



Youth Procurement

Procurement

- ❖ Process to obtain goods and / or services
- ❖ Applies to grantees and subgrantees
- ❖ Maintain a system for administration of contracts
- ❖ Full & open competition

The Rules

- ❖ Local government entities
 - ❖ 29 CFR 97.36 to 97.37
- ❖ Non Government entities
 - ❖ 29 CFR 95.40 to 95.48

The Rules

- ❖ Use own procurement procedures
- ❖ Fed laws and regs
- ❖ Statelaws and regs
- ❖ Local laws and regs
- ❖ Administrative standards

Procurement Standards

- v Minimum requirements establish:
 - u Written procurement/purchasing procedures
 - u Written code of conduct
 - u Written conflict of interest policies
 - u Procedures to review procurements
 - w Rating panels & factors
 - w Cost and / or price analysis
 - w Contractors ability to perform
 - u Close-out
 - u Protest process

Procurement Standards

- v Cost and/or Price Analysis
 - Must be conducted for all procurements
 - Must be documented
 - Determination of
 - ◆ Needs
 - ◆ Costs
 - ◆ Prices
 - ◆ Local / regional market

Key Requirement

- v Fair and open competition
- v Prevent conflict of interest
- v Prevent bias
- v Prevent unfair competitive advantage
- v . . . or perception of any

Procurement Methods

- ❖ Small Purchase
- ❖ Sealed Bids
- ❖ Competitive Proposals
- ❖ Non-Competitive Proposals

Competitive Proposals

- ❖ Performance & delivery are critical factors
- ❖ Public solicitation of services or goods being sought
- ❖ Evaluation factors to determine best proposal (weighting)
- ❖ Various methods of delivery of services
- ❖ Requires a Cost & Price Analysis and/or Lease vs. Purchase Analysis
- ❖ Fixed price or cost reimbursement contract

WIA Youth Background

- ❖ State Plan
 - ❖ Criteria for youth services
 - ❖ Criteria for selection of youth providers
 - ❖ Effective / ineffective youth activities
 - ❖ Effective / ineffective youth providers
- ❖ Youth Council
 - ❖ Recommends eligible providers of

WIA Youth Procurement

- ❖ Separation of preparers, raters, administrators v bidders
 - ❖ Develop
 - ❖ Issue
 - ❖ Selection
 - ❖ Post award administration
 - ❖ Sub unit of entity

WIA Youth Elements

- ❖ All WIA Youth services identified must be procured
- ❖ Two categorical exceptions

WIA Youth Exceptions

- ❖ Program design framework
 - ❖ Also known as
 - ❖ Program design component
 - ❖ Entry level case management
 - ❖ Integral part of local systems
 - ❖ Is an opportunity for central access
 - ❖ To determine eligibility
 - ❖ To make appropriate referrals
- ❖ Includes
 - ❖ Intake,
 - ❖ Assessment
 - ❖ Development of IDS

WIA Youth Exceptions

- ❖ Program design framework
 - ❖ If local grant decipient or
 - ❖ If fiscal agent
 - ❖ providing the three services in the program design framework
- ❖ Then... These elements not required to be procured

WIA Youth Exceptions

- ❖ Summer youth employment
 - ❖ If local grant decipient or
 - ❖ If fiscal agent
 - ❖ Then... These elements not required to be procured
- ❖ Also, employers providing unsubsidized youth employment opportunities are excluded from competitive selection process

Contract Clauses

- ❖ Every agreement must contain clauses
 - ◆ 29 CFR 97.36(i)
 - ◆ 29 CFR 95.48 & Appendix A
- ◆ Summary
- ❖ Breach of contract and other legal remedies
- ❖ Termination for cause or convenience
- ❖ Access to records & retention requirements
- ❖ Reporting requirements
- ❖ Applicability of regulations
- ❖ Audit requirements
- ❖ Patent rights, copyrights, rights in data

More Contract Clauses

- ❖ Provisions requiring adherence to:
 - ◆ EEO requirements of CFR 33 & 37
 - ◆ Sections 103/107 of CWH/SSA
 - ◆ Clean Air Act, Clean Water Act, & EPA regulations
 - ◆ Energy Conservation Act
 - ◆ Byrd Anti-Lobbying Amendment (Part 93)
 - ◆ Debarment & Suspension requirements (Part 98)

Common Issues

- ❖ Lack of Competition
- ❖ Weak solicitation
- ❖ Poor or incomplete rating factors
- ❖ Contracts missing key elements
- ❖ Unauthorized payments and extensions
- ❖ Full payment for poor performance or unfulfilled statement of work