




<b>Workforce Connections Administrative Policies Procurement – Acquisition</b>	<b>Admin-010-06</b>
Effective Date: May 28, 2009 Supersedes policy 2.2 dated 12-2008	<b>Revision No.5 – Effective 07-01-2022</b>
Policy Approved By: WC Executive Director Policy Adopted on: May 2009	

**Purpose**

To provide further guidance with respect to methods for the procurement of goods and services obtained with Workforce Innovation and Opportunity Act (WIOA) Title I funds, as well as non-WIOA funds, and set forth the guidelines under applicable procurement standards codified under Title 2 of the Code of Federal Regulations (CFR) Part 200, and State policies/procedures.

**Background**

Procurement, as defined in the Workforce Investment Support Services (WISS) State Compliance Procurement (SCP) Policy #3.9, is “the process that leads to any award of funds”. Sec. 184 of WIOA requires each State (including the Governor of the State), local area (including the chief elected official for the area), and provider receiving funds under Title I of WIOA to comply with the applicable uniform cost principles and the appropriate uniform administrative requirements for grants and agreements applicable to the type of entity receiving WIOA Title I funds.

Workforce Connections (WC), as a pass-through entity/awardee of WIOA Title I funds and other State and Federal awards, is required to have written procurement procedures in place to ensure that all Workforce Connections’ administered programs and services are procured in accordance with established and applicable Federal, State, and local guidelines, as applicable or appropriate.

**Policy**

Workforce Connections and its sub-recipients are required to comply with established procedures/guidelines regarding the procurement of goods and services. Workforce Connections is also required to comply with:

- Any specific Federal and State award requirements that are outlined in grant agreements.
- State and Local Board inter-local agreements.
- Any programmatic or statutory Federal, State, or local guidance, and policies as applicable or appropriate, such as Training and Employment Guidance Letters (TEGLs) issued by the U.S. Department of Labor (DOL), Employment and Training Administration (ETA) as they relate to funds passed through by the State.

**References**

Public Law (P.L.) 113-128 WIOA Secs: 107, 121, 123, 129, 134, 184, 185, and 194.  
2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards – §200.112, §200.113, §200.303, §200.318 through §200.327.  
48 FAR Part 31, 20 CFR Part 683, State Compliance Policy (SCP) 3.9

Note: This policy may be subject to change as additional Federal laws/regulations, State policies, and guidelines are released.

Workforce Connections Policy Admin-010-06	WC Administrative Policies
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**I. General Provisions for Compliance with Conflict of Interest**

- A.** Requirement: The Non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts, 200.318 C (1).
- B.** Workforce Connections staff, board, and advisory panel members who may have some direct or indirect involvement with any procurement process shall comply with all Federal and State procurement requirements and standards, Workforce Connections’ “Code of Conducts”, and established policies and procedures as appropriate or applicable.
- C. Conflict of Interest**
1. To further ensure objectivity and to eliminate any unfair competitive advantage, all members of the Local Elected Officials (LEO) Consortium, Workforce Connections Board, Committees, including advisory panels, staff, and sub-recipients or their staff or any other related party, shall be excluded from competing for awards or contracts if they are involved in any of the following:
    - a) The development of and/or drafting of specifications, requirements, and statements of work for the procurement of goods or services or the competitive awards process; and
    - b) The evaluation of bids/proposals and/or the selection of awardees or contractors.
  2. No members of the Local Elected Officials (LEO) Consortium, Board, Committees, including advisory panels, staff, sub-recipients or their staff, or any other related parties, shall participate in the selection of the contractor or the awardee that will administer the program if they potentially have a direct financial benefit or any other interest in the organization that may receive a sub-award or contract from Workforce Connections.  
Specifically, this provision applies when the relationship to the awardee or contractor is, as follows:
    - a) An officer, business partner, employer, or agent.
    - b) A member of his or her immediate family.
    - c) A person or organization that employs, or is about to employ, any of the above, and has a financial or other interest in the entity, individual, or organization competing or ultimately selected.
  3. In accordance with WIOA regulations, membership on the Local Workforce Development Board (LWDB) or WIOA Title I Programs Committee, or receipt of WIOA Title I funds to provide training and related services/activities shall not violate the overall “Conflict of Interest” provisions.
  4. To the extent permitted by Federal, State, and local statutes or regulations, persons found not to comply with the WC “Code of Ethics” policy may be subject to disciplinary actions (such as suspension, termination, or civil action to recover any monetary damages) for reasons stated in this policy.
  5. No officer, employee, or agent, including a council or member of the LWDB, or a Workforce Connections sub-recipient staff may neither solicit nor accept gratuities, favors of any kind, or anything of monetary value from vendors/suppliers or potential vendors/suppliers, including subcontractors.

## **II. General Procurement/Competition Guidelines**

- A.** All competitions shall be conducted in a manner that provides, to the maximum extent practical, free and open competition to all interested parties.
- B.** The process used shall ensure open and impartial access for all interested minority, women-owned, small businesses, veteran, or disadvantaged owned businesses seeking opportunities to furnish goods and/or services to Workforce Connections. If the volume of goods or services acquired is determined to be too large for small firms to handle individually, Workforce Connections encourages its sub-recipients to allow smaller volume opportunities for small businesses, minority-owned firms, women-owned businesses, and those in labor surplus areas.
- C.** Funds shall be disbursed in accordance with the terms, conditions, and specifications in the awards or contracts and as a result of subsequent performance of all agreements, contracts, and/or purchase orders.
- D.** The procurement process shall be inclusive of a cost/price analysis (see general provisions for price and/or cost/price analysis section of this policy), to determine reasonableness in connection with each award or contract, as required by Federal and State statutes, regulations and/or policies. These requirements must also be reflected in Workforce Connections sub-recipient policies and procedures. Workforce Connections will monitor procurement actions for compliance and will provide technical assistance to sub-recipients as appropriate or necessary.
- E.** All solicitations for goods and services and the selection of sub-recipients, if applicable, shall incorporate a clear and accurate description of the technical requirements for the materials, products, or services to be procured, including quantities, and identification of all requirements that respondents must fulfill and all other factors to be used in evaluating bids or proposals.
- F.** Workforce Connections reserves the right to verify that contractors and sub-recipients can fulfill their offers. This may include on-site verification and other reasonable negotiations prior to signing awards and/or contract agreements.
- G.** All Federally funded procurement actions shall be governed by the following additional principles:
  - 1. Costs incurred must be necessary, reasonable, and allowable under the Federal cost principles and the contract or award. All funded entities must avoid the purchase of unnecessary and/or duplicative items or services. An analysis of lease vs. purchase options shall be conducted, if applicable or appropriate.
  - 2. To foster a greater economy and efficiency and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, entering into State and Local intergovernmental agreements where appropriate for procurement or use of common goods and services is encouraged.
  - 3. All procurements must have documented certification that the entity selected is not debarred by the Federal government and does not have delinquent Federal debt. For technical or customer service support please contact the General Service Administration (GSA) Federal help service desk at 1-866-606-8220. Debarred or excluded parties may not receive Federal contracts or awards.

### III. General Competitive Provisions

These provisions are applicable to all procurement actions conducted by Workforce Connections, as appropriate or applicable.

- A. Procurement may include, but is not limited to, the acquisition of administrative or program equipment, supplies, goods, or services.
- B. Sub-awards apply to all solicitations, if applicable, for sub-recipients to carry out a program objective under the Federal or State awards received by Workforce Connections. Workforce Connections will competitively procure all WIOA Title I sub-awards as required by DETR. For sub-awards under all other funds, Workforce Connections will comply with applicable procurement standards.
- C. Procurement actions under Federal awards, and **non-WIOA funds**, will adhere to the procurement standards set forth by the Uniform Guidance at 2 CFR Parts §200.318 through §200.326.
- D. Procurement actions under awards of non-Federal funds will adhere to procurement standards set forth in the award agreement, or Workforce Connections' general procurement standards, whichever is more restrictive.
- E. Procurement with unrestricted funds awarded to Workforce Connections in support of workforce development initiatives, programs, services, or activities, will adhere to Workforce Connections' general procurement standards.
- F. Procurement and award methods utilized for the acquisition of goods and services or the selection of sub-recipients, if applicable, shall be classified into the following categories:
  - 1. **Informal**
    - Micro purchase,
    - Small purchase,
  - 2. **Formal**
    - Competition (sealed bids or requests for proposals, as appropriate),
    - Noncompetitive proposals (sole source), and
    - Commercial (off-the-shelf) training proposals.
- G. General standards for the procurement of goods or services in each classification for Workforce Connections are as follows:

**Note:** One purchase may not be divided into several small purchases in order to circumvent the threshold requirements of the Federal, State, or Workforce Connections procurement established regulations.

- 1. **Micro Purchase:** This method is used when the per-transaction cost of purchase does not exceed \$4,999.99 and may be used without soliciting quotations once the price is determined to be reasonable and must be documented.  
To the extent that is considered practical under generally accepted procurement standards, micro-purchase shall be distributed equitably among qualified suppliers.

2. **Small Purchase:** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than \$99,999.99 for WIOA funds, or \$249,999.99 for all other funds. If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
- a) For purchases between \$5,000.00 and \$49,999.99 per unit cost, system cost, or for contiguous items or services, three (3) quotes are required. Quotations must be documented and placed in the procurement file.
  - b) All small purchases that exceed \$50,000 per unit cost, but do not exceed \$99,999.99 for WIOA funds, or \$249,999.99 for all other funds, require a minimum of three (3) written documented quotes. The procedures for bid/quotes are as follows:
    - 1) In order for quotes to be considered, all quotes must contain the following information: quantity, timeframes of delivery, and all descriptive requirements of the product and/or service justification for the purchase and any other reasonable supporting documentation.
    - 2) For each acquisition, it is required that the aggregate costs of acquisitions must be solicited in writing and that written quotes are received and placed in the procurement file.
    - 3) When the aggregate unit cost of acquisition exceeds \$99,999.99 for WIOA funds, or \$249,999.99 for all other funds, (e.g., copy machines), systems or contiguous items (e.g., partitions, carpeting), or services (e.g., staff or group participant training), the competitive process must be followed.
3. **Competition**  
Competitive procedures are followed to secure services, supplies, or other property that is at least \$100,000 for WIOA funds, or \$250,000 for all other funds.
- a) **Sealed Bids:** For easily quoted acquisitions, usually for specific goods where the price is the only reasonable factor, the sealed bid process may be used and the justification for selection, if the technical requirements and contractor integrity requirements are met, is the lowest bidder. These bids must be publicly opened, and they must result in a firm-fixed-price. However, availability of the goods or services, quality, past performance, delivery schedules, and location may pose additional factors that could influence selection. When the selection of goods and services is not based on the lowest bid, documented justification describing the additional criteria used for the selection must be in the procurement file. The documented justification must contain the relevance of the selection criteria that is used in relation to the need, benefit, and relative advantage to Workforce Connections of the goods and services to be purchased or the services to be rendered.
    - 1) This method is generally used for purchases from vendors for commodity-type goods/services that are widely available in the marketplace (e.g., computer equipment, furniture, vehicles, construction, bulk supplies, and certain off-the-shelf training).
    - 2) The contents of these bids, upon receipt by the solicitor, are sealed. A predetermined time and place must be indicated on the invitation and/or request for bid as to when and where the sealed bids shall be opened. In most cases, the public shall be invited to witness the opening of the bids and the review shall be completed by more than one individual to ensure accuracy.
    - 3) A cost/price analysis must be performed, as appropriate, prior to the solicitation of bids to ascertain the reasonableness of the cost. *(See general provisions for price and/or cost/price analysis section of this policy).*



- 4) It is generally presumed, after a compliance review, that a fixed-price award will be made to the lowest responsive and/or responsible bidder. The rationale for selection or rejection shall be noted in the procurement file.
- 5) Documentation must include, at a minimum:
  - i) A copy or the formally advertised bid,
  - ii) The vendors receiving an invitation for bids by request, and through a qualified bidders list,
  - iii) The publication notice,
  - iv) Documentation of all the bids that were received, and
  - v) A statement in the file detailing, whenever applicable or appropriate, the reasons for rejecting the lowest bid.

**b) Request for Proposals/Request for Bids**

Request for Proposals (RFPs) or Request for Bids (RFBs) are used when there is more than one prospective bidder submitting an offer, the lowest price is not necessarily the determining factor, and either a fixed-price or cost-reimbursement type contract or award may be made. The RFP or RFB must also meet the generally prescribed standards for a full and open competition process. The bid or proposal evaluation factors should focus primarily on, but not exclusively, the proposal's approach, program design, innovation, coordination, prior experience or expertise, and knowledge of the regulations and statutes directly related to the goods and services proposed. Workforce Connections uses various data sources in the evaluation process for the proposals resulting from RFP's/RFBs procurement/acquisition actions.

Workforce Connections Executive Director is the final evaluation selection committee authority.

The RFP/RFB must contain a clear and accurate description of the technical requirements for the material, product, or service to be procured and, also must contain an identification of all requirements that the offerors must fulfill and identification of all other factors to be used in evaluating the bids or proposals.

At a minimum, the RFP/RFB file must contain:

- 1) A copy of the solicitation package,
- 2) A copy of the public notice that must denote the following:
  - i) The name and location of the entity requesting proposals,
  - ii) Location and procedures by which the RFP/RFB specification can be obtained,
  - iii) The date and time not later than which responses must be received by the requesting entity,
  - iv) The date and time that responses will be opened, and
  - v) Shall provide reasonable notice timeframes for all RFPs/RFBs.
- 3) A bidders list to whom notices of the RFP/RFB were mailed,
- 4) An agenda and minutes of a bidders' conference if held,
- 5) Written responses to all questions received outside of the bidders' conference,
- 6) A copy of each respondent's proposal received,
- 7) Rating and scoring sheet completed in the evaluation process (signed/dated),
- 8) Documentation of the determination of demonstrated performance, via the Statement of Qualification (SOQ) process, as appropriate,
- 9) Documentation of the rationale for selection and funding of any proposal that did not receive the highest score/ranking in the evaluation process,
- 10) A completed price analysis for each selected bidder, and cost analysis, as appropriate, and
- 11) A copy of any submitted grievances and the resolution of each.

**4. Sole Source – Non-competitive Process**

Sole Source/non-competitive awards are those used through solicitation of a proposal from a single source, the funding of an unsolicited proposal, or, after solicitation of a number of sources (more than one), competition is determined inadequate. This method of procurement should be used as a last resort.

- a) Recipients and sub-recipients must minimize the use of sole-source procurement to the extent practicable, but in every instance, the use of sole-source procurement, when competition is required, must be justified and documented.
- b) All non-competitive sole source procurements or awards must be approved by WC Executive Director or designee.
- c) This method may only be used when the award of a contract is unfeasible under small purchase, sealed bid, or competitive policies, with the exception of on-the-job training, customized training, training provider awards, and if one of the following circumstances applies:
  - 1) The item or service is available only from a single source;
  - 2) The public exigency or emergency need for the item or service does not permit a delay resulting from the competitive solicitation.
- d) After solicitation of a number of sources, competition is determined inadequate.
- e) The file documentation for this method must include:
  - 1) A description of the specific circumstances supporting the sole source procurement and the results of any negotiations with the sub-recipients/contractor;
  - 2) A cost analysis or other means of verifying the reasonableness of the price;
  - 3) A determination of demonstrated effectiveness of the selected sole source provider or contractor to provide the goods and/or services.
- f) WC has developed a Sole Source Form that is required to be used for all sole source procurement actions.
- g) WC has developed a Professional Services Contract/Agreement template that is required to be used for all Professional Services Contracts/Agreements. Such Contracts/Agreements are subject to approval by the Workforce Investment Support Services (WISS).
- h) All sole source procurement actions must be approved by WISS.

**5. Commercially available or Off-the-Shelf Training** is defined as a training package sold or traded to the public in the course of normal business operations at prices based on established catalog or market prices.

- a) To be considered as “sold to the general public”, the package must be regularly sold in sufficient quantities to constitute a real commercial market to buyers including other than WIOA Title I program.
- b) The package must include performance criteria pertaining to the delivery of the package, which may include participant attainment of knowledge, skills, or a job.
- c) For the product to be unmodified, it must be sold to the public in the same condition that it is sold to the State grantee or sub-recipients. If the product is altered or customized in order to meet the specific training needs of WIOA, it is not a commercially available off-the-shelf product. A price may be negotiated that is below the cost paid by the public and/or a different rate or method of payment may be accepted. This would be acceptable, and the package would still be considered unmodified. However, the addition of training, service, or provider performance would be considered modifications.

- d) A catalog price is one that is published in a catalog, price list, schedule, or other forms regularly maintained by a supplier and is published or made available for inspection by buyers.

**IV. Procurement of Goods and Services by Workforce Connections' Sub-recipients.**

Note: All items purchased in a single acquisition that are connected to a system are counted as one unit for procurement purposes. Contiguous services are defined as services similar in scope from the same contractor occurring at any time during the same contract period.

**Threshold Levels:**

**A. Micro Purchase Process**

For purchases under \$5,000 per unit cost, system cost, or for contiguous items or services for the contract period, no formal procurement process or approval from Workforce Connections is required. The cost must always be reasonable and allowable, and a documented price analysis must be conducted if a reasonable price range for the item or service is not commonly known.

**B. Informal Bid Process**

**\$5,000 to \$20,000**

This is a relatively simple, and informal procurement method for securing items that do not cost more than the established threshold. When this method is used, at least three prices or rate quotations must be obtained and must be kept in compliance with record retention requirements in the procurement file. Prices/quotes can be obtained from current price lists, catalogs, real-time internet research/information, or contact (e.g., fax, e-mail, in-person) with vendors. Each procurement action must be documented on the WC's informal bid form and submitted to WC for review and approval.

**C. Formal Bid Process**

**\$20,000.01 to \$99,999.99**

When this method is used, at least three **written** prices or rate quotations must be solicited/obtained and must be kept in compliance with record retention requirements in the procurement file. The solicitation will specify the quantity, time frames, and all requirements of the product or services being procured. Each procurement action must be documented on the WC's formal bid form and submitted to WC for review and approval.

**D. Advertised Competitive Process**

**\$100,000 +**

When this method is used, competition is required. See Sec. III of this policy.

- V. Support documentation for all procurement actions of \$5,000 or over must include, but is not necessarily limited to:**

**A. Workforce Connections approved/required forms which shall document:**

1. Justification for the selection of small purchase procurement method,
2. Full description of goods or services being purchased, including the quantity and additional criteria used to determine the procurement decision,
3. List of providers contacted/considered, and the prices offered using current catalogs, price lists, or formal quotes depending on the amount of the purchase, and
4. Justification to support why the provider was selected, including how the provider met any additional criteria.

**B. Price analysis, vendor selection.**

Workforce Connections Policy Admin-010-06	WC Administrative Policies
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- C. Copy of the purchase document (sales receipt, contract).
- D. Written prior approval from Workforce Connections.

**VI. Additional Provisions for Sub-recipient Procurement Systems, Policies, and Procedures.**

Workforce Connections and its sub-recipients (down to the lowest tier) use procurement systems, policies, and procedures that reflect applicable Federal and State laws, rules, and regulations to the extent that the systems, policies, and procedures do not conflict with applicable regulations and requirements including the Nevada Revised Statutes (NRS), the applicable Federal regulations, WISS policies/procedures, and/or Workforce Connections policies and procedures.

**A. Overhead Expenses**

Sub-recipients who charge more than 50 percent of any indirect or allocated direct expenses to WC sub-awards must seek prior approval from WC prior to purchasing goods with a total unit or system cost of \$5,000 or over or executing contracts for services of at least \$5,000, regardless of the actual amount charged to Workforce Connections.

**B. Capital Purchases**

Sub-recipients may only charge capital purchases of \$5,000 or over directly to WC sub-awards in full. These expenses cannot be allocated through indirect cost pools or otherwise partially billed to WC sub-awards. Capital purchases of \$5,000 or over must be pre-approved by WC and DETR prior to purchase, and WC retains title to those items.

**C. Workforce Connections' IT department will be responsible for reviewing all computer hardware and software purchases. These purchases will require approval by Workforce Connections' Executive Director or designee. All requests for computer hardware must be submitted to the IT department. All costs associated with the purchase of computer hardware will be deducted from a sub-recipient/contractor-approved budget.**

**D. Voucher Systems**

Sub-recipients must seek prior approval no later than 60 days after the start of each sub-award period to utilize preferred vendors through voucher systems. Sub-recipients may be required to conduct procurement actions prior to setting up, or receiving approval for, a voucher system.

**E. Multi-year Procurement Actions for Services**

Sub-recipients may be authorized to utilize procurement actions for services for up to 4 years total with prior approval from Workforce Connections. Renewals must be approved by Workforce Connections for each contract period prior to incurring services. Procurement actions may only be renewed at the same procurement threshold as the initial action. For example, an initial formal bid procurement action of \$6,000 may be renewed in future contract periods for up to \$20,000 (*the high end of the formal bid process*).

- F. Multiple Payments to the Same Contractor During a Single Contract Period.**  
Multiple payments to the same contractor in the same contract period that are individually under the informal bid procurement threshold of \$5,000 are subject to procurement requirements and approval from Workforce Connections when the aggregate amount spent for any contract period reaches \$5,000.
- G. Off-the-Shelf Training Programs**  
Training programs sold to the public, in the normal course of business operations, at prices based on established catalog or market prices, in an unmodified form, are exempt from procurement requirements, with prior approval from Workforce Connections, as long as all of the criteria in section III is met.
- H. Procurement Exemptions**  
Items exempt from procurement requirements include:
1. Employee wages and fringe benefits,
  2. Training on the Eligible Training Provider List (ETPL),
  3. On-the-job-training (OJT) contracts,
  4. Work experience (WEX) wages or stipends processed by the sub-recipient,
  5. Rent or housing assistance,
  6. Childcare for participant's children already enrolled in daycare,
  7. Bus passes, and
  8. Gift cards or other cash equivalents that are used as supportive services.
- Note:** Other supportive services and any other expenses that do not meet the criteria above are subject to procurement requirements and prior approval by Workforce Connections.
- I. Sub-contracts for Services**  
Contracts are required to be utilized by the sub-recipient for all professional or participant services when funded in whole or in part with awarded funds from Workforce Connections. Workforce Connections has a template available for use by sub-recipients if desired.
- All contracts must include the following items, at a minimum:
1. Classification as contractor or sub-recipient,
  2. Start date,
  3. End date,
  4. Unit cost or hourly rate,
  5. Not to exceed amount,
  6. Invoicing criteria,
  7. Termination clause,
  8. Scope of work,
  9. Performance information, and
  10. Budget information.
- Additional contract provisions are required to be added for all sub-contracts and sub-awards of \$100,000 or over that will be provided by Workforce Connections upon request.

**VII. General Provisions for Price and/or Cost Price Analysis**

Procurement must include, as appropriate, an analysis of the reasonableness of cost and price. The method and degree of analysis depend on the facts surrounding the procurement and pricing situation, but at a minimum, the awarding agency must make independent estimates prior to receiving bids or proposals.

**A.** Price Analysis is the process of examining and evaluating a price without examining the estimated cost elements and proposed profit of the offerors whose price is being evaluated. The sole purpose of price analysis is to determine if the final price is fair and reasonable.

All recipients and sub-recipients are required to perform a price analysis for every procurement, including contract modifications. The recommended process for comparison is:

1. Comparison of prices of competing offers and selecting the best price,
2. Comparison of prior quotes and contracts for the same or similar requirements, considering inflation,
3. Comparison of offers to parametric estimates or benchmarks (e.g., dollars per square foot or cost per instructional hour), and  
Comparison of offers to an independent agency estimate.

**B.** Cost Analysis is the review and evaluation, element by element, of the cost estimate supporting a proposal for the purpose of pricing a contract. Unlike price analysis, which is required for every procurement action, a cost analysis is required when price analysis alone is not sufficient to determine that a price is fair and reasonable for a product or service. It is usually required when price competition is weak or where there is only one offer. Cost analysis differs from price analysis in the level of the review conducted. Cost analysis segregates the total price into various cost elements (e.g., line items in detailed budgets). These are then individually assessed.

1. Prior to undertaking a cost analysis, a decision must be reached to determine if the scope of services required justifies a cost analysis. It may cost more time and money to analyze a contract than the contract is worth.
2. A cost analysis must be conducted when:
  - a) The offerors are required to submit the elements of the estimated cost,
  - b) Adequate price comparison is lacking, and
  - c) Utilizing sole-source procurement, including contract modifications or change orders unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or organization.
3. The cost analysis process may include:
  - a) Verification of the cost or pricing data and evaluation of cost elements, including necessity and reasonableness,
  - b) Comparison of proposed costs for individual cost elements with actual costs previously incurred by the same offerors, previous cost estimates from the same or other offerors for the same or similar items, other cost estimates received in response to the request, and independent contracting agency cost estimates,
  - c) Verification that the offeror's cost submissions are in accordance with cost principles of what is allowable and allocable,
  - d) Determination that the cost or pricing data necessary to make the proposal accurate, complete, and current have been submitted,
  - e) Assurance that any indirect costs are not duplicated by proposed direct charges, and that rates have been appropriately approved. Where there is no

- federally approved indirect cost rate or requirement for an indirect cost rate, the offerors must submit a cost allocation plan identifying costs that will be designated as indirect and how they will be allocated to the contract, and
- f) Verification that if subcontractors are to be used, those services are clearly identified, described, and justified in the cost proposal.

**VIII. General Provisions for Protest Standards**

- A.** Interested parties choosing to protest a procurement action by Workforce Connections must follow the established policies and procedures which can be found on the Workforce Connections' website, Policy Admin-010-08.
- B.** Workforce Connections will proceed with its contracts or service delivery during the review of a protest and will make every effort to promptly, as applicable or appropriate, process all procurement-related protests informally, and without litigations.

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