

PRINCE GEORGE'S COUNTY WORKFORCE DEVELOPMENT BOARD

PROCUREMENT POLICY

POLICY NUMBER:	1.4000.100.029
EFFECTIVE:	September 21, 2022
APPROVING AUTHORITY:	Board Chair Prince George's County Workforce Development Board
RESPONSIBLE STAFF:	Executive Director; Director, Board Administration; Director, Policy & Compliance
RESPONSIBLE OFFICE:	Office of the President, Employ Prince George's, Inc

BACKGROUND:

The Prince George's County Public Workforce System, modeled as a free membership network and branded as the Prince George's County American Job Center Community Network, is the workforce system for the Prince George's County Local Workforce Development Area. The Prince George's County Local Workforce Development Area is one of 13 Local Workforce Development Areas in Maryland. Each Local Workforce Development Area is led by a Chief Local Elected Official and governed by a Local Workforce Development Board. The Prince George's County Executive is the Chief Local Elected Official for Prince George's County, and the Local Workforce Development Board is the Prince George's County Workforce Development Board. Based on the Prince George's County Local Workforce Area WIOA Local Governance Agreement between the Prince George's County Executive, the Prince George's County Workforce Development Board, and Employ Prince George's, Inc. (EPG), EPG serves as the administrative staff and fiscal agent of the Prince George's County Workforce Development Board (WDB).

PURPOSE:

This policy will apply to all purchases and procurements made by the Board unless the purchase is made with grant funds that mandate use of the grantor's policy, in which case the more restrictive policy will take precedence.

Because the Board is a quasi-public entity using primarily taxpayer funding to further its mission, it is the policy of the Board to follow the highest ethical standards and demonstrate the highest level of fairness and responsibility in acquiring the best value at the speed of business. The policies in this section describe the principles and procedures that all Board staff, on behalf of Members, shall adhere to in purchasing necessary goods and services to carry out the duty of the Board.

Ethical conduct in managing the Board's procurement activities is an absolute essential function. Staff shall realize that it is essential that the public have confidence in the integrity, independence, and impartiality of their actions on behalf of Prince George's County and ultimately the State of Maryland and the Federal Government. Staff will remain cognizant that any conduct incompatible with the Board's mission, and the residents of Prince George's County's best interests, or that may create a risk of the appearance of impropriety are prohibited.

As a steward of the public trust, the Board will conduct itself in a moral, ethical manner that promotes honesty, trust, and integrity, and promotes a positive supplier and customer relationship while protecting confidential and proprietary information.

POLICY:

This policy is set to ensure funds are being spent effectively and not wasted, procured fairly, and equitably without overpaying or conflicts of interest, and in a professional manner. The Board's purchases must be properly approved and the goods or services, price, and selection of vendor must be properly defended. To that end, all purchases must be properly approved and documented and comparison shopping, competitive bids and Requests for Proposal/Quote (RFPs/RFQs) are encouraged for purchases of any amount. Purchases of goods and services are made only after review, documentation, and approval. However, to operate efficiently and cost effectively, competition may be waived based on the amount of the purchase and the position of the person approving the order.

In summary:

1. **Micro-purchases** are the procurement of goods or services to fulfill a singular need of a program or the corporation where the total cost is less than \$5,000. Micro-purchases may be approved by any signor defined below without competition if the purchase is allowed within the applicable budget.
2. **Small Program or Division purchases** are \$5,000 or more but less than \$10,000 and must be approved by a member of the C-Suite leadership i.e. Chief Operating Officer etc., who may waive the competition requirement at their discretion. Purchase must benefit a program or the corporation, be properly documented, be legal and/or allowable and reasonable, avoid conflicts and the appearance of conflicts of interest, and be properly received.
3. **Small corporate purchases** are \$10,000 or more but less than \$50,000 and must be approved by the President & CEO (PCEO) who may waive the competition requirement at his/her discretion. The other requirements of this policy may not be waived.
4. **Medium purchases** are \$50,000 or more but less than \$150,000 and must be approved by the PCEO. To ensure the public trust, the competition and other requirements cannot be waived and there must be documentation showing that at least three (3) competing bids were received and why the winning bidder was selected. This documentation will be retained by the Operations Office and available for review and audit.
5. **Large purchases** are \$150,000 and above and should only be acquired through a formal RFP/RFQ process to ensure and demonstrate equity, fairness, and prudence.

Only authorized personnel may make purchases on behalf of the Board. The President & CEO, Chief Financial Officer, Chief Operating Officer, and the Director, Board Administration ("signors") shall have the authority to initiate purchases on behalf of the Board. Each signatory may delegate to responsible individuals within their Division or Departments to initiate purchases, but the signatory retains responsibility for the purchase and must sign off on the appropriate form for documentation.

The signatory is responsible for ensuring that:

- The Board purchases everything it needs to fulfill its mission and nothing more, being cognizant of the program's goals, performance measures, and restrictions as well as their fiduciary responsibility over those grant funds.
- Adequate documentation and approvals are created and provided to the Office of Finance to support transactions in an audit including what is to be purchased, why, Reasonableness of Price, how vendor was selected, etc.
- Adequate documentation is provided and certified after the fact demonstrating the goods or services were received and acceptable so that payment can be made, and the purchase order closed out.
- All required policies and procedures of the grant, program and corporation regarding purchases are followed.

PROCESS:

Competition

All procurements must be conducted in a manner providing full and open competition consistent with the standards of this section to ensure the best price and fair opportunity to the public funds the Board manages. To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, and invitations for bids or Requests for Proposals (RFP) must be excluded from competing for such procurements.

The Board must avoid unfairly restricting competition and should take care to avoid the following:

- Placing unreasonable requirements on firms for them to qualify to do business;
- Requiring unnecessary experience and excessive insurance/bonding;
- Noncompetitive pricing practices between firms or between affiliated companies;
- Noncompetitive contracts to consultants that are on retainer contracts;
- Organizational conflicts of interest;

- Specifying only a "brand name" product; and
- Any arbitrary action in the procurement process.

Solicitation

All Purchase decisions above \$5,000 and under \$150,000 where competition is not or cannot be waived shall be made by obtaining competitive proposals from at least three (3) responsible vendors or using a competed group or cooperative purchasing agreement.

All solicitations should (1) incorporate a clear and accurate description of the technical requirements for the product or service to be procured. Such description must not contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

Requests for Proposals (RFPs)

The *Request for Proposal* form of solicitation is used for large purchases as defined above (\$150,000 or more). For purchases less than \$150,000, an RFP may be utilized at the discretion of the President & CEO. RFP's should provide for the following:

1. A clear and accurate description of the technical requirements for the material, product or service to be procured. In competitive procurements such a description shall not contain features which unduly restrict competition.
2. Requirements which the bidder/offeror must fulfill, and all other factors quantified as "Selection Criteria" to be used in evaluating bids or proposals.
3. A description, whenever practicable, of technical requirements in terms of functions to be performed or performance required, including the range of acceptable characteristics or minimum acceptable standards.
4. The specific features of "brand name or equal" descriptions that bidders are required to meet when such items are included in the solicitations.
5. The acceptance, to the extent practicable and economically feasible, of products and services dimensioned in the metric system of measurement.
6. Preference, to the extent practicable and economically feasible, for products and services that conserve natural resources and protect the environment and are energy efficient.
7. A description of the proper format, if any, in which proposals must be submitted, including the name of the Staff person to whom proposals should be sent.
8. The date by which proposals are due.
9. Required delivery or performance dates/schedules.
10. Clear indications of the quantity(s) requested and unit(s) of measure.

Extensions of due dates and receipt of late proposals

Solicitations should provide for sufficient time to permit the preparation and submission of offers before the specified due date. However, if a prospective offeror requests an extension to a due date specified in a solicitation, and such an extension is both justified and compatible with the requirements of the Board, an extension may be granted. All offeror's must be notified for said extension at the same time and in writing.

Consideration of certain categories of businesses

Consistent with the policies of the United States Government, the State of Maryland, and Prince George's County Maryland, positive and proactive efforts shall be made by the Board to utilize businesses that are local, small, and/or minority-, veteran, and/or woman-owned. The following steps shall be taken in furtherance of this goal:

1. Search out and include such businesses on the Board's Bidder's list;
2. Consider the businesses inclusion in one of these categories as a "plus" when choosing between multiple qualified vendors, including adding points if a point-based selection model is used;
3. Make information on forthcoming opportunities available and arrange time frames for purchases and contracts to encourage

- and facilitate participation by small business, minority-owned firms and women's business enterprises;
4. Consider in the contract process whether firms competing for larger contracts tend to subcontract with small businesses, minority-owned firms and women's business enterprises;
 5. Encourage contracting with consortiums of small businesses, minority owned firms and women's business enterprises when a contract is too large for one of these firms to handle individually;
 6. Use the services and assistance, as appropriate in identifying qualified organizations, such as the Small Business Administration, Economic Development Authorities, Office of Minority Business Enterprises, Community Services Administration, U.S. Department of Commerce's Minority Business Development Agency in the minority-owned firms and women's business enterprises.

Special purchasing conditions

Emergency: Where equipment, materials, parts, and/or services are needed, quotations will not be necessary if the health, welfare, safety, etc., of staff and protection of Board property is involved.

Sole Source: Where there is only one (1) vendor available in the marketplace for merchandise needed and no other product meets the stated needs or specifications, quotations will not be necessary. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

1. The item is available only from a single source;
2. The item is explicitly customized for the use of the Board or Prince George's County
3. The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;
4. The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
5. After solicitation of several sources, competition is determined inadequate.

Group and Cooperative purchasing agreements: Where a wide variety of goods and services can be purchased through group and cooperative purchasing agreement resulting in lower costs and more streamlined purchasing procedures. Group and cooperative purchases provides the Board with competitive pricing, a trusted and transparent procurement process, reduced administrative costs, and superior service. It allows the Board to utilize competitively bid contracts using these vehicles.

Contractor and vendor files and required documentation

All source documents supporting any given transaction (receipts, purchase orders, invoices, Request for Proposal (RFP)/Request for Quote (RFQ) data and bid materials) will be retained and filed in an appropriate manner.

Where feasible, source documents pertinent to each individual procurement shall be separately filed and maintained. Where it is not feasible to maintain individual procurement files, source documents will be filed and maintained in a reasonable manner (examples include chronologically, by vendor, by type of procurement, etc.). Whatever form of documentation and filing is employed the purpose of this section is to ensure that a clear and consistent audit trail is established. At a minimum, source document data must be sufficient to establish the basis for selection, basis for cost, (including the issue of reasonableness of cost), rationale for method of procurement and selection of contract type, and basis for payment.

Upon making the initial purchase from any vendor, the Board will obtain a signed W-9 or substitute documentation from the vendor and verify the vendor is not debarred by the US Government per SAM.gov and is in good standing with the State of Maryland SDAT. Web pages should be printed, and all documentation filed in each vendor's folder.

Receipt and acceptance of goods

The purchasing agent, or designated individual, shall inspect all goods received in a timely manner to facilitate prompt return of goods and/or communication with vendors.

Ethical conduct in purchasing

Gifts & Gratuities: Generally, Board Members and Staff cannot accept gifts and gratuities. However, small tokens of goodwill may be exchanged on special occasions, provided they do not exceed \$50.00 in value or result in personal gain for the receiver, or favorable treatment for the giver if they are someone from whom the Board receives goods and services. Reasonable business

meals included in the agenda of (or which immediately precede or follow) a business meeting may also be acceptable. However, such meals may not be lavish or frequent.

Members and staff shall discourage the offer of, and decline, individual gifts or gratuities of value in any way that might influence the purchase of supplies, equipment, and/or services. Members and staff shall notify the Board Chair and President & CEO if they are offered such gifts.

Conflicts of interest prohibited

No Member or staff of the Board shall participate in the selection or administration of a vendor/contractor if a real or apparent conflict of interest would be involved. Such a conflict would arise if a Member or staff of the Board, or any member of their immediate family, their spouse/partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in the vendor/contractor selected.

The specific rules governing conflicts of interest are spelled out in the Board's Conflict of Interest Policy 1.4000.100.002. Questions regarding the application of conflicts rules to specific cases should be directed to the Director, Policy and Compliance.

Non-discrimination policy

All vendors/contractors who are the recipients of Board funds, or who propose to perform any work or furnish any goods under agreements with the Board shall agree to these important principles:

1. Vendors/Contractors will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry or national origin, sex, age, marital status, sexual orientation, gender identity, disability, or genetic information.
2. Vendors/Contractors agree to post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this non-discrimination clause. Notices, advertisement and solicitations placed in accordance with Federal law, rule or regulation shall be deemed sufficient for meeting the intent of this section.

Prohibition of political intervention

The Board shall not incur any expenditure for political intervention. For purposes of this policy, political intervention shall be defined as any activity associated with the direct or indirect support or opposition of a candidate for elective public office at the federal, state or local level. Political intervention does not include lobbying activities, defined as the direct or indirect support or opposition for legislation. Examples of prohibited political expenditures include, but are not limited to, the following:

1. Contributions to political action committees;
2. Contributions to the campaigns of individual candidates for public office;
3. Contributions to political parties;
4. Expenditures to produce printed materials (including materials included in periodicals) that support or oppose candidates for public office;
5. Expenditures for the placement of political advertisements in periodicals.

EXCLUSIONS TO THE POLICY:

None

RESOURCES:

Prince George's County Local Workforce Development Board Procurement Grievances Policy # 1.4000.100.030

Prince George's County Local Workforce Development Board Conflict of Interest Policy #1.4000.100.002

Prince George's County Local Workforce Development Board Non-discrimination Policy #1.4000.100.015

FORMS:

Procurement Grievance Policy

POLICY VIOLATIONS:

N/A

APPROVING SIGNATURE:

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Sep 28, 2022

Board Chair
Prince George's County Workforce Development Board

Date