



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: July 17, 2026 Number: 2026-09

PROCUREMENT POLICY

INTRODUCTION

Applicable federal, state, and local laws, regulations, and guidelines require that all WDB procurement be conducted in a manner that provides full and open competition that results in the acquisition of cost-effective and high-quality goods and services. All costs must be necessary and reasonable for the proper and efficient administration of WIOA programs. The WDB operates in accordance with the uniform administrative requirements for federal awards as adopted in 2 CFR Part 200 (Uniform Guidance). This policy establishes requirements for the procurement of goods, materials and services. It does not apply to training services funded through Individual Training Accounts (ITAs), contracts with providers on the Eligible Training Provider List (ETPL), or procurement of the One-Stop Operator, which are governed by separate policies and applicable guidance.

QUESTIONS

Questions relating to this policy should be directed to Tracy White at twhite@solanowdb.org or 707-863-3520.

RESCISSIONS

This policy replaces and supersedes WDB 2018-02 – Procurement Policy and WDB 2018-02, Procurement Policy, Change 1.

POLICY

All procurement transactions conducted, regardless of funding source or dollar value, will be carried out in a manner that promotes full and open competition, ensures the prudent and efficient use of public funds, and comply with applicable federal, state, and local laws and regulations. The WDB will designate staff responsible for procurement transactions and maintain systems and procedures sufficient to establish separation of duties and checks and balances ensuring the integrity of procurement transactions and the proper use of funds. For procurements funded in whole or in part with federal or state funds, applicable federal and state requirements govern and supersede local requirements.

All procurement actions must be necessary and reasonable for the proper and efficient administration of programs, consistent with Uniform Guidance and established policies and procedures, avoid the acquisition of unnecessary or duplicative items, treat similar costs consistently as either direct or indirect costs, be determined in accordance with generally accepted accounting principles, and must not be included as a cost or used to meet cost-sharing or matching requirements under another federally financed program, unless expressly permitted by federal law or the terms of the award.

The WDB will not engage in procurement practices that are arbitrary or designed to limit competition, including splitting procurements to avoid applicable thresholds, developing specifications that favor a particular vendor without proper justification, placing unreasonable requirements on firms, or failing to solicit an adequate number of qualified sources. The WDB will determine the appropriate procurement method based on the reasonably anticipated aggregate value of related goods or services.

All procurement contracts between local boards and units of government must be conducted on a cost-reimbursement basis. Where a fixed amount award is used with a governmental or nonprofit agency, any

revenues in excess of actual costs incurred will be considered program income. Costs that are unallowable, unsupported, or not in compliance with applicable cost principles may be disallowed and subject to repayment.

The WDB will maintain procurement records sufficient to document the history and basis of each procurement transaction for the period required by applicable federal and state records retention requirements, award contracts only to responsible contractors who demonstrate the integrity, capacity, and legal standing necessary to perform the work, and resolve all procurement disputes including vendor protests. The WDB will maintain appropriate oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts.

The WDB should consider the use of excess and surplus federal property in lieu of purchasing new equipment when feasible and cost-reducing. The WDB must give preference to recovered materials and products with recycled content when procuring EPA-designated items, to the extent practicable and where such products meet applicable performance requirements. Geographical preferences will not be applied in the evaluation of bids or proposals except where expressly permitted by applicable federal or state law.

The WDB will determine the nature of each contractual relationship, whether subrecipient or contractor, on a case by case basis prior to entering into any agreement funded with federal funds. The substance of the relationship governs the determination, not the form of the agreement. A subrecipient carries out a portion of a federal program and is subject to federal programmatic compliance requirements, while a contractor provides goods or services ancillary to program operations. When the WDB acts as a pass-through entity, the WDB must ensure proper use of those funds and compliance with applicable federal requirements.

Cooperative Procurement

The WDB may use cooperative procurement, including intergovernmental agreements, shared services, or piggybacking on contracts competitively procured by other governmental or public agencies, to promote efficiency and reduce costs. In lieu of conducting a separate procurement, the WDB may engage in cooperative or “piggyback” procurement using contracts awarded through an open and competitive process by the County of Solano or other similar agencies to the WDB.

Any cooperative or piggyback procurement must be consistent with the original solicitation and contract parameters, and the goods or services obtained must remain substantially the same in scope as those covered by the existing contract.

The WDB may use cooperative procurement when:

- The original procurement was conducted in a manner consistent with full and open competition;
- The contract allows for use by other agencies;
- The goods or services are substantially the same in scope and requirements;
- Pricing is determined to be fair and reasonable; and
- Appropriate documentation is maintained to support the procurement.

When the conditions above are met, a separate competitive solicitation by the WDB is not required, as competition was established through the originating agency's procurement process.

The WDB will ensure that cooperative procurement is not used to circumvent competition requirements or applicable procurement thresholds. When cooperative procurement involves the County of Solano or utilizes County contracts, such procurements will be conducted in a manner consistent with applicable federal and state requirements. To the extent County purchasing policies and procedures are compatible with those requirements, the WDB will coordinate with the County accordingly.

Code of Conduct and Conflict of Interest

The WDB must maintain a written Conflict of Interest Policy establishing standards of conduct governing the actions of its employees, officers, agents, and Board members engaged in the selection, award, and administration of contracts. No employee, officer, agent, or Board member with a real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by a federal award. Conflicts of interest must be disclosed in writing when known in advance or announced to the voting body. The individual with the conflict must recuse themselves from any further discussion or vote on the matter in question.

Employees, officers, agents, and Board members may not solicit or accept gratuities, favors, or anything of monetary value from contractors or potential contractors.

Contractors that develop or draft specifications, requirements, statements of work, or solicitation documents must be excluded from competing for such the resulting procurements.

Required Contract Clauses

Each federally funded agreement must contain all applicable provisions required under Uniform Guidance and Appendix II to 2 CFR Part 200, including, as applicable:

- Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, including appropriate sanctions and penalties, for contracts in excess of the Simplified Acquisition Threshold.
- Termination for cause and for convenience by the WDB, including the process for exercising such provisions and the basis for settlement, for contracts in excess of \$10,000.
- Compliance with Equal Employment Opportunity requirements in accordance with 41 CFR Part 60 as applicable.
- Compliance with the *Davis-Bacon Act* (40 U.S.C. 3141-3148) and the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), including applicable implementing regulations, for prime construction contracts in excess of \$2,000, where required.
- Compliance with the *Contract Work Hours and Safety Standards Act* (40 U.S.C. 3701-3708) for contracts in excess of \$100,000 that involve the employment of mechanics or laborers.
- Compliance with *Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants* (37 CFR Part 401), where applicable.
- Compliance with the *Clean Air Act* (42 U.S.C. 7401 et seq.) and the *Federal Water Pollution Control Act* (33 U.S.C. 1251 et seq.) for contracts in excess of \$150,000.
- A provision requiring that contractors are not debarred, suspended, or otherwise excluded from participation in federally funded programs, as verified through the System for Award Management (SAM).
- Compliance with the Byrd Anti-Lobbying Amendment (31 U.S.C. 1352), including submission of the required certification and disclosures, for contracts in excess of \$100,000.
- Compliance with Section 6002 of the *Solid Waste Disposal Act* (42 U.S.C. Section 6962) and 40 CFR Part 247 for the procurement of designated items in excess of \$10,000, as applicable.
- A provision requiring compliance with WIOA Section 188 and 29 CFR Part 38, ensuring nondiscrimination and equal opportunity for all applicable agreements, regardless of the procurement method.
- A provision prohibiting the procurement, use, or contracting for covered telecommunications equipment or services prohibited under federal law, in accordance with applicable Uniform Guidance requirements.
- A provision requiring that, to the greatest extent practicable and consistent with law, a preference will be given for goods, products, and materials produced in the United States.
- A provision requiring that all applicable federal statutes, regulations, executive orders, Uniform Guidance requirements, and contract provisions be flowed down, as applicable, to all subcontracts and lower-tier agreements funded in whole or in part with federal funds.

Small Businesses, Minority Businesses, Women's Business Enterprises, Veteran-Owned Businesses and Labor Surplus Area Firms

The WDB must take affirmative steps, to ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms are considered in procurement activities, when possible. Effort should be made to divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation.

Equipment Procurements and Prior Approval

Prior written approval from the California Employment Development Department (EDD) is required for equipment and related services under any of the following circumstances:

- The per-unit cost of the procurement exceeds \$10,000;
- Related procurements of a single or connected set of goods or services exceed \$10,000 within the same state fiscal year; or
- The procurement results in improvements to land, buildings, or equipment with a value exceeding \$10,000.

Prohibited Uses of Funds

WIOA funds must not be used for purposes inconsistent with applicable federal law, regulations, or grant terms and conditions. Except where expressly authorized by applicable federal law, regulation, or the terms and conditions of the federal award, the following costs and activities are prohibited:

- Lobbying activities, including publicity or propaganda purposes, or materials designed to support or defeat the enactment of federal, state, or local legislation, regulations, administrative actions, or executive orders.
- Any activity that directly or indirectly supports marijuana-related activities that are prohibited under applicable federal law, regardless of whether the activity is permitted under state law.
- Entertainment costs, including amusement, diversion, and social activities, and any costs directly associated with such activities, unless specifically authorized under the applicable federal award.
- Contributions or donations made with WIOA funds, regardless of the recipient or purpose.
- Fines, penalties, damages, and other settlements resulting from violations of, or failure to comply with, applicable federal, state, or local laws and regulations.
- Costs of organized fundraising, including financial campaigns, endowment drives, and solicitation of gifts and bequests.

The prohibited uses listed above reflect current requirements under WIOA and applicable federal regulations. This list is not exhaustive. The WDB will comply with all applicable cost principles, statutory restrictions, and grant terms and conditions in effect at the time costs are incurred.

METHODS OF PROCUREMENT

The WDB uses five methods to procure goods and services: Micro-Purchases, Small Purchases, Sealed Bids, Competitive Proposals, and Noncompetitive Procurement. All solicitations and quotes must include a clear and accurate description of technical requirements and all requirements potential vendors must meet. Descriptions must not contain features that unduly restrict competition. The WDB must conduct a cost or price analysis for procurement transactions, including applicable contract modifications, as required by federal and state requirements. Time-and-materials contracts may be used only when no other contract type is suitable and must include a ceiling price that the contractor exceeds at its own risk. The WDB will not use cost-plus-a-percentage-of-cost or percentage-of-construction-cost methods of contracting. When used, prequalified vendor lists will be kept current, based on objective criteria, and open to new entrants during the solicitation period.

An overview of procurement method, cost limits, and minimum bids/quotes needed can be found in the following table:

Procurement Method	Cost Limits	Minimum Bids/Quotes Needed
Micro-purchases	\$ 15,000 or less	Competitive quote not required; cost must be reasonable
Small Purchases	\$15,001 - \$350,000	Minimum two documented quotes; written, verbal or from a catalog
Sealed Bids (IFB)	Over \$350,000	Effort to obtain at least three written bids in response to an IFB
Competitive Proposals (RFP)	Over \$350,000	Effort to obtain at least three written proposals in response to an RFP
Noncompetitive Procurement	No dollar limit when an authorized condition applies	With written justification except for qualifying micro-purchases

Micro-Purchases

Micro-purchases apply to transactions up to \$15,000. The micro-purchase threshold of \$15,000 reflects the current federal default and is consistent with the WDB's evaluation of internal controls and organizational risk. Under applicable federal guidance, the WDB may self-certify an increased micro-purchase threshold of up to \$50,000 on an annual basis. Any such increase requires documented annual justification demonstrating that the WDB's internal controls, purchasing history, and organizational risk profile support the higher threshold, and must be authorized or not prohibited under applicable state and local law. Thresholds above \$50,000 require approval from the cognizant agency for indirect costs. If the WDB determines that an increased threshold is warranted, it will issue a policy amendment establishing the applicable threshold and the effective period. The \$15,000 threshold remains in effect until such an amendment is issued. Micro-purchases may be made without soliciting competitive quotations when the price is determined to be reasonable based on research, experience, purchase history, or other information, and that determination is documented. To the maximum extent practicable, micro-purchases should be distributed equitably among qualified suppliers.

Small Purchases

The small-purchase procurement method applies to transactions above the micro-purchase threshold and at or below the Simplified Acquisition Threshold. The WDB's threshold is based on an evaluation of internal controls and organizational risk and does not exceed the ceiling established in the Federal Acquisition Regulation.

A minimum of two documented quotes must be obtained from qualified sources. Quotes may be obtained formally or informally depending on the complexity of the procurement. Informal price information may include catalogs, price lists, prior purchases, or written or verbal quotes from vendors. Price information should be current and reflect market conditions.

Awards should be based primarily on price; however, other factors such as availability, delivery time, and vendor reliability may be considered. Procurements must not be divided to avoid applicable thresholds or requirements. Small purchase procurement files must contain documentation sufficient to establish the rationale for the method selected, the competitive process used, the basis for vendor or contractor selection, and the reasonableness of price. Detailed file documentation requirements are maintained in WDB procurement procedures.

Sealed Bids

Sealed bids may be used when the value of the procurement exceeds the Simplified Acquisition Threshold. Sealed bidding is appropriate when the following conditions are present:

- A complete, adequate, and realistic specification or purchase description is available;
- Two or more responsible bidders are willing and able to compete effectively for the business;
- and

- The procurement lends itself to a firm fixed price contract and selection of the successful bidder can be made principally on the basis of price.

An IFB must be publicly solicited, provide sufficient response time, and clearly state specifications, bidding requirements, and applicable dates. A diligent effort should be made to obtain at least three bids. Contracts must be awarded in writing to the lowest responsive and responsible bidder without discussion or negotiation. Where specified in bidding documents, factors such as discounts, transportation costs, and life cycle costs will be considered in determining the lowest bid. Any or all bids may be rejected when there is a sound, documented reason. Sealed-bid procurement files must contain sufficient documentation to establish the rationale for the method selected, the competitive solicitation and responses received, the determination of bidder responsibility, the basis for award, and the reasonableness of price. Detailed file documentation requirements are maintained in WDB procurement procedures.

Competitive Proposals

Competitive proposals may be used when the value of the procurement exceeds the Simplified Acquisition Threshold and when factors other than price are important in the selection decision, or when the scope of work or technical requirements cannot be clearly defined.

A Request for Proposal (RFP) must be publicly solicited to an adequate number of known and qualified sources and must identify the scope of work, requirements, evaluation criteria, and the relative importance of each criterion. All proposals received should be considered to the maximum extent practicable.

A diligent effort should be made to obtain at least three proposals. If fewer than three proposals are received, the written justification must explain the limited participation and should identify the firms and individuals contacted. Proposals must be evaluated using the evaluation criteria and relative importance identified in the RFP. The evaluation and basis for selection must be documented. A public notice of intent to award should be issued followed by the award and execution of the contract. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the WDB, with price and other factors considered.

Competitive-proposal procurement files must contain documentation sufficient to establish the rationale for the method selected, the solicitation and all proposals received, the evaluation process and results, the determination of offeror responsibility, the basis for award, and the reasonableness of price. Detailed file documentation requirements are maintained in WDB procurement procedures.

Non-Competitive Procurement (Sole Source)

Noncompetitive procurement may only be used when it is not feasible or appropriate to utilize other procurement methods and when one or more of the following conditions apply:

- **Uniqueness:** The goods or services can be fulfilled by only one source because of their unique nature, specialized qualifications, compatibility requirements, exclusive rights, or other circumstances demonstrating that no reasonable alternative source is available;
- **Timing:** A public exigency or emergency creates an immediate need that will not permit the delay resulting from a competitive solicitation;
- **Prior Authorization:** The WDB submits a written request, and the federal awarding agency or pass-through entity provides written authorization to use a noncompetitive procurement method for the specific procurement;
- **Failed competition:** After solicitation of an adequate number of sources, competition is determined to be inadequate. This may include circumstances in which no bids or proposals are received, fewer than the desired number of responses are received, no responsive and

responsible bids or proposals are received, or the responses received otherwise do not provide adequate competition; or

- **Cooperative Procurement:** The WDB is authorized, by the awarding agency, or pass-through entity to use a cooperative procurement arrangement through the applicable state noncompetitive or sole-source approval process. The arrangement must also comply with the cooperative procurement section of this policy.
- **Micro-Purchase:** The aggregate amount of the procurement does not exceed the applicable micro-purchase threshold, and the requirements of the micro-purchase section of this policy are satisfied.

Use of noncompetitive procurement should be limited and based on the specific circumstances supporting the applicable condition. Except for micro-purchases conducted in accordance with the Micro-Purchases section of this policy, all noncompetitive procurements must be supported by written justification identifying the applicable condition, explaining why another procurement method is not feasible or appropriate, documenting the basis for contractor selection, and establishing that the price is fair and reasonable.

DISCLAIMER

This policy reflects WDB's interpretation of applicable federal, state, and local requirements and will be reviewed and updated as needed to reflect changes in law, regulation, or guidance.

REFERENCES

Law

- Workforce Innovation and Opportunity Act of 2014 (WIOA)

Federal Guidance

- 2 CFR Part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 20 CFR Part 683 – Administrative Provisions Under the Workforce Innovation and Opportunity Act
- Federal Acquisition Regulation (FAR), including applicable inflation adjustment of acquisition-related thresholds

State Guidance

- Workforce Services Directive WSD 17-08 – Procurement of Equipment and Related Services
- Workforce Services Directive WSD 16-10 – Property Purchasing, Inventory, and Disposal
- Workforce Services Directive WSD 16-16 – Allowable Costs and Prior Written Approval
- Workforce Services Directive WSD 18-06 – Subrecipient and Contractor Distinctions
- Workforce Services Information Notice WSIN 25-17 – Federal Adjustment of Dollar Amounts and Rates

Local Guidance

- Solano County Purchasing and Contracting Policy (June 3, 2019)

Approved by

Workforce Development Board of Solano County