



**Summit and Medina
Workforce Area**
Council of Governments

ACQUISITION & PROCUREMENT POLICIES

Adopted 3/6/2017 (SAMWA COG Resolution #2017-07)
Amended 12/4/2017 (SAMWA COG Resolution #2017-39)
Amended 1/25/2018 (SAMWA COG Resolution #2018-04)
Amended 10/6/2021 (SAMWA COG Resolution #20201-21)

ACQUISITION AND PROCUREMENT

PURPOSE:

To implement acquisition and procurement standards to be used in purchasing goods and services for the general operation of Workforce Development Services by the Summit and Medina Workforce Area Council of Governments (“SAMWA COG”).

POLICY:

A. General Statements

1. It shall be the policy of the SAMWA COG to require all acquisition and procurement of goods and services be conducted in a manner providing full and open competition regardless of price, unless specifically excluded by this policy.
2. The SAMWA COG shall inform sub-grantees of applicable procurement requirements in any contract or other applicable types of agreements used in awarding the contract or grant.
3. Subgrant agreements as outlined in rule 5101:9-4-88 of the Ohio Administrative Code funded in whole or in part with federal funds do not represent acquisitions and are not subject to the requirements contained in this rule provided that such relationships are documented between the entities. SAMWA COG shall inform sub-grantees of applicable procurement requirements in any contract or other applicable types of agreements used in awarding the contract or grant.

B. Ethical Procurement Practices

1. SAMWA COG has a written standard of conduct covering conflicts of interest and governing the performance of their officers and employees engaged in awarding, recommending, approving, monitoring, administering contracts, other purchases of goods and services and grants:
 - a. that requires written disclosure of any conflict of interest, real or apparent.
 - b. that requires any person or agent involved in any stage of the procurement process, from planning through proposal evaluation and contract signing, to sign a nondisclosure and confidentiality statement.
 - c. setting forth penalties, sanctions, or other disciplinary action for violation of the SAMWA COG ethical procurement standards.
 - d. setting forth prohibition of solicitation or receipt of kickbacks, gratuities, or gifts of any kind.

C. Authority to Take Procurement Actions

1. SAMWA COG has adopted a policy that identifies who has authority to:

- a. Approve procurement: Executive Director of the SAMWA COG.
- b. Approve the selection for award: Board of SAMWA COG.
- c. Sign contracts: Board of SAMWA COG.
- d. Modify contracts: Per purchasing authority amount thresholds.
- e. Terminate contracts: Executive Director or the Board of SAMWA COG.

D. Purchasing Authority (*Amended 01-25-2018 via SAMWA COG Resolution 2018-04*)

1. WIOA Program Funds

- a. To ensure timely payment of invoices, the SAMWA COG's Executive Director shall have the authority to sign and approve the following:
 - Invoices submitted by vendors and/or subrecipients providing WIOA program services under current Agreements, up to the total amount awarded by those agreements.
 - Invoices submitted by companies with current On-the-Job (OJT) Agreements, but not to exceed the maximums outlined in Area 2's OJT Policy.
 - Invoices submitted by Workforce Inventory of Education and Training (WIET)-approved Education and/or Training Providers receiving payments for current Individual Training Account (ITA) vouchers.
- b. For new Agreements, including the renewal of existing Agreements, and expenses incurred outside of existing Area 2 budget line items, the following cumulative annual purchasing authorities shall apply:
 - Executive Director \$0.00 to \$25,000.00
 - Finance and/or Executive Committee \$25,000.01 to \$50,000.00
 - SAMWA COG Board \$50,000.01 and above

2. WIOA Administration Funds

- a. The following purchasing authority thresholds apply to any use of WIOA Administration Funds:
 - Executive Director – authority to sign for purchases or agreements with annual cumulative expenses by vendor or provider of \$0.00 and up to \$25,000.00.
 - Finance and/or Executive Committee – authority to sign for purchases or agreements with annual cumulative expenses by vendor or provider of \$25,000.001 and up to \$50,000.00.
 - SAMWA COG Board – authority to sign for purchases or agreements with annual cumulative expenses by vendor or provider in excess of \$50,000.01.

E. General procurement requirements

The following are general procedural requirements applicable to all procurements unless deemed exempt by state or federal law.

1. Contract cost and price analysis: SAMWA COG shall perform a cost and/or price analysis in connection with every procurement action in excess of one hundred and fifty thousand dollars (\$250,000), including contract modification. Such cost and/or price analysis shall be conducted in accordance with the method set forth in section 5101:9-4-07 of the Ohio Administrative Code.
2. Competition. All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of 45 C.F.R. 75.327 to 75.335 (U.S. Department of Health and Human Services (HHS)), and 2 C.F.R. 200.319 (U.S. Department of Labor (DOL) and U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS). Some of the situations considered to be restrictive of competition include but are not limited to:
 - a. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - b. Requiring unnecessary experience and excessive bonding;
 - c. Non-competitive pricing practices between firms or between affiliated companies;
 - d. Non-competitive awards to consultants that are on retainer contracts;
 - e. Organizational conflicts of interest;
 - f. Specifying only a "brand name" product instead of allowing an "equivalent" product to be offered and describing the performance of other relevant requirements of procurement; and
 - g. Any arbitrary action in the procurement process.
3. Selection procedures:
 - a. All solicitations must include:
 - i. A clear and accurate description of the technical requirements for the materials, products or services to be procured. When it is impractical or uneconomical to make a clear and accurate description of technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement.
 - ii. All requirements that the bidder must fulfill and all other factors to be used in evaluating bids or proposals.
 - b. If the SAMWA COG chooses to use a list of pre-qualified persons, firms or products, it shall ensure that all pre-qualified lists are current and include enough qualified sources to ensure maximum open and free competition. SAMWA COG must permit all potential bidders to qualify during the solicitation period.
 - c. SAMWA COG procedures shall include a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Breaking out procurements should only be done to obtain a more economical price and shall not be done to avoid procedural requirements.
4. Geographic preference: The SAMWA COG shall not imposed in-state or local geographical preferences in evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference.
5. Debarment and suspension: SAMWA COG shall not enter into contracts with or make purchases from a person or entity which is debarred or suspended or is otherwise ineligible for participation in federal assistance programs under executive orders 12549

and 12689, and other applicable state and federal regulations. (See 2 C.F.R. parts 180, 200, and 42, 29 C.F.R. part 98, and 45 C.F.R. part 75.)

6. Monitoring: SAMWA COG shall maintain a contract administration system that ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or agreements. Specific monitoring guidelines will be established by separate policy letter(s).
7. General contract requirements: Each SAMWA COG contract shall contain the following provisions:
 - a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms and provide for such sanctions and penalties as may be appropriate.
 - b. Termination for cause and for convenience by SAMWA COG including the manner by which it will be affected and the basis for settlement.
 - c. Compliance with executive order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by executive order 11375 of October 13, 1967, and as supplemented in DOL regulations (41 C.F.R. chapter 60).
 - d. Compliance with the Copeland "Anti-Kickback" Act (18 U.S.C. 874 and 40 U.S.C. 3145) as supplemented by DOL regulations (29 C.F.R. part 3).
 - e. Compliance with the Davis-Bacon Act as amended (40 U.S.C. 3141 - 3148) as supplemented by DOL regulations (29 C.F.R. part 5) for all construction contracts in excess of two thousand dollars.
 - f. Compliance with sections 3702 and 3704 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 3701 - 3708) as supplemented by DOL regulations (29 C.F.R. part 5).
 - g. Compliance with "Rights to Inventions" clause, 37 C.F.R. part 401.2a, pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.
 - h. Access by the Ohio Department of Job and Family Services ("ODJFS"), the SAMWA COG, the federal grantor agency, the comptroller general of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.
 - i. Compliance with all applicable standards, orders, or requirements issued pursuant to the Clean Air Act as amended (42 U.S.C. 7401 - 7671) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251 - 1387) for any contract in excess of one hundred and fifty thousand dollars.
 - j. Financial, programmatic, statistical, and recipient records and supporting documents must be retained for a minimum of five years after the submittal of the final expenditure report for the grant or as otherwise provided by any minimum retention requirements specified by applicable state or federal law. If any litigation, claim, negotiation, audit or other action involving the records has started before the expiration of the five-year period, the records must be retained until the completion of the action and resolution of all issues that arise from it, or until the end of the regular five-year period, whichever is later.

- k. Certification that a contractor has not and will not use federal funds to pay for any lobbying activities as defined in the Byrd Anti-lobbying Amendment (31 U.S.C. 1352) for any contract of one hundred thousand dollars or more.
- l. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan.

F. Procurement Methods (*Amended 10-6-21 via SAMWA COG Resolution 2021-21*)

Per 2 C.F.R. 200.320 and OAC 5101:9-4-07.1, SAMWA COG, sub grantees and contractors shall use one of the following procurement methods when acquiring goods and/or services paid for in whole or part with federal funds:

1. **Micro-purchases procedure:** Allowable for purchases of \$0.01 up to, but not in excess of \$10,000.00.
 - a. SAMWA COG, sub grantees and contractors may acquire supplies and services of less than \$10,000.00 without soliciting quotes if price is considered reasonable. To the extent practical, micro-purchases shall be distributed equitably among qualified suppliers. Catalog or verbal quotes may be used.
2. **Small Purchases procedure:** Allowable for purchases of \$0.01 to \$10,000.00 and required for purchases of \$10,001.00 to \$250,000.00.
 - a. SAMWA COG, sub grantees and contractors may acquire supplies or services for which the aggregate dollar amount is with range. Written quotations or proposals from at least three sources are required, if available.
 - b. SAMWA COG shall maintain a list of qualified sources from which to solicit proposals, and the list shall include qualified sources that have expressed an interest in providing products or services to SAMWA COG. SAMWA COG must identify and document the evaluation factors and their relative importance.
 - c. Awards will be made to the responsible source whose proposal is most advantageous to the program, with price and other factors considered.
 - d. Once a vendor relationship is established, additions, upgrades and changes will be acquired without quotes for the enhancements. The vendor relationship will be reviewed and reevaluated as deemed necessary.
3. **Competitive Sealed Bids:** Allowable for purchases of \$0.01 to \$250,000.00 and required for purchases of \$250,001.00 and above, when applicable.
 - a. SAMWA COG shall use competitive sealed bidding under the following conditions:
 - i. A complete, comprehensive, and realistic specification or purchase description is available;
 - ii. Two or more responsible bidders are willing and able to compete effectively for the business; and
 - iii. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price to the lowest and/or best bidder.
 - b. SAMWA COG shall adhere to the following procedural requirements in issuing the sealed bid:
 - i. The invitation to bid (ITB) will be publicly advertised either in a newspaper of general circulation in each county of Area 2 or on the SAMWA COG website

or both. The advertisement on the website shall remain published for as long as the RFP is posted on the website. If published in the newspapers shall be published once per week while the RFP period is open for response. Bids shall be solicited from an adequate number of known suppliers.

- ii. The ITB which will include any specifications and pertinent attachments shall define the items or services in order for the bidder to properly respond;
- iii. The ITB will require solicited vendors to indicate in writing if they are not interested in responding to the invitation.
- iv. All bids will be publicly opened at the time and place prescribed in the ITB;
- c. At the time of bid opening:
 - i. Bids shall be opened publicly in the presence of one or more witnesses at the time and place stated in the ITB.
 - ii. Bids shall be accepted unconditionally and without alteration or correction, except as authorized in this policy. Bids shall be evaluated based only on the requirements set forth in the ITB.
 - iii. Correction or withdrawal of erroneous bids before the bid opening is permitted. Mistakes to a bid response that are discovered before bid opening may be corrected or the response may be withdrawn by written notice received in the office designated in the ITB no later than 24 hours before the time set for bid opening. No corrections shall be made after the bid opening.
 - iv. Each ITB solicitation shall contain a provision that reserves the right to reject any and all bids for good cause.
 - v. Each ITB issued shall state that it may be canceled and that any bid may be rejected in whole or in part when it is in the best interest of the SAMWA COG. Notice of cancellation shall be sent to all entities submitting a bid. The notice of cancellation shall identify the ITB and explain the reason(s) for cancellation. The reason(s) for cancellation shall be made part of the notice and contract file.
 - vi. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation costs and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of.

4. Competitive proposals: Allowable for purchases of \$0.01 to \$250,000.00 and required for purchases of \$250,001.00 and above.

- a. SAMWA COG shall use competitive proposals when the conditions are not appropriate for the use of competitive sealed bidding, micro-purchases, small purchases, or non-competitive proposals and under the following conditions:
 - i. The complex and technical nature of the procurement cannot be described in bid specifications; and
 - ii. It is logical to award a contract on factors other than price.
- b. Evaluation factors other than price can only be used when they are clearly explained in the RFP.

- c. SAMWA COG shall comply with the following procedural requirements in administering competitive proposal procurements, commensurate with the scope and complexity of the acquisition:
 - i. Requests for proposals shall identify all evaluation factors and their relative importance. The request for proposal (RFP) will be publicly advertised either in newspapers of general circulation in each county of Area 2 or on the SAMWA COG website or both. The advertisement on the website shall remain published for as long as the RFP is posted on the website. If published in the newspapers shall be published once per week while the RFP letter of intent to propose period is open for response. Proposals shall be solicited from an adequate number of known suppliers.
 - ii. Proposals cannot be reviewed or discussed until the submission deadline passes.
 - iii. SAMWA COG will have a method for conducting technical evaluations of the proposals received and for selecting awardees. A technical evaluation is a review to verify that the technical requirements contained in the request for proposals are met.
 - iv. Awards will be made to the most responsive and responsible firm whose proposal is most advantageous to the program, with price and other factors considered.
 - v. SAMWA COG may use competitive proposal procedures for qualification-based procurement of architectural/engineering (A/E) professional services whereby competitor's qualifications are evaluated, and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.
 - d. If after solicitation of an adequate number of qualified sources, SAMWA COG determines that competition is inadequate resulting in a failed competitive procurement, SAMWA COG may use a small purchase procurement method as detailed above. In this instance, SAMWA COG must document the attempt to conduct a competitive proposal and retain that document for a period of 3 years from the date of contract award.
5. Noncompetitive procurement methods :
- a. SAMWA COG may use noncompetitive procurement methods only when the award of a contract is not feasible under the micro-purchasing threshold, small purchase procedure, competitive sealed bidding or competitive proposals, and one of the following conditions applies:
 - i. The item is available only from a sole source. This type of noncompetitive proposal means only one source exists for the goods or services being procured; an example being the procurement of proprietary products. Business justification or long-term relationships with a particular contractor does not constitute justification as sole source procurement. Sole source procurements do not require prior approval.
 - b. A public emergency need for the requirement will not permit a delay resulting

from competitive solicitation. This type of noncompetitive procurement is mainly reserved for emergencies caused by natural disasters. Public emergency procurements do not require prior approval. Poor management planning in procurement practices can never be the basis for an award under the emergency provisions.

- i. The federal awarding agency or ODJFS authorizes noncompetitive procurements.
- ii. The purchases are for equipment or services where the prices are established by law for technical equipment requiring standardization and interchangeability of parts with existing equipment.
- c. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate. The parties must agree to the terms of a transaction such as technical requirements, schedules, prices, and terms. Written documentation must be included in the records to show why a noncompetitive proposal was used instead of competitive sealed bidding. Such justification must include the following items:
 - i. Copies of the public advertisements;
 - ii. A list of providers contacted;
 - iii. Copies of all communications received indicating a bidder's lack of interest in competing for the contract;
 - iv. Any other materials which would justify the agency's use of noncompetitive procurement methods; and
 - v. Cost analysis, the projections of the data, and the evaluation of the specific elements of costs and profit. Independent cost estimates must be made before receiving bids or proposals.
- d. Adequate justification is required before an award of any dollar amount is made and SAMWA COG will maintain that the required product or service is available only from a single source, unless the service is a public utility (e.g., electric, telephone, gas water, sewer, etc.) or the price is set by law or regulation.
- e. SAMWA COG will maintain a file containing the following information on all sole source awards.
 - i. Cost/price analysis per OAC Chapter 5101:9-04
 - ii. written description of the service or product, including information available regarding cost and price
 - iii. written record of efforts made to foster competition and to locate other sources of the product or service; or to divide the solicitation into units/coverage rather than insisting on only single source delivery
 - iv. written narrative describing why the product or service is necessary to SAMWA COG operations, including an explanation of why alternative product or services that might be obtained through competitive bid are not appropriate
 - v. documentation of cost analysis and negotiation efforts. SAMWA COG understands that the State of Ohio will review sole source files for adequate documentation during regular monitoring
- f. SAMWA COG shall not permit or authorize sole source awards before

solicitation is attempted unless explicitly permitted by law.

- g. In cases where SAMWA COG has solicited proposals in accordance with current laws and regulations and the effort has resulted in inadequate competition, SAMWA COG will decide whether to make an award or withdraw the solicitation. SAMWA COG will perform an analysis to determine why adequate competition did not occur. Factors that must be considered in the written analysis include:
 - i. Were there other sources that could have been solicited that were not?
 - ii. Would the increase of public notification help spur competition?
 - iii. Was the statement of work and other RFP contents clearly stated?
 - iv. Is there a need to increase the solicitation time for this type of service?
 - v. Would subdividing the work have induced greater interest among possible offerors?
 - vi. The award of OJT contracts, except for OJT brokered contracts, are not required to be procured competitively.
 - vii. Enrollment of a customer into classroom training is not required to be competitive.

G. Procurement File Contents

Procurement files must be maintained which contain, at a minimum, the following written information:

1. Micro/Small purchases solicitation - \$0 to \$3,500.00 (micro) and \$3,501.00 to \$25,000(small):
 - a. documentation to establish need for procurement and requisition
 - b. a record of the solicitation method used, which providers were solicited, and what quotes were received
 - c. rationale for selection of awardee
2. Invitation to Bid (ITB) regardless of dollar amount includes a record of:
 - a. all bids received, and all inquiries regarding bids, including data received
 - b. advertisement placed in newspapers, etc.
 - c. entities that were mailed or emailed ITBs
 - d. how contractor responsibility was determined
 - e. if the bidder selected was not the lowest bidder, the rationale for selection
 - f. a copy of the contract awarded
3. Solicitation by Request for Proposal (RFP), regardless of dollar amount includes:
 - a. a record of all proposals and dates received, plus any other inquiries or correspondence regarding the proposal process
 - b. factors used to determine the proposer's responsibility
 - c. a list of any proposals that were not rated, and the reasons and rationale for not rating them (for example: proposal received late, proposals non-responsive, etc.)
 - d. signed rating sheets from each rater for each proposal, and a summary of the rating results
 - e. if SAMWA COG chooses to use a best and final offer approach to award, identify the proposals that qualified under this approach
 - f. record of all discussions regarding selection of awardee(s)

- g. a disclosure of conclusions reached as a result of cost/price analysis performed
- h. disclosing the rationale for the selection of awardee(s)
- i. negotiations held with awardee(s)
- j. rationale for form of contract agreement
- k. SAMWA COG's independent estimate of price

H. RFP and ITB shall include the following:

1. date issued
2. name and address of contracting agency and the name, title, address and telephone number of the contact person for the contracting agency
3. final date for submission of RFP/ITB
4. name, address, date and signature of the person having final authority to approve the solicitation
5. list of goods or services to be provided
6. request for price quotes
 - a. for ITBs, a request for breakdown of prices for goods or services being solicited or
 - b. for RFPs, a request for either a breakdown of prices or a budget projecting costs.
7. If the solicitation is for training or services, a statement of work which includes:
 - a. the targeted group for training or services
 - b. the estimated number to be served
 - c. a time frame for completing the services
 - d. an outline of the general training or service requirements (statement of work)
 - e. the purpose for the training or service
 - f. the expected outcome and/or goals to be achieved
 - g. the basis to be used to determine payment
8. If the solicitation is for training, a clause requiring proposers/bidders to disclose:
 - a. the location of training
 - b. a training outline and the duration of the training that includes the following
 - 1) number of weeks; number of days per week, and number of hours per day
 - 2) number of hours of other direct contract time per participant
 - c. course curriculum
 - d. how progress will be measured and how often
9. Contract administration data:
 - a. billing procedures
 - b. contracting offices' technical representative(s)
 - c. any special contract requirements
10. Disclosure of required contract language and clauses as follows:
 - a. compliance with federal, state, and local regulations
 - b. remedies/sanctions
 - c. patent rights
 - d. copyrights and rights in data
 - e. termination
 - f. access to records

- g. reporting requirements
 - h. audit
 - i. payment conditions and delivery terms
 - j. contract changes
 - k. provision against assignment
 - l. non-discrimination
 - m. code of conduct/conflict of interest
 - n. retention and maintenance of records
 - o. dispute and grievance policy
 - p. prohibition against sectarian activities except as defined by Executive Order
 - q. disposition of program income (except “for-profit” entities)
11. Assurances and certifications:
- a. drug-free workplace
 - b. lobbying
 - c. debarment and suspension
 - d. assurance that cost and price information submitted with proposal/bid is accurate, complete and based on current data at time of submission
12. Requirement that proposer/bidder submit the following information at the time a contract statement of agreement is executed:
- a. federal employer ID number, if applicable
 - b. Workers’ Compensation and Unemployment Insurance account numbers, if applicable
 - c. certification of type of entity
 - i. for profit
 - ii. not for profit
 - iii. political subdivision
 - d. copy of last audit completed (RFP for subrecipient relationship only)(Vendor /Contractor relationship does not require submission of audit)
 - e. name of person (s) who have authority to:
 - i. submit proposals/bids
 - ii. negotiate proposals (RFP only)
 - iii. sign contracts
 - iv. modify contracts (RFP only)
 - v. terminate contracts (RFP only)
13. Statement of SAMWA COG/Contractor code of conduct and conflict of interest policies.
14. Statement of SAMWA COG/Contractor right to refuse award to any and all proposers/bidders.
15. SAMWA COG/Contractor assurance of compliance with 29 CFR 37.35.
16. If applicable, responsibilities for provision of supportive services. A disclosure by the SAMWA COG/Contractor of the evaluation factors to be used for the selection of awardee(s).
17. A requirement that the proposer provide a line-item budget that contains at a minimum, the following:
- a. a full disclosure of cost by SAMWA COG cost categories

- b. a disclosure of any costs by cost category that are proposed as stand-in cost, and the funding source from which these cost will be absorbed
 - c. if any of the proposed cost are not entirely allocable to the proposed project, the method or cost allocation plan(s) used to determine the allocation to SAMWA COG (RFP only)
 - d. a disclosure of the source and amount of any funds anticipated from the other sources that may contribute to the completion of the proposed project
 - e. a detailed breakout of the proposer's staff costs, which includes an hourly rate per staff member, hours a week devoted to the proposed project, number of weeks devoted, and a description of each staff person's duties, as they relate to completion of the proposed project.
18. A statement of method(s) to be used to handle offerors' protests of the contracting agency's procurement process which includes:
- a. with whom the offeror must file a protest
 - b. the time limitations for filing a protest
 - c. how the contracting agency will handle the process
 - d. appeal rights (if any) of offerors

I. Cost/Price Analysis

1. Cost/price analysis is a process of making valuation comparisons. Price analysis is required for all contracts valued over the small purchase threshold but is a best practice for all subrecipient contracts. It is sufficient to do price analysis when price reasonableness can be established, based on the catalog or market prices of commercially available products targeted and or market prices of commercially available products, targeted and sold to the general public, or when price is set by a law or regulation. Cost analysis, evaluating the reasonableness and allocability of resources needed to perform the work, must be performed in all other circumstances, especially when the offer is required to produce cost data (for example, a budget) or when price competition is lacking (for instance, a sole source procurement or a contract modification).
2. SAMWA COG will conduct a cost/price analysis for each procurement action as required by 2 CFR 200.324, which includes the following:
 - a. a written comparison of prices submitted by all offerors
 - b. a written comparison of prices submitted by offerors, with the independent estimate made before solicitation
 - c. a written analysis of costs submitted, with line-item budgets provided by offerors that include the following
 - i. a written determination that proposed costs are allowable and allocable to SAMWA COG
 - ii. a written determination that proposed costs are properly classified by cost category
 - iii. for training services, a determination of the cost per participant per training hour
 - iv. for classroom training, a determination of the cost per classroom hour

- J. Evaluation of Proposals and selection of Awardee
1. SAMWA COG procedure for evaluating offers includes the following:
 - a. the person(s) responsible for evaluation of offers and the person(s) responsible for final determination of selection of awardee
 - b. a procedure that discloses the individual steps of the evaluation and the person(s) or staff position(s) responsible for each step
 - c. a policy that requires decisions made in the evaluation and award process to be noted in writing and kept in the procurement record file. The files must contain information stating reasons why proposals were not selected for award, as well as information indicating why proposals were selected for award
 2. SAMWA COG will use a formal rating process which may include the following criteria:
 - a. an objective evaluation of the offeror's responsiveness to the request for proposals
 - b. an objective evaluation of the offeror's past experience that documents placement rates, wages rates, dropout rates, etc.
 - c. consideration of a written objective evaluation that considers completed monitoring reports, audits and financial reporting of previous providers
 - d. consideration of the cost/price analysis information if required by Section H (3) of the policy
 - e. consideration of the offeror's financial resources or ability to obtain them
 - f. consideration of the offeror's record of integrity, business ethics, and fiscal accountability
 - g. consideration of the offeror's experience and accounting and operational controls
 - h. consideration of the offeror's technical skills to perform the work
 - i. consideration of the offeror's ability to provide or make available appropriate supportive services
- K. Each contract executed shall, at a minimum, contain the specific data that includes:
1. the date the contract is formally executed
 2. the operations start and end date
 3. a detailed work statement including specification(s) for which the contractor is to be paid.
 4. a total price for full performance, if at a fixed price agreement or a fee for services
 5. a clear, concise statement of both performance and documentation criteria to be presented by the contractor for requesting payment, along with time frames for billing
 6. a budget breaking out all anticipated costs by cost category and title, including any anticipated stand-in costs, segregated and broken out by cost category and title

7. a contract close-out procedure that accounts for all expenditures by title and cost category and includes time frames for completion of the process
8. required contract language including amendments and modifications, and assurances and certifications, as previously listed in this policy letter (G 11). If the entity is non-profit or a government entity, a determination and disclosure of the existence of program income are required.

L. Contract Administration

1. SAMWA COG will maintain a complete listing of all active contracts which must contain the following information:
 - a. current name, address, and telephone number of contractor
 - b. dollar amount of the award
 - c. present unpaid balance of the contract
 - d. date contract was executed
 - e. date contract expires
 - f. contract number
 - g. whether award was made competitively, non-competitively (solicited, but inadequate competition) or sole source
 - h. the RFP or ITB number used for solicitation, if applicable
 - i. date(s) modified, if applicable
2. SAMWA COG will maintain an individual contract record for all contracts, which must contain the following information:
 - a. the original/complete executed contract
 - b. documentation of cost analysis
 - c. a record of dates and amount of payments made to the contractor
 - d. copies of all audits, monitoring reports, programmatic and financial, along with corrective action requested and received
 - e. any other communication pertinent to the administration of the contract
 - f. any contract modifications or addendums