

PRINCE GEORGE'S COUNTY WORKFORCE DEVELOPMENT BOARD

PROCUREMENT GRIEVANCES

POLICY NUMBER:	1.4000.100.030
EFFECTIVE:	September 21, 2022
APPROVING AUTHORITY:	Board Chair Prince George's County Workforce Development Board
RESPONSIBLE STAFF:	Executive Director; Director, Contracts & Operations; Board Administrator; 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 establishes the process by which an interested party may file a grievance related to the procurement of goods and services. The procurement grievance process is intended to ensure that any dispute is handled in an ethical, fair, reasonable, and timely fashion.

POLICY:

The Prince George's County Workforce Development Board (WDB) uses a variety of competitive bid options to solicit goods and services as outlined in the WDB's Procurement Policy. As such, there may be a time when an interested party may find reason to file a procurement grievance. A procurement grievance is a formal complaint requiring a response as it relates to the award or proposed award of a contract.

A grievance may be filed by an "interested party," which means an actual or prospective bidder whose direct economic interest would be affected by the award of a contract or by the failure to award a contract. There are two types of protests: pre-award and post-award.

Pre-Award Grievance:

A pre-award grievance challenges the terms of the competitive process as stated in the solicitation, limited to the following circumstances:

- The solicitation unnecessarily restricts competition;
- The solicitation evaluation or scoring process or criteria is unfair or flawed; or
- The solicitation requirements are inadequate or insufficient to prepare a response.

Pre-award complaints not based on one of these three subjects will not be considered.

Post-Award Grievance

A post-award grievance challenges the award of a contract. Reasons include but are not limited to: a matter of bias, discrimination¹ or conflict of interest on the part of an evaluator; errors in computing the scores or prices; or non-compliance with procedures described in the solicitation document.

PROCESS:

Pre-Award Grievance

While many questions can be addressed through the procurement Q&A process, an interested party may find it necessary to file a pre-award grievance to resolve a faulty procurement concern. A pre-award grievance must be filed at least seven days prior to the deadline for submission of proposals. The grievance must be made in writing and signed by the protesting party or an authorized agent. The complaint must clearly state the grounds for the complaint, the specific facts, and a proposed remedy. All complaints must be sent to the attention of the Director, Contracts and Operations at the contact information listed in the procurement document. Once received, the Director, Contracts and Operations will include the Board Administrator in all communication related to the grievance to ensure the Workforce Development Board or the associated committee are aware of the grievance and can provide input during the review process. The Director, Contracts and Operations will 1) acknowledge receipt of the complaint, 2) proceed with the internal review and 3) respond to the complainant in writing within five days with the findings and any additional actions to be taken by either party. The Workforce Development Board or associated committee will make the final decision regarding the outcome of the complaint. In the interest of transparency in the procurement process, the complaint and solution will also be posted on the procurement website.

Post-Award Grievance

An unsuccessful bidder who wishes to challenge the award of a contract may do so only after a debrief meeting. The bidder must 1) request a debrief meeting within three days of receiving notification that they did not receive the award and 2) file the grievance within five days of the debrief meeting. The complaint must clearly state the grounds for the complaint, the specific facts and a proposed remedy. All complaints must be sent to the attention of the Board Administrator at the contact information listed in the procurement document. Once received, the Board Administrator will 1) acknowledge receipt of the complaint, 2) proceed with the internal review and 3) respond to the complainant in writing within 45 days with the findings and any additional actions to be taken by either party. In the event that additional time is needed to investigate and resolve the issue, the complainant will be notified as soon as possible in writing with a new anticipated response period.

There are four possible outcomes to a post-award grievance:

Withdrawn – the complainant withdraws the grievance

Dismissed – EPG will not consider the complaint due to a technical flaw (such as being filed after the deadline)

Not Merited – the complaint has been thoroughly investigated and has no merit

Has Merit – the complaint has been thoroughly investigated and has merit; corrective action will be taken, up to and including re-bidding the contract

The party filing the grievance will receive a written notification of the disposition of the complaint.

EXCLUSIONS TO THE POLICY:

None.

¹ Complaints alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity may be referred to follow the procedures outlined in Prince George's County Local Workforce Development Board Grievance policy # 1.4000.100.008.

RESOURCES:

Prince George's County Local Workforce Development Board Procurement Policy # 1.4000.100.029

Prince George's County Local Workforce Development Board Grievance Policy # 1.4000.100.008

FORMS:

N/A

POLICY VIOLATIONS:

N/A

APPROVING SIGNATURE(S):

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[brad Frome \(Oct 5, 2022 06:47 EDT\)](#)

Oct 5, 2022

Board Chair
Prince George's County Workforce Development Board

Date