



Golden Sierra

PROCUREMENT POLICIES AND PROCEDURES

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GOLDEN SIERRA JOB TRAINING AGENCY

PROCUREMENT POLICIES AND PROCEDURES

Purpose: The purpose of these Procurement Policies and Procedures is to set forth how purchasing activities are to be conducted by Golden Sierra Job Training Agency (GSJTA) for goods and services funded under the Workforce Innovation and Opportunity Act (WIOA) and other federal, state, local grant programs.

These procedures are in compliance with all applicable Federal, State, and local laws and regulations.

Golden Sierra's Administrative Office procurement staff are responsible for all purchasing activities with the exception of small purchases under supportive services.

References:

Primary:

- EDD Employment Development Department State of California
WIOA Directive WSD17-08 (revised 7/23/19) Procurement [or subsequent]
- EDD Employment Development Department State of California
WIOA Directive WSD16-10, Property - Purchasing, Inventory and Disposal
- EDD Employment Development Department State of California
WIOA Directive WSD16-16, Allowable Costs and Prior Written Approval
- EDD Employment Development Department State of California
WIOA Directive WSD16-14, Selection of AJCC Operators and Career Services Providers
- OMB Supercircular, Title 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
 - 200.67 Micro-Purchase
 - 200.88 Simplified Acquisition Threshold
 - 200.112 Debarment and Suspension
 - 200.317-326 Procurement Standards
- OMB Supercircular, Title 2 CFR Part 2900 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance)
- FAR Subpart 2.1 – Micro-Purchase & Simplified Acquisition Threshold
- Executive Order M-18-18 dated 6/20/18
- USDOL Letter regarding Micro-Purchase & SAT dated 1/31/19

Secondary:

- All federal regulations referenced in WIOA Directives listed above
- State Contracting Manual, DGS

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Referenced Policies:

- Property Management
- Cost/Price Analysis

1. General Guidelines

- (a) It is the intent of GSJTA to reduce the total costs associated with the acquisition and management of materials, supplies, equipment and services by purchasing competitively. GSJTA will strive to ensure that the best value is received for each dollar spent, but not necessarily that the lowest price is always obtained.
- (b) It is the policy of GSJTA to encourage the participation of small and minority businesses, women's business enterprises, and labor surplus area firms in all aspects of procurement to the maximum extent feasible and permissible under applicable federal and state laws and regulations. Consistent with federal regulations, GSJTA conducts outreach to such firms by: (1) placing qualified small and minority businesses, and women's business enterprises on solicitation lists; (2) assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources; (3) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises; (4) establishing delivery schedules, where the requirement permits, that encourage participation by small and minority business and women's business enterprises; (5) using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and (6) requiring the prime vendor/subrecipient, if subcontracts are to be let, to take the affirmative steps listed above.
- (c) All proposed procurements to the purchase of property or services on behalf of GSJTA will be reviewed by the Executive Director and/or his/her designee (referred to hereafter collectively as "Executive Director"), who should give consideration to consolidation or breaking out procurements to obtain a more economical purchase, check for duplicative and unnecessary items to be purchased and, where appropriate, analyze the benefits of lease versus purchase alternatives and any other appropriate analysis to determine the most economical approach. To encourage and foster greater economy and efficiency, the Executive Director is empowered to enter into state and local inter-governmental agreements for procurement or use of common goods and services. In addition, the Executive Director is empowered to inquire and, where appropriate, utilize federal excess and surplus property in lieu of purchasing new equipment whenever such use is determined by the Executive Director to be feasible and to result in reduction in project costs.
- (d) The Executive Director of GSJTA is authorized, in compliance with OMB and current signature authority given by the Governing Body, to award contracts for goods and services at all levels of procurement not to exceed \$250,000, and accept and execute subgrants for any government entity not to exceed \$1,000,000.

- (e) The type of purchase method is generally determined by the “per transaction” value of the procurement and the type of good or service being purchased. “Per transaction” is a single solicitation for a single item (e.g., copy machine), group of related items (e.g., office furniture), or a specified service (e.g., staff training). Purchases are not to be broken down into smaller components to avoid more stringent procurement requirements.
- (f) Methods of procurement to be utilized shall include: micro-purchase, small purchases, sealed bids (IFB), request for proposals (RFP), and sole source. Generally speaking, an RFP is used to procure program type contracted subrecipient services, and all procurements that exceed \$250,000. Small purchase procedures are used to purchase goods and administrative and professional type services which do not exceed the Simplified Acquisition Threshold (SAT) defined in Section 3. These methods are described in more detail under the appropriate title.
- (g) Purchases of property with the following, require prior approval (refer to EDD Directive WSD16-16 [or subsequent] and Golden Sierra Property Management Policy:
- Per-unit cost that exceeds \$5,000
 - Cumulative cost that exceeds \$5,000 over a 12 month period
 - Land, building or equipment improvements
 - Subscriptions, maintenance, licenses, and support costs that exceed \$5,000 annually.

Ongoing procurement costs such as subscriptions, maintenance, license, support costs or procurements which are otherwise paid annually will be considered approved after the initial approval if the cost remains constant or decreased.

- (h) All procurement actions are to be conducted in a manner that provides for “full and open competition”. No procurement transaction will contain any requirement that restrict competition, unfairly promotes a single vendor/subrecipient or product, places excess burden on a vendor/subrecipient, or presents an organizational conflict of interest.
- (i) All procurements must complete required steps and receive appropriate approval prior to entering any formal agreement (purchase request, service agreement or contract).
- (j) All procurements in excess of \$25,000 will be verified through System for Awards Manager (SAM) prior to award.
- (k) All awards for products/services procured utilizing the competitive process under small purchase or RFP may be extended up to a total of 4 years including initial award. All extensions will be based on funding availability and vendor/subrecipient performance.
- (l) The One-Stop Operator must be procured every 4 years in accordance with WSD16-14.

2. Objectives

- (a) To ensure that the best value is received for each dollar spent, but not necessarily that the lowest price is always attained.
- (b) To provide a level playing field for all potential competitors/bidders (arm's length negotiation).
- (c) To provide safeguards to insure the maintenance of a procurement system of quality and integrity.
- (d) To insure the fair and equitable treatment of all persons who deal with Golden Sierra's procurement system.
- (e) To seek values which offer the best combination of price, quality, and service.
- (f) To seek purchasing savings by consolidating requirements and making volume discounts when feasible.

3. Definitions

Cost Analysis – An element-by-element review and evaluation of the estimated or actual cost to determine the probable cost to the vendor/subrecipient. This is a more detailed and costly method than price analysis in terms of both time and manpower.

Price Analysis – The process of examining and evaluating a proposed price without evaluating its separate cost elements and proposed profit. This process determines whether the price is fair and reasonable.

Request for information (RFI) – An RFI is primarily used to gather information to help make a decision on what steps to take next. The RFI can also provide you with the range of knowledge, experience and interest available in the marketplace. RFIs are therefore seldom the final stage and are instead often used in combination with the following: request for proposal (RFP), and request for quotation (RFQ).

Request for Proposal (RFP) – A type of solicitation document, used in a formal competitive bidding process where an invitation is presented for suppliers to submit a proposal on a specific commodity or service. The RFP process brings structure to the procurement decision and is meant to allow the risks and benefits to be identified clearly up front. The RFP is used to obtain complex services in which professional expertise is needed and may vary and/or where different methods and approaches may be applied during performance.

Request for Quote (RFQ) – A type of solicitation document, used in a formal competitive bidding process, mainly when the specifications of a product or service are already known and when price is the main or only factor in selecting the successful bidder.

Simplified Acquisition Threshold (SAT) – currently \$250,000 per FAR Subpart 2.1. The Simplified Acquisition Threshold is periodically updated based on inflation.

Subrecipient - Responsible for carrying out a portion of the Federal Award. Responsible for determining program eligibility, meeting WIOA performance indicators, and programmatic decision making.

Vendor (Contractor) – Provides goods and services.

4. Cost/Price Analysis

- (a) An analysis of cost/price shall be performed for every procurement action that exceeds the SAT. The extent of the analysis should depend on factors of the procurement, but at minimum include an estimated cost of the purchases before bids or proposals are sought.
- (b) A cost/price analysis may be used when adequate price competition is lacking and for sole source procurements, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product.
- (c) A price analysis may be used to determine the reasonableness of a proposed contract price. Price analysis is the process of deciding if the price of a product or service is fair and reasonable without conducting a cost analysis to evaluate the separate elements of cost and profit required to provide that product or service. To conduct a successful price analysis, it must be known what is being procured and what GSJTA expects to achieve. A price analysis should answer the following questions: 1) is there effective price competition; 2) Is the price reasonable compared with catalog or market prices and 3) Is the price reasonable in comparison with past prices?
- (d) If a Cost/Price Analysis is required, refer to Cost/Price Analysis procedure.

5. Exception to Competitive Process

Competitive bidding is not required for the following purchases:

- (a) Property or services, the price of which is fixed by law.

(b) Personal property or services obtainable:

- From Placer County departments, i.e., trustees, Buildings & Grounds, Communications, etc.
- From any entity which has a contract with another public agency, and such entity produces satisfactory documentation that:
 - (i) Such contract is/was current within 12 months; and
 - (ii) Such contract was let through a competitive pricing process, such as competitive written bids, request for proposals, or quotes for such items; and
 - (iii) Such items to be acquired by the GSJTA are of comparable description and quality as described in the contract; and
 - (iv) The price of such item is not greater than that specified in the contract.

These procurements will retain the procurement period established by the initial bidder.

(c) From any entity that is included/outlined in a multi-agency/organization proposal (SFP, RFP, etc.) that is successfully awarded.

(d) From any entity that currently has a fixed pricing agreement with the State or local government that the JPA is affiliated with (i.e. Dell, ATT CalNET).

6. Micro & Small Purchases

“Per transaction” is a single solicitation for a single item (e.g. copying machine), group of related items (e.g. office furniture), or a specified service (e.g., staff training). Purchases are not to be broken down into smaller components to avoid more stringent procurement requirements.

Multiple transactions from the same vendor for the same type of product or service could easily exceed the SAT maximum limit for small purchases. Since these rules are applied on a per transaction basis, these multiple transactions which exceed dollar limits would not generally be in violation of this guidance unless artificially divided.

Refer to Section 1(g) regarding prior approval as applicable.

(a) Micro-Purchase

- The micro-purchase procurement method is used when the “per transaction” value of a purchase is less than the micro-purchase threshold (currently \$10,000 per Federal Acquisition Regulation [FAR] 48 CFR Subpart 2.1), and may be used without soliciting competitive quotations if the price is reasonable. The micro-purchase threshold is periodically updated based on inflation.
- To the extent practicable, micro-purchases must be distributed equitably among qualified suppliers. GSJTA will demonstrate compliance by utilizing multiple qualified local vendors for office supplies, or other multiple purchase items.

(b) Small Purchase

- The small purchase procurement method may be used when the “per transaction” value of a purchase of supplies, equipment or services is less than the SAT. The use of informal quotations are used for small purchase procurements, in lieu of the more expensive and time consuming sealed bid or competitive proposal methods.
- Commonly, the basis for selection would be lowest price. However, this method does not require the selection of the lowest quote. Qualifications of the vendor, availability of the goods, service, quality, and location are some additional factors that could influence the procurement. The documentation must contain the basis for vendor selection, and if the basis is something other than price, the procurement staff must prepare written documentation in the procurement file describing the additional criteria for selection, the relevance of the criteria to the need and benefit, and the relative advantage of the offering from the selected vendor.
- If only one quote is received for small purchases, the procurement staff will review the circumstances to make a determination if the procurement qualifies as a sole source procurement. If not, efforts must be continued to secure at least one more quote. This can be accomplished by: 1) re-bidding the item, or 2) finding one more vendor to submit another written quote.

(c) Documentation required for micro & small purchase

- Micro-Purchases Less than \$10,000
One quote at a reasonable cost
Purchase Request/Service Agreement
- Small Purchases Between \$10,000 - \$49,999
Two quotes: written, or from a catalog; catalogs or price lists should be no more than one year old; or Request for Quote (RFQ) [basic]
Method of Procurement
Basis for Vendor Selection
Purchase Request/Service Agreement
Procurement File [separate from Purchase Request file]
- Small Purchases Between \$50,000 - \$250,000
Method of Potential Bidders Selection
Request for Quote (RFQ) [formal]
Three formal written quotes in response to a RFQ
Method of Procurement
Basis for Vendor Selection
Purchase Request/Service Agreement
Procurement File [separate from Purchase Request file]
Verified through System for Awards Manager (SAM) [\$25,000 and above]
- Purchase Request/Service Agreement content:
 - (i) Purchase Request/Service Agreement (original)

(ii) Quote from selected vendor

- Procurement file content:
 - (i) Purchase Request/Service Agreement (copy)
 - (ii) All other required forms/content.

(d) Types of small purchase procurement requisitions

- Purchase Request – utilized for purchases with simple delivery and receipt record (i.e. office supplies, furniture).
- Service Agreement – utilized for more complex purchases with multiple delivery dates and/or verifiable outcomes (i.e. multi step installation projects, or workshops requiring attendance tracking)

(e) Method of Potential Bidders Selection

For purchases \$250,000 and above, quotes must be solicited from vendors who can reasonably be expected to provide the goods or services. Some method of random sampling or a pre-established potential bidder's list must be used to provide a level playing field for all prospective bidders to ensure fair and equitable competition.

- Established Bidder's List

This method is used when the goal is to establish a Bidder's List for specific goods or services, i.e. computer-related goods, which can be used for immediate and future procurements for like items. With this method, careful market research must be conducted to ensure that all prospective bidders have a chance to bid. The list must be dated and should be updated as needed, but at a minimum, annually. Vendors may be added or deleted with adequate justification, i.e. deleting non-responsive or ineffective vendors, or adding new vendors.

- Random Sampling

This method is used when there is no pre-established Bidder's List. Prospective bidders are chosen, at random, from a list of vendors selling like goods or services in such a manner to ensure that each prospective bidder has equal probability of being selected, i.e. selecting every 5th vendor found utilizing a website search for "janitorial services".

The selected vendor list and method of selection must be documented.

7. Sealed Bids - Invitation for Bid (IFB)

(a) Conditions for Use

- This method is typically used when the “per transaction” value of the good or service to be purchased will be more than the SAT, and its nature can be precisely defined. The desired procurement must have a complete, adequate and realistic specifications or purchase description.
- The sealed bid method is the preferred method for procuring construction.
- Sealed bid procedures are publicly solicited procurements for which a firm, fixed-price contract (lump sum or unit price) or other fixed price arrangement is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest price.

(b) Procurement Steps

- A Cost/Price Analysis must be performed pre-bid for all procurements over the SAT.
- The IFB must include: clearly stated specifications, bidding process, and dates. The IFB defines the quantity, timeframes, product requirements, specifications and pertinent attachment of the goods or service being purchased. It must include evaluation procedures and points assigned thereto. The IFB must include the minimum score which must be attained in order to be considered responsive.
- IFB must contain date, time and place to be opened.
- IFB must contain protest and appeals process.
- Public notification of the procurement must be made through announcements in local public mediums (i.e. newspapers) or media, which minimally covers the entire service area. If feasible, such notifications should be published at least 7 days prior to the availability of the IFB. In addition, an announcement should be sent to anyone on a current bidder's list indicating the availability of the IFB. The method chosen to develop the bidder's list must ensure fair and open competition so that all prospective bidders have equal probability of being selected. A copy of the IFB should be provided to any party requesting it.
- IFB's must be available for a minimum of 21 days prior to the submittal date unless a shorter time period is deemed necessary by the Executive Director.
- A bidder's conference is optional depending on the nature and content of the IFB.
- The agency receiving the bids cannot assist the bidders in preparing the bid, except that clarifying information must be provided to bidders if requested. A log must be kept of all inquiries received regarding the process and submission requirements and the responses given must also be noted. All must be shared with all potential bidders.

- Letter of Intent and Pre-Qualification documents must be submitted for bid to be considered responsive.
- Upon receipt of Pre-Qualification Packet subrecipient must be verified through System for Awards Manager (SAM).
- All bids must be date stamped to ensure that only bids received by the due date and time published in the IFB qualify as responsive bids.
- The bid packet must be sealed, and must be identified as containing the pricing information. From the bids, the contract will be awarded to the lowest responsive bid.
- Any sealed bid which is opened prior to the stated date, time and location specified in the IFB will nullify the entire process and the process must be redone.
- All bids must be responsive, i.e. meet deadline, submit required forms, content, designated format.
- Bids will be reviewed by Golden Sierra staff and outside personnel, if appropriate. Interviews may be held with bidders, as appropriate. All interviews must be documented.
- IFB's may be cancelled, or any and all bids rejected in whole or in part, when it is in the best interest of Golden Sierra to do so. The sound reasons for any cancellation shall be made part of the procurement file.
- If only one bid is obtained and that bidder is deemed to be responsible, then the non-competitive process may be used.

(c) Documentation

All transactions must be documented. The procurement file must contain the following:

- (i) Method of Procurement
- (ii) Cost/Price Analysis (pre-bid if exceeds the SAT)
- (iii) A copy of the IFB
- (iv) A list of the bidders receiving IFB by request and through a qualified bidder's list
- (v) The publication notice
- (vi) A sign-in sheet from the bidder's conference [if applicable]
- (vii) A copy of all bids received
- (viii) Letter of Intent & Pre-Qualification document
- (ix) System for Awards Manager (SAM) verification
- (x) Rating and scoring sheets completed in the evaluation process
- (xi) A copy of any submitted grievances and the resolution of each
- (xii) Copy of award letter
- (xiii) Copy of letters to those not awarded

(d) Steps for Awarding of the Contract

- The contract must be awarded by written notice to the responsive bidder whose bid represents the lowest price. If not awarded to the lowest bidder, the agency must notify the lowest bidder at least 5 working days prior to the award that the contract is not being awarded to them, and post a notice of proposed award on the website. The later must occur prior to awarding the contract in accordance with protest and appeals process outlined in Section 12.
- Written notification must also be made to the bidders who were not selected.
- Risk Assessment will be conducted to establish frequency of monitoring.
- Contract Review form to be completed for file.

8. Request for Proposals (RFP)

(a) Conditions for Use

- This method is typically used when the “per transaction” value of the good or service to be purchased will be more than the SAT, but its nature cannot be defined as precisely as required by the sealed bid method.
- An RFP is used to procure program type contracted subrecipient services, and all procurements that exceed the SAT.
- The RFP method of procurement is specifically used when factors other than the price are important in the selection process.
- RFP’s are publicly solicited procurements.

(b) Procurement Steps

- A Cost/Price Analysis must be performed pre-bid for all procurements over the SAT.
- The RFP must provide clearly stated specifications, bidding process, and dates. The RFP defines the quantity, timeframes, product requirements, specifications and pertinent attachment of the goods or service being purchased. It must include evaluation procedures and points assigned thereto. The RFP must include the minimum score which must be attained in order to be considered responsive.
- RFP must contain protest and appeals process.
- Public notification of the procurement must be made through announcements in local public mediums (i.e. newspapers) or media, which minimally covers the entire service area. If feasible, such notifications should be published at least 7 days prior to the availability of the RFP. In addition, an announcement should be sent to anyone on a current bidder’s list indicating the availability of the RFP. The method chosen to develop the bidder’s list must ensure fair and open competition so that all prospective bidders have equal probability of being selected. A copy of the RFP should be provided to any party requesting it.

- RFP's must be available for a minimum of 21 days prior to the submittal date unless a shorter time period is deemed necessary by the Executive Director.
- A bidder's conference is optional depending on the nature and content of the RFP.
- The agency receiving the bids cannot assist the bidders in preparing the bid, except that clarifying information must be provided to bidders if requested. A log must be kept of all inquiries received regarding the process and submission requirements and the responses given must also be noted. All must be shared with all potential bidders.
- Letter of Intent and Pre-Qualification documents must be submitted for bid to be considered responsive.
- Upon receipt of Pre-Qualification Packet subrecipient must be verified through System for Awards Manager (SAM).
- All bids will be date stamped upon receipt to ensure that only proposal received by the due date and time in the RFP qualify as valid proposals. Email time stamp is valid.
- All bids must be responsive, i.e. meet deadline, submit required forms, content, designated format.
- Bids will be reviewed by Golden Sierra staff, outside agencies or a combination thereof. Audit RFP's may also be evaluated by staff from Placer County Auditor's office. Technical merits as well as cost of the proposal shall be reviewed based upon the rating criteria contained in the RFP. Interviews may be held with proposers, if necessary. All interviews must be documented.
- Reviewers shall determine which bids meet the minimum score for funding and are, therefore, considered for funding (the minimum score must be pre-determined and advertised in the RFP).
- RFP's may be cancelled, or any and all bids rejected in whole or in part, when it is in the best interest of Golden Sierra to do so. The sound reasons for any cancellation shall be made part of the procurement file.
- If only one bid is obtained and that bidder is deemed to be responsible, then the non-competitive process may be used.
- A Cost/Price Analysis must be performed post-bid for all procurements over the SAT.

(c) Documentation

The entire procurement process must be documented. The procurement file must include the following, at a minimum:

- (i) Method of Procurement
- (ii) Cost/Price Analysis (pre-bid if exceeds SAT)
- (iii) A copy of the RFP
- (iv) A list of the bidders receiving RFP by request and through a qualified bidder's list
- (v) Public notice verification
- (vi) A sign-in sheet from the bidder's conference [if applicable]
- (vii) A copy of all bids received
- (viii) Letter of Intent & Pre-Qualification document
- (ix) System for Awards Manager (SAM) verification
- (x) Rating and scoring sheets completed in the evaluation process
- (xi) A copy of any submitted grievances and the resolution of each
- (xii) Cost/Price Analysis for each selected bidder (post-bid if exceeds the SAT)
- (xiii) Copy of public award notice
- (xiv) Copy of award letter
- (xv) Copy of letters to those not awarded

(d) Steps for Awarding of the Contract

- A public notice of intent to award should be published on website at least 5 working days prior to the award and execution of any contract.
- The contract must be awarded by written notice to the bidder selected through the evaluation process and approved by the board (if applicable), and upon completion of the 5 days' notice in accordance with protest and appeals process outlined in Section 12.
- Written notification must also be made to the bidders who were not selected.
- Risk Assessment will be conducted to establish frequency of monitoring.
- Contract Review form to be completed for file

9. Non-Competitive Proposals (Sole Source)

(a) Definition

This method of procurement is defined as procurement through solicitation of a proposal from only one source, the funding of an unsolicited proposal, or after solicitation of a number of sources, when competition is determined inadequate. Golden Sierra shall minimize the use of sole source procurements to the extent practicable, but in every case, the use of sole source procurements shall be justified and documented. The determination as to whether the purchase meets the definition shall be made by the Administrative Office procurement staff.

(b) Conditions for Use

Procurement by sole source may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids, or competitive proposals and one of the following circumstances applies:

- The item or service is available only from a single source.
- The public exigency or emergency need for this item or service does not permit a delay resulting from competitive solicitation.
- The awarding agency authorizes non-competitive proposals.
- After solicitation of a number of sources, competition is determined inadequate.
- Use of noncompetitive procurements for emergency reasons should be for goods, supplies or services that will provide for the agency's needs for a limited time only. Then, one of the competitive procurement methods should be used for the agency's long-term, on- going needs.

(c) Documentation

- Necessary forms will be based on type of procurement sole source aligns with (i.e. Small Purchase, IFB or RFP).
- Cost/Price analysis or other means of verifying the reasonableness of price must be conducted prior to award.
- A procurement file will be maintained for each noncompetitive (sole source) procurement which describes the specific circumstances supporting the use of this method.

10. Failure to Comply with Procurement Policies and Procedures

Failure of a Golden Sierra employee to comply with these procedures could result in disciplinary action, including termination. In addition to disciplinary action, criminal prosecution could also be warranted.

11. Ethical Standards of Conduct

(a) Policy Statement

- It is the policy of Golden Sierra to promote government integrity and guard against even the appearance of impropriety by prescribing the following essential standards of ethical conduct. Employees, members of the Workforce Board and Governing Body are governed by the Standards of Conduct policy.

- Employees or officers of Golden Sierra shall discharge their duties impartially so as to assure fair competitive access to Golden Sierra procurement by responsible vendors and subrecipients and to foster public confidence in the procurement system.
- Employees or officers of Golden Sierra shall not solicit, demand, accept or agree to accept a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement or specification.
- Employees or Officers of Golden Sierra shall not participate directly or indirectly in a procurement when it is known that:
 - (i) The employee or officer or any member of the employee's or officer's immediate family has a personal financial interest pertaining to the procurement.
 - (ii) Any other person, business or organization with whom the employee or officer or any member of the employee's or officer's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.

(b) Conflict of Interest

No employee or officer of Golden Sierra shall participate in any aspect directly or indirectly of procurement, selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved.

Officers or employers of Golden Sierra shall neither solicit nor accept gratuities, favors or anything of monetary value from vendors/subrecipients, potential vendors/subrecipients or parties to any agreements.

Upon discovery of an actual or potential conflict of interest, an employee or officer shall promptly withdraw from further participation.

(c) Vendor/Subrecipient Ethics

It shall be a breach of ethical standards for any person to offer, give, or agree to give, any Golden Sierra employee or former employee a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, or preparation of any part of a program requirement, specification, standard or contract.

It shall be a breach of ethical standards for any person or firm to present false documents or falsely represent his firm.

A breach of this section may result in debarment for consideration of award.

12. Protests and Appeals

Any actual or prospective bidder, or vendor/subrecipient who is aggrieved in connection with the solicitation or award of a contract may protest to Golden Sierra Job Training Agency.

An award decision may be protested by submitting a protest letter to the Executive Director of Golden Sierra Job Training Agency within five (5) business days after notification of the adverse award decision.

Protests shall:

- Be in writing, dated and signed.
- State the reason for disputing the award.
- Include the desired remedy.
- Be acknowledged in writing by Golden Sierra within five (5) calendar days of receipt of the appeal.

Any Governing Board resolution of the protest/appeal shall be made prior to any funding determination/award, unless deemed urgent.

Protests/Appeals shall be heard at the next regularly scheduled meeting of the Golden Sierra Governing Body. No Governing Body member may hear a protest/appeal if they have a conflict of interest which may affect their judgment.

The Golden Sierra Governing Body shall issue a written decision within fourteen (14) calendar days after hearing the protest/appeal and subsequent closure of the record. Protest/Appeal hearings shall be informal and open. The decision of the Golden Sierra Governing Body shall be binding unless reversed by the State of California.

13. Debarment for Consideration of Award

Golden Sierra shall not permit any contract with any vendor or subrecipient which is debarred or suspended or is otherwise excluded from, or ineligible, for participation in Federal assistance programs in accordance with Department of Labor Regulations at 2 CFR Part 200 and 2 CFR Part 180.

All procurements in excess of \$25,000 will be verified through System for Awards Manager (SAM) prior award