out part of the Federal program. For example, CWP is a subrecipient of WIOA funds that are issued by the US Department of Labor to the State of Connecticut Department of Labor (the pass-through entity) that subsequently contracts with CWP through a subaward. When CWP subsequently contracts with non-federal agencies to carry out part of a Federal program such as WIOA, these agencies are also defined as subrecipients, and CWP is the pass-through entity.

Table of Authorities: Documentation of the legal power to act on behalf of an organization. For example, federal WIOA legislation and regulations provide the North Central Regional Workforce Investment Board the power to make Board appointments, policy decisions, budget and expenditure approvals, and delegation of some decisions to Board committees or staff. The Table of Authorities delineates the process by which the Board executes these powers.

Terms and Conditions: Terms and conditions set the rights and obligations of the contracting parties when a contract is awarded or entered into. These include 'general conditions' which are common to all types of contracts, as well as 'special conditions' which are peculiar to a specific contract (such as, contract change conditions, payment conditions).

Vendor: A business that sells a particular type of product or service. For the purpose of these procedures, the term vendor is used to refer to an entity from which goods and/or services are purchased that do not require a contract.

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General Procurement Protocols

This section provides general protocols for all CWP's procurements.

- A. All CWP activities related to procurement shall be conducted in accordance with the CWP Table of Authorities as approved by the Board of Directors.
- B. All CWP procurement transactions shall be conducted in accordance with CWP procurement policies, Federal and State of Connecticut requirements, and Department of Labor Administrative Policy.
- C. All CWP procurement transactions shall be conducted in a manner that provides for, to the maximum extent practical, open and free competition.
- D. Prior to initiating the procurement process, reasonable assurance of fund availability must be obtained from the CWP Chief Financial Officer.
- E. CWP staff shall take the following steps to ensure that, whenever possible, minority businesses or women's business enterprises, and labor surplus area firms are to be used. 2 CFR §200.321
 1. Whenever utilizing the DAS State Contractor list as part of a procurement process include the certified small and minority enterprise indicator.
 2. Ensure that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
 3. Divide total requirements, when economically feasible, into smaller tasks or quantities to permit the maximum participation by small and minority businesses, and women's business enterprises.
 4. Establish delivery schedules, where the requirements permits, which encourage participation by small and minority businesses and women's business enterprises.
 5. Use the services and assistance, as appropriate, of such organizations as the Small Business Administration (the minority business development agency).
 6. Require CWP subrecipients, if subawards are to be let, to take the steps listed in E.1.-5. above.

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General Procurement Protocols cont.

- F. Thresholds for Determining Method of Procurement for Goods and Services
1. **Micro-purchases (\$5,000 or less)** Title 48 Part 2 Subpart 2.1, 2 CFR 200.1 & 200.320(a)(1) and the CWP Table of Authorities
The acquisition of goods and services of which the aggregate amount does not exceed \$5,000 (or \$2,000 in the case of acquisition of construction subject to the Davis-Bacon Act) is considered a micro-purchase. To the extent practical, purchases are distributed equitably among qualified suppliers.
 2. **Procurements of small purchases (> \$5,000 but ≤ \$150,000)** 2 CFR 200.1, 200.320(a)(2) and CWP Table of Authorities
The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold of \$5,000 but less than or equal to \$150,000 is generally considered a “small purchase.” If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity. These purchases are competitively sourced rather than competitively bid. CWP requires competitive sourcing to include obtaining **three quotes** from qualified sources for a price comparison. One of the three qualified sources may be a vendor with a current, competitively acquired contract with the State of Connecticut. For specific procedures see Section 30 of this manual and for exceptions to this requirement see Section 31 of this manual.
 3. **Procurements by competitive proposal (>\$150,000)** 2 CFR 200.320(b)(2)
Generally, purchases of goods and services priced in excess of \$150,000 and any procurement less than \$150,000 that requires more information than just a quote, requires a competitive solicitation through a Request for Proposals (RFP), a Request for Quotation (RFQ) and under specific circumstances, Request for Statement of Qualifications (RSQ) resulting in a written contract. There are limited exceptions to the competitive process for purchases in excess of \$150,000 (see Section 31 for description).
 4. **Procurement by Sealed Bid** 2 CFR 200.320(b)(1)
Uniform Guidance, 2 CFR 200.320 allows for Sealed Bid (formal advertising) purchases. CWP does not utilize this procurement option.
- G. Generally, all purchases for goods and/or services require a written contract and prior approval in accordance with CWP Table of Authorities with the exception of “small purchases” priced less than or equal to \$150,000.

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- H. Purchases shall not be broken down into several purchases of lesser price merely to avoid procurement procedures for purchases exceeding the \$5,000 or \$150,000 thresholds.
- I. Purchases with federal funds for equipment, capital or leasehold improvements that exceed \$5,000 require prior written approval from the awarding agency. Request for approval must be submitted at least 30 days prior to the purchase. 2 CFR 200.439(b)(2) and §2900.16.

General Competitive Procurement Procedures

All procurement transactions are conducted in a manner to provide, to the maximum extent practical, open and free competition. The competitive procurement process is designed to foster an impartial and comprehensive evaluation of multiple proposals, leading to the selection of the most responsive proposer who can provide the best service for the best value. This section provides general procedures that apply to all competitive procurements.

- A. Competitive procedures for small purchases 2 CFR 200.1 and 200.320(a)(2)
Generally, purchases of goods and services priced greater than \$5,000 but less than or equal to \$150,000 are considered “small purchases.” These purchases are competitively sourced rather than competitively bid. Competitive sourcing is achieved by obtaining a minimum of **three quotes** from qualified sources for a price comparison.
1. Competitive sourcing through three-quote price comparison
Price quotes for specified goods or services are obtained from at least three qualified vendors. The quotes may be obtained via vendors websites, catalogs or other written medium; or verbally. One of the three qualified sources may be a vendor with a current, competitively acquired contract with the State of Connecticut. After a comparison of the price quotes and other applicable factors such as availability, quality and warranty, the best offer is selected. Generally, the lowest price is selected unless other factors outweigh the cost factor. If the lowest price is not selected or if less than three quotes are obtained, written justification is required for approval consideration. See section A.3 below for documentation and approval requirements.
 2. Purchasing from State Contractors
Non-profit agencies such as CWP are permitted to purchase goods/services for the competitively solicited price listed in a current State Contract on the CT DAS Contractor Portal on the CT DAS website. CWP may contact the vendor to request the same item(s) for the same price as listed in the State contract. If a current State Contractor is the selected vendor from the three-quote price comparison and if the vendor agrees to sell the item to CWP for the same price as listed in the State contract, the vendor must reference the State Contract number on its invoice. See section A.3. below for documentation and approval requirements.
 3. Documentation and approval of small purchases
The competitively sourced process must be documented, and the selection approved prior to purchase. Documentation includes a description of the goods/services to be purchased; vendors’ information: name and contact information; details regarding the method of obtaining the quote (e.g., printout of webpage, copy of catalog page, vendor price listing, verbal or faxed quote), State contract number, if CT DAS Contract Portal is

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utilized, and justification, if less than three quotes were obtained or if the vendor with lowest price is not selected. This documentation is included with the invoice for approval by management and forwarded to the Finance Division for review, approval of fund availability and payment. The documentation of the competitive process is retained according to the CWP record retention policy.

- B. Competitive procurement through Request for Proposals (RFP), Request for Quotation (RFQ) or Request for Statement of Qualifications (RSQ)
 1. For purchases of goods and services priced in excess of \$150,000 or for purchases of goods and services priced equal to or less than \$150,000 but greater than \$5,000 that are require more than just a price quote, a competitive solicitation through a Request for Proposals (RFP), Request for Quotations (RFQ) or Request for Statements of Qualification (RSQ) shall be utilized with limited exceptions as describe in Section 31.
 - a. The Request for Proposal (RFP) process is used to obtain price, description of services and delivery, and other information from the potential subrecipients.
 - b. A Request for Quotation (RFQ) process is used when a description by bidders is not necessary, as specifications of the product or services are already known, and the price is the main or only factor in selecting the lowest responsible qualified bidder.
 - c. A Request for Statement of Qualifications (RSQ) is a solicitation for qualifications from potential proposers. An RSQ is used when the task is well-defined, uncomplicated, and requires a specific skill set.
 2. Generally, all purchases for goods and/or services require a written contract and prior approval in accordance with CWP Table of Authorities with the exception of "small purchases."
 3. Awards shall be made to the bidder or proposer whose bid or offer is responsive to the solicitation and is most advantageous to CWP considering price, quality and other factors. The lowest bid is not always the primary determining factor.

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General Competitive Procurement Procedures cont.

4. Standards of Conduct 200.318(c)

The following standards of conduct govern the action of CWP employees, members and officers who engage in any CWP award process and administration of contracts.

- a. No employee or authorized agent, CWP member or officer, shall participate in or cast a vote in the selection of or in the award or administration of a contract supported by a Federal award, if he or she has a real or apparent conflict of interest. Such a conflict shall arise when the employee/authorized agent/member/officer; *or* any member of his/her immediate family; *or* his/her partner; *or* an organization that he/she belongs to or that employs or is about to employ any of the above has a financial or other interest in or a tangible personal benefit from a firm considered or selected for a contract.
- b. No employee or authorized agent, CWP member or officer, shall solicit or accept gratuities, favors or anything of monetary value from subrecipients, contractors, potential subrecipients or contractors, or parties to any subaward.
- c. No employee or authorized agent, CWP member or officer, shall use any knowledge gained through their position for personal profit or the profit of family or friends.
- d. CWP employees, authorized agents, members and officers shall be alert to organizational conflicts of interest as well as noncompetitive practices among subrecipients and contractors that may restrict or eliminate competition or otherwise restrain trade.
- e. Measures by which conflict of interest will be controlled are as follows:
 - 1) Staff with potential conflicts will be removed from the award/administration process.
 - 2) Multiple staff will be involved in the process, preventing any single individual from controlling the selection or administration processes.
 - 3) Each member of the evaluation team that rates proposals in a competitive procurement process will complete and sign the Conflict of Interest and Disclosure Form. If a conflict of interest exists with any team member according to Section 30.B.4 of these procedures, they are excused from the process and will not evaluate the proposals
 - 4) All RFPs, RFQs, RSQs, and contracts shall contain provisions that clearly delineate the funding source's conflict of interest policies and the proposer's and/or subrecipient's responsibility regarding the procurement process.

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General Competitive Procurement Procedures cont.

- 5) In order to ensure objective subrecipient performance and eliminate unfair competitive advantage, entities that develop or draft specifications, requirements and statements of work for invitations to bid, and/or requests for proposal shall be excluded from competing for the resulting procurement.
- f. Potential Conflict of Interest: For federally funded solicitations, any potential conflict of interest must be disclosed in writing to the funder (e.g., CTDOL, USDOL) in accordance with original awarding federal agency policy, within five (5) business days of when CWP staff become cognizant of the potential conflict of interest. 2 CFR 200.112
 - 1) Format and Content of Disclosure
Disclosure to the funder shall include a written description of the potential conflict of interest including the names of the CWP officer, employee, agent, Board member or subrecipient who may have the potential conflict of interest, a description of the relationship to the proposer, potential proposer or contractor and the date that CWP was made aware of the potential conflict.
 - 2) Disclosure Submission
The written disclosure is issued by the President/CEO to the Federal director/manager with authority over the federal-funds and/or program.
5. Violations of Standards of Conduct
Per 200.318(c)(1), the federally funded recipient's standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the recipient.
 - a. CWP Employees
As stated in the CWP employee handbook, CWP employees who violate the standards of conduct policy shall be subject to disciplinary action up to and including termination.
 - b. CWP Board of Directors
If the findings of an investigation of a violation of the standards of conduct are that a CWP Board member willingly and intentionally violated the standard of conduct described in Section 30.B.4 above, that board member shall be subject to disciplinary action up to and including removal from the Board.

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General Competitive Procurement Procedures cont.

- c. Proposers of a CWP Competitive Solicitation
If the findings of an investigation of a violation of the standards of conduct are that a proposer, or agent thereof, responding to a CWP competitive solicitation willingly and intentionally violated the standards of conduct as stated in the General Conditions and Terms of the competitive solicitation, the proposer shall be disqualified from the competitive process for a minimum of one year and shall be prohibited from future participation in the CWP competitive solicitation process until which time the proposer demonstrates to the Board's satisfaction that they have implemented corrective action to safeguard from future violations of the standards of conduct.

- d. CWP Subrecipients and their Agents
If the findings of an investigation of a violation of the standards of conduct are that a CWP Subrecipient or agent willingly and intentionally violated the Standard of Conduct described in Section 4 above, that subrecipient may be subject to consequences such as but not limited to contract de-obligation and debarment until which time the subrecipient demonstrates to the Board's satisfaction that they have implemented corrective action that will safeguard from future violations of the standards of conduct. The De-obligation will proceed in a manner that will result in the least harm to CWP customers that rely on subrecipient services.

- e. CWP shall disclose in writing to the granting entity (e.g., US DOL, CT DOL, US HHS), any violation of Federal criminal law involving fraud, bribery, or gratuity with the potential of affecting the Federal funds. CWP staff shall submit the written disclosure to the funder within five (5) business days of becoming cognizant of the violation. 2 CFR 200.113
 - 1) Format and Content of Disclosure
The written disclosure shall include a description of the violation including but not limited to the nature of the violation, the dates of the incidences, the names of the individuals and agencies involved, and subsequent action taken by CWP to address the violation.
 - 2) Disclosure Submission
The written disclosure shall be issued by the President/CEO to the Federal director/manager with authority over the federal-funds and/or program.

Exceptions to the Competitive Procurement Process

- A. Exceptions to the competitive procurement process exist under the following circumstances: 2 CFR 200.320(c)
1. The aggregate price of the goods and services do not exceed CWP's micro-purchase threshold of \$5,000 or less. 2 CFR 200.320(c)(1)
 2. Because of the uniqueness of the item or services or the limited number of vendors, it is not possible to obtain two comparable bids or quotes and only one valid bid or quote is obtained. 2 CFR 200.320(c)(2)
 3. After a sufficient solicitation of a number of sources, competition is determined inadequate, and it is determined that the goods and/or services are only available from a single source. 2 CFR 200.320(c)(5)
 4. A public exigency or emergency, as determined by the CWP President/CEO, will not permit a delay caused by a publicized competitive solicitation. 2 CFR 200.320(c)(3)
 5. The awarding agency authorizes noncompetitive proposal. 2 CFR 200.320(c)(4)
 6. On the Job Training and Customized Training Agreements shall be exempt from the competitive procedures provided that a commitment for hire and/or continuation of employment exists with the employer.
 7. Individual Training Account vouchers shall be exempt from the competitive procurement process but shall be awarded to customers based upon CWP targeted industries and occupations in demand, the approved State Employment and Training List (ETPL) or other required program or contractual processes.
- B. If a proposed procurement meets the exception criteria to the competitive procurement process as cited in Section 31.A above, a non-competitive procurement or a "Sole Source" contract may be awarded per CWP Table of Authorities. A request for approval for non-competitive procurement is initiated by completing the Non-Competitive Procurement Request form.

Reasons for exceptions cited in Section 31.A above shall be documented for the record. A description of the circumstances and an explanation of the rationale for how these circumstances meet the exception criteria of the competitive solicitation process shall be documented for the record. The documentation is maintained in the contract file.

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Exceptions to the Competitive Procurement Process

- C. Pre-award and procurement documents of federally-funded sole source procurements that exceed \$150,000 must be made available to the funding source upon request. 2 CFR 200.325

- D. Sole source procurements may require prior approval from funder. See specific fund agreement terms to determine if funder requires prior approval for sole source procurements.

Request for Proposal (RFP) Procedures

Section 40.A describes the step-by-step RFP process and Section 40.B describes the components of an RFP.

A. RFP Process

The following are the required basic steps for conducting a fair and competitive solicitation through the request for proposals process.

1. Prior to initiating the RFP process for goods and/or services, funds for the goods and/or services must be available to CWP through grants, written commitment or through legal authority such as that set forth in WIOA.
2. The following list is a summary of the general RFP process steps. Specific details for implementing these steps are below in this section.
 - a. Recommendation to issue RFP by the Executive VP/CAO and/or President/CEO
 - b. Approval of RFP framework and parameters by the applicable committee (full CWP Board is notified)
 - c. Issuance of legal notice
 - d. Issuance of RFP document
 - e. Receipt of Letters of Intent, when applicable
 - f. Bidder's conference or alternative forum for proposers to ask questions
 - g. Issuance of answers to potential proposers' questions
 - h. Deadline for proposal submission
 - i. Review of submissions for minimum requirements
 - j. Evaluation process
 - k. Interview with proposers by evaluation committee and/or Board Committee (optional)
 - l. Recommendation based on evaluation results is presented to the applicable committee
 - m. Decision by applicable committee
 - n. Final decision by Board
 - o. Decision announced and Notification sent to proposers
 - p. Negotiations with winning proposer(s)
 - q. Contract(s) executed
3. The design parameters and criteria for the RFP are approved by the applicable sub-committee of CWP's Board of Directors. The parameters and criteria for the RFP include a description of goods and/or services to be procured, funding source, estimated funding levels, competitive procurement schedule and proposal evaluation process.

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Request for Proposal (RFP) procedures cont.

4. Legal Notice
 - a. Once approved by the applicable committee, "Legal Notice" of the RFP is publicly advertised such as posted on CWP public website, Connecticut Department of Administrative Services web-based contracting portal, social media, newspaper or national related organizations' websites to ensure solicitation from an adequate number of qualified sources.
 - b. The Notice includes a brief description of the goods and/or services; the date the RFP will be released and how to access it; the date of bidder's conference, if applicable; the date that the letter of intent is due, if applicable; the date that the proposals are due; and the following statement: "The release of this RFP does not constitute an acceptance of any offer, nor does its release in any way obligate CWP to execute a contract with any proposer. CWP reserves the right to accept any offers, in whole or in part, on the basis of the general conditions set forth in this RFP, and to evaluate all accepted proposals on the criteria in this RFP."
 - c. CWP may choose to mail (email) the legal notice to potential proposers who have offered similar programs or services within the preceding year.
5. The RFP document is posted on CWP's website on the date specified in the legal notice. The components of the actual RFP document are described in Section 40.B of these procedures.
6. Letter of Intent

The submission of a letter of intent (LOI) as described in the RFP may be required of potential proposers. Proposals submitted from proposers who did not provide a letter of intent as required by the RFP will not be accepted by CWP.
7. Guidance for Bidder's Conference
 - a. CWP staff may decide to require attendance at the bidder's conference by prospective proposers as pre-requisite to the acceptance of a proposal by CWP.
 - b. Bidder's conference may be conducted in person or virtually.
 - c. Attendance at the Bidder's conference is documented.
 - d. It is recommended that the bidder's conference is recorded in order to facilitate the documentation of the questions and answers.

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Request for Proposal (RFP) Procedures cont.

- e. CWP staff present a description of the goods and/or services being solicited in the RFP and reviews the proposal submission requirements.
 - f. Proposers are allowed to ask questions which are answered in the manner described in the RFP.
 - g. All proposers who submit a letter of intent shall receive all follow-up information pertaining to the RFP (e.g., questions and answers).
8. Proposal Submissions in Response to the RFP
- a. Proposals must be responsive to the RFP in order to be considered.
 - b. CWP staff review the proposal packages against a technical review checklist upon submission to ensure that they meet the minimum submission requirements before moving the proposals to the next step in the review process.
 - c. A responsive proposal meets the minimum submission requirements of the RFP including but limited to the following:
 - 1) The entire proposal, attachments, and subsequent modifications submitted to CWP by the deadline identified in the RFP
 - 2) All minimum required assurances, certifications and components of the proposal submitted as identified in the RFP
 - d. Proposals that are submitted after the deadline stated in the RFP and/or do not contain all required components or signatures are rejected without consideration by the evaluation team.
9. Evaluation Process
- a. Evaluation Team

Responsive proposals are evaluated and rated by an ad hoc evaluation team that may include members of the applicable Board committee and/or technical experts from other organizations with expertise relative to the procurement. Prior to the evaluation process, each prospective member of the evaluation team must complete and sign the Conflict of Interest and Disclosure Form. Although CWP staff do not rate proposals, they support the evaluation process and therefore must also complete and sign conflict of interest forms. If prior to the start of the evaluation process, a prospective member of the evaluation team or CWP staff supporting the evaluation process acknowledges a potential conflict of interest, they are removed from the pending evaluation process. If a conflict of interest becomes apparent at

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Request for Proposal (RFP) Procedures cont.

any point after the evaluation process begins, the team member is excused from the process and will not evaluate the proposals (see Section 30.B.4 of these procedures).

- b. The evaluation team rates each proposal deemed responsive to the RFP using the evaluation tool provided by CWP staff.
- c. Factors in the proposal evaluation process may include, but are not limited to:
 - 1) Ability to perform -- a determination of whether the organization has the means and resources to operate the proposed program.
 - 2) Record of past performance -- a review of past performance on CWP contracts, performance data provided by references, and a check for federal and state disbarment.
 - 3) Technical and financial resources -- a determination of whether the proposer has adequate operational capacity and financial resources to perform.
 - 4) Reasonableness of cost -- a review of cost in comparison to fair market value, to other proposals, and/or a cost and/or price analysis.
 - 5) Programmatic design -- a determination of the merits/value of proposed activities.
 - 6) Administrative and financial capability -- a review of the organization's capabilities as evidenced by prior year audits, systems checklists, history of grant awards, SAM.gov entries, etc.
- d. If deemed necessary by the evaluation team, proposers may be invited to make a presentation and/or be interviewed by the team.
- e. Award is made to the proposer whose offer is most advantageous to the program with consideration given to price, performance, and other factors as outlined in the RFP.
- f. Once the evaluation team has completed the rating process, the ratings and decision of the evaluation team are presented to the applicable CWP Board Committee for consideration, decision and/or allocation.

10. Announcing the Winning Proposal

Once the decision is made, a written notice of selection or non-selection is sent to all proposers.

11. Appeal Procedures

Appeals regarding the procurement process shall be limited to violations of local, State or Federal laws, rules and regulations. An appeal must identify an issue of fact

Request for Proposal (RFP) Procedures cont.

concerning a matter of bias, discrimination, conflict of interest, or non-compliance with CWP Procurement SOP process. Appeals will be rejected as without merit if they are regarding such issues as evaluator's professional judgment on the quality of a proposal or the CWP's assessment of its own needs or requirements.

The protesting entity may request a post-procurement meeting at which time the entity shall specify the details related to the violations. The meeting may be requested over the phone or in writing. An appeal meeting must be requested within five (5) business days of notification of non-award. In the meeting, the discussion is limited to the proposer's presentation of a matter of bias, discrimination, conflict of interest or CWP's non-compliance with procurement procedures. The President/CEO will issue a decision within five (5) business days of the appeals meeting. The decision is final and conclusive.

12. Debrief Request

Any proposer that receives notification of non-award may request a debrief. A debrief must be requested within ten (10) business days of notification of non-award. The debrief discussion is limited to a critique of the proposer's RFP response, i.e., specific factors regarding their proposal's weakness and strengths. Comparisons between proposals or evaluations of the other proposals is not considered in a debrief. CWP will respond to the request for a debrief within ten (10) business days of receipt of the request.

13. Negotiating the Contract

Once contract awards are announced, CWP staff set up the negotiation and contract review process. CWP staff may discuss with prospective contractor terms and conditions such as service delivery, performance criteria, budget line items and financial and billing procedures. Once these negotiations are complete, the contractor submits their budget and CWP staff draft the contract Scope of Services and assemble the required contract documents.

14. Procurement Records Maintenance

The procurement process records are maintained for the required retention period according to the CWP Record Retention Policy and with sufficient detail to trace the significant history of the procurement process. The procurement process records retained are such as, but not limited to:

- a. Request for Proposals (RFP) document,
- b. Legal notice(s),
- c. List of proposers (if applicable),
- d. Bidder's conference attendance records,
- e. Questions and answers from the bidders,

Request for Proposal (RFP) Procedures cont.

- f. List of all proposers who submitted proposals,
- g. List of evaluation team members
- h. Evaluation procedures, criteria, and tools
- i. Letters to proposers regarding CWP's decision
- j. Rationale for non-competitive procurement, if applicable
- k. Basis for contract cost such as cost and/or price analysis, cost negotiations and all corresponding backup documentation

B. RFP Document Components

The following are descriptions of the basic components of a CWP's Request for Proposals document.

1. Cover page

The cover page includes the following: CWP name and address, specific purpose for the RFP, funding source, issue date and procurement process deadlines.

2. Background

The background section provides general information regarding CWP, its mission, region and governing regulations.

C. Services Solicited

This section describes in detail the goods and/or services being solicited through this procurement process.

D. Planned Procurement Timeline

A list of procurement steps with planned due dates such as RFP release date, due date for letters of intent, date of the bidder's conference, deadline for proposal submission and contract start date is contained in this section.

E. Period of Performance and Funding levels

F. Program Design, if applicable

If a specific program design is required, this section would provide the details.

G. General Terms and Conditions of the RFP

H. Notification and Distribution

This section includes specific instructions on how to obtain information regarding the RFP and the RFP process.

Request for Proposal (RFP) Procedures cont.

- I. Letter of Intent and Bidder's Conference
This section includes specific instructions for submitting Letters of Intent (LOI) and for attending the Bidder's Conference
- J. Proposal Submission Specifications
This section contains specific instructions for proposal submission including method, date and time.
- K. Proposal Acceptance Criteria
This section defines the minimum acceptance criteria and establishes CWP's rights regarding accepting or rejecting proposals, canceling or withdrawing the RFP, declaring the process failed waiving minor technical irregularities in offers received.
- L. Award Process and Notification
The award and notification to the proposers is described in this section.
- M. Appeal Procedures and Debrief Requests
These sections of the RFP describe the procedures and timeframes for unsuccessful bidders to appeal the decision or request a debrief.
- N. Contract Type and Requirements
These sections contain information regarding the type of contract and contract terms required of a successful proposer.
- O. Conflict of Interest
This section contains CWP's Conflict of Interest policy pertaining to this RFP process.
- P. Specifications and Scope of Work
This section contains the specifications for the proposal submission including the description of the proposed scope of work.
- Q. Cost Standards and Allowable Costs
A description of CWP's cost standards and allowable costs for the services/goods solicited through the RFP.
- R. Proposal Narrative
This section describes requirements for the submission of the proposal narrative. It includes questions designed to acquire specific information from the proposer about their capacity and capabilities, the design and cost of their proposed project, activities or services and anticipated outcomes.

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Request for Proposal (RFP) Procedures cont.

S. The Submission Requirements

This section of the RFP provides technical instructions for the proposal submission. These instructions hold all submissions to the same standard format in order to promote fairness and ease of evaluation. Examples of the type of instructions contained in this section include a list of required proposal components and attachments, required format, margin and font size, font type and color.

T. Proposal Evaluation Criteria

A description of the criteria used to evaluate the proposals is included in this section.

Request for Quotation (RFQ) Procedures

A. Definition and Purpose of a Request for Quotation (RFQ)

An RFQ is a type of solicitation for competitive bids for goods or services. This type of solicitation is used when discussions with bidders are not necessary, as the specifications of a product or service are already known, and the price is the main or only factor in selecting the lowest responsible qualified bidder.

This method of procurement is preferred when CWP is able to define in detail the specific product or services being solicited, the method of delivery, the results desired and the necessary qualifications of the respondents. When using this method, CWP intends to award a contract to the qualified respondent submitting the lowest bid amount that meets the specifications of the RFQ.

B. Request for Quotation (RFQ) Procedures

1. All general competitive procurement and contracting protocols and procedures including the standards of conduct apply to the RFQ process (see Sections 20 and 30 these procedures).
2. If circumstances exist that prohibit a competitive solicitation process, see Section 31 of these procedures for exceptions to competitive procurement process.
3. When soliciting bids, only organizations that offer the type of service required will be contacted directly.
4. In addition to price, bids may include information regarding the timeframes for delivery, qualifications of the respondents and the requirements to deliver the goods or service as specified in the RFQ.
5. The RFQ includes the following components, as applicable.
 - a. A brief description of the services/goods being solicited,
 - b. The timeline for the solicitation,
 - c. Source of the funding
 - d. Funding levels,
 - e. Background information,
 - f. Scope of Services,
 - g. Submission requirements,
 - h. Evaluation criteria
 - i. General Conditions and Terms Pertaining to RFQ
 - j. Application Cover Sheet and Assurance Page

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Request for Quotation (RFQ) Procedures cont.

- C. A minimum of three (3) bids are solicited. If three (3) bids were not received, the reason for less than three (3) bids is documented.

- D. Evaluation Process
Quotations deemed responsive to the RFQ are evaluated and approved in accordance with the CWP Table of Authorities. Normally, the proposals are rated by a team composed of CWP staff, but if deemed necessary, Board members and/or technical experts from other organizations with expertise relative to the procurement may be invited to be members of the evaluation team. Prior to the evaluation process, each member of the evaluation team must complete and sign the Conflict of Interest and Disclosure Form. All conflict of interest policy and procedures found in Section 30.B.4 and 5 apply to the evaluation process of a request for quotations (RFQ).

Once the evaluation team has completed the rating process, the ratings of the evaluation team are presented to the Executive VP/CAO and the President/CEO for consideration, recommendation and/or approval in accordance with CWP Table of Authorities.

- E. Announcing the Winning Bid
A written notice of selection or non-selection is sent to all bidders upon final decision.

- F. Documentation of the RFQ process including bids or the reasons for less than three (3) bids, if applicable, are retained according to CWP record retention policy.

Request for Statement of Qualifications (RSQ) Procedures

- A. A Request for Statement of Qualifications (RSQ) is a solicitation for qualifications from potential proposers to select a specialist when the task is specific, uncomplicated and requires a specific skill set.

- B. Purpose for a Request for Statement of Qualifications (RSQ)
When the service to be procured is specific, uncomplicated and/or requires a specific skill set, the RSQ process is the most efficient method of selecting a subrecipient. For example, it is more efficient to use the RSQ process rather than the RFP process to competitively procure training services on a specific topic. The service is specific and uncomplicated in nature and requires the subrecipient to have a specific skill set.

- C. Request for Qualifications (RSQ) Procedures
 - 1. All general competitive procurement and contracting protocols and procedures including the standards of conduct (Sections 20 and 30 of these procedures) are utilized in the RSQ process, as applicable.

 - 2. Notice of CWP request for qualifications may be issued through the professional association or online portal of the profession with the qualifications that are needed. Notice may be issued in a public forum such as CWP public website, social media, state newspapers or national related organizations' websites ensuring solicitation from an adequate number of qualified sources. The notice includes a brief description of the services needed, the qualifications required, the RSQ timeline, information on how to access the RSQ document and the source of funding.

 - 3. The RSQ contains the following components, as applicable.
 - a. A brief description of the services
 - b. The timeline for the solicitation
 - c. Funding levels, if applicable
 - d. Source of the funding, if applicable
 - e. Background information
 - f. Scope of Services
 - g. Submission requirements
 - h. Evaluation criteria
 - i. General Conditions and Terms Pertaining to RSQ
 - j. Application Cover Sheet and Assurance Page

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Request for Statement of Qualifications (RSQ) Procedures cont.

D. Evaluation Process

Responsive proposals are evaluated and rated by a team composed of CWP staff, but, if deemed necessary, Board members and/or technical experts from other organizations with expertise relative to the procurement may be invited to be members of the evaluation team. Prior to the evaluation process, each member of the evaluation team must complete and sign the Conflict of Interest and Disclosure Form. All conflict of interest policy and procedures found in Section 30.B.4 and 5 apply to the evaluation process of a request for quotations (RSQ).

E. Factors in the evaluating qualifications may include, but are not limited to:

1. Education and skill of proposer
2. Professional experience providing services being solicited
3. References if provided

F. If deemed necessary by the evaluation team, proposers may be interviewed by the team to obtain additional information.

G. Once the evaluation team has completed the rating process, the ratings of the evaluation team are presented to the Executive VP/CAO and the President/CEO for consideration, recommendation and/or approval in accordance with CWP Table of Authorities.

H. Documentation of the RSQ process is retained according to CWP record retention policy.

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Consulting Services

Generally, consulting is considered a unique service that is specific, uncomplicated, requiring a specific skill set and therefore necessitates special contract language and format. However, the procurement protocols and procedures described in Sections 20, 30 and 31 of these procedures apply.

A. Procuring Consulting Services

The following are descriptions of different methods of procuring consulting services and guidance for when to use them. See Sections 20, 30 and 31 for the details on implementing these procurement procedures.

1. Competitive Sourcing within "Small Purchase" Threshold:

As stated in Section 20 of these procedures titled Thresholds for Determining Method of Procurement for Goods and Services, where consultant service meet the definition of small purchase procurement priced below the purchase threshold of \$150,000 in the aggregate per year, a consultant may be selected from a three-price comparison. Documentation of the competitive sourcing shall be noted on the requisition form. See Sections 20 and 30 for additional guidance.

2. Competitive Solicitation:

Generally, consultant services that exceed \$150,000 in the aggregate per year shall be procured through a competitive solicitation of a Request for Quotation (RFQ) or a Request for Statement of Qualification (RSQ). See Sections 50 and 60 of these procedures for guidance on RFQs and RSQs.

3. Sole Source Contract:

Consulting services that exceed the \$5,000 micro-purchase threshold but meet one of the exceptional circumstances described in Section 31 of these procedures may be sole sourced. All requirements of Section 31 of these procedures apply.