



**POCONO COUNTIES  
WORKFORCE DEVELOPMENT BOARD (WDB)/AREA (NE 135)**

**PROCUREMENT/PROPERTY MANAGEMENT POLICY**

**1. PURPOSE**

The Pocono Counties Workforce Development Area has developed the following Procurement/Property Management Policy to insure compliance with Federal Procurement Standards as identified in 2 CFR Chapter I and Chapter II, Part 200 of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards, and Pennsylvania Department of Labor Financial Management Guide, as well as to maintain adequate records and procedures for managing property purchased with Department of Labor resources.

**2. EFFECTIVE DATE**

4/1/20

**3. IMPLEMENTATION**

**PROCUREMENT**

**A. Code of Conduct/Conflict of Interest**

PCWDA Administrative or Program/Provider staff subject to oversight by the PCWDA will adhere to the following code of conduct as well as ensuring that all subrecipients operating within its jurisdiction also adhere to this code when WIOA funds are involved in any type of procurement. It should be noted that these standards apply to any acquisitions of nonexpendable personal property, and for all services and supplies.

These standards provide that the PCWDA shall not:

- Solicit or accept gratuities, favors, or anything of monetary value from suppliers or potential suppliers; or

- Participate in the selection, award or administration of a procurement subject to this section where, to the individual's knowledge; any of the following has a financial or other substantial interest in any organization which may be considered for award –
  - the officer, employee or agent; any member of his or her immediate family;
  - his or her partner; or a person or organization which employs any of the above with whom any of the above has an arrangement concerning prospective employment; or
  - any WDB members, WDB member's immediate family, or place of business.

Any violations of law or established standards of conduct by the PCWIA or its subrecipients may be subject to penalties, sanctions or other disciplinary actions (such as suspension, termination or civil action to recover money damages), to the extent permissible by Federal, State and local law.

## **B. Methods of Procurement**

1. Micro Purchases: A Micro-purchase is a purchase of supplies or services using, the aggregate dollar amount of which does not exceed \$3,000. To the extent practicable, micro-purchases will be distributed equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the price is considered reasonable.
2. Small Purchases: Small purchase procedures will be used to secure goods and services that cost between \$3,001 and \$10,000.

### Small Purchases Procedure

- a. All small purchases must be approved by the Executive Director.
  - b. Price or rate quotations must be obtained from 3 sources, unless sole source is used.
3. Major Purchases- Purchases of \$10,000 or more, require a competitive proposal process.

The Executive Director will develop specifications for the property to be purchased. The specifications will be a clear and accurate description of the technical requirements and must not contain features which would restrict, eliminate or otherwise restrain competition. Notice for request for bids will be advertised in local newspapers within the PCWDA at least three (3) times at intervals of not less than three (3) days where daily newspapers of general circulation are employed, or, in case where weekly newspapers are employed, then the notice shall be published not less than ten days prior to the date fixed for the opening of bids. Specific time frames will be established for the bidding process. The Executive Director will review and evaluate the bids based on evaluation criteria or a numerical rating system and forward the evaluation to either the Executive Committee or the Workforce Development Board for approval. The competitive procurement process is designed to insure free and open competition.

Sealed Bids procurement will be used for purchases of \$10,000 or more when deemed appropriate by the Executive Director.

The specifications will be a clear and accurate description of the technical requirements and must not contain features which would restrict, eliminate or otherwise restrain competition. Notice for request for bids will be advertised in local newspapers within the PCWDA at least three (3) times at intervals of not less than three (3) days where daily newspapers of general

circulation are employed, or, in case where weekly newspapers are employed, then the notice shall be published not less than ten days prior to the date fixed for the opening of bids. Specific time frames will be established for the bidding process. The fixed price contract will be awarded to the responsible bidder whose bid, conforming to all material terms and conditions of the invitation to bids, is the lowest price.

### **C. Miscellaneous Procurement Provisions**

1. Pocono Counties WDA reserves the right to purchase property directly from vendors who are on the Commonwealth of Pennsylvania's approved state contractors list (COSTARS) in lieu of the procurement steps described above. Purchases through COSTARS of \$3,001 or more will still require written approval of the Executive Director.
2. Pocono Counties WDA will obtain approval from the Department of Labor and Industry for the purchase of any property with a single acquisition cost of \$5,000 or more. Orders that have a single acquisition cost below \$5,000, but the aggregate purchase order is greater than \$5,000, will also need written approval from the Department of Labor & Industry. The Department of Labor & Industry's procedures for requesting approval for acquisition, as found in the WIOA Financial Management Policy.

All purchases made shall be made based upon a preliminary estimates and a thorough cost price analysis.

### **D. NON-COMPETITIVE NEGOTIATION – SOLE SOURCE [29 CFR 97.36(D)(4)]**

This solicitation of a proposal from a single source, or, after solicitation of a number (more than one) of sources, competition is determined inadequate to fulfill the requirements of the funding agency. A sole source procurement may be used when the award of a contract is infeasible under incidental, small, formal advertising, or competitive negotiation purchase practices.

Circumstances under which a sole source contract may be awarded include the following:

1. The services or goods are available only from a single source
2. Unavoidable urgency for the services or goods will not allow for a competitive solicitation
3. The funding source authorizes noncompetitive proposals
4. A vendor or sub-recipient possess unique capacity or is uniquely qualified to provide the good or service
5. A public solicitation, competition is determined inadequate

File documentation must include: A description of the specific circumstances supporting the sole source procurement and the results of any negotiations; cost analysis or other means verifying the reasonableness of the price; and a determination of demonstrated effectiveness of a provider or vendor who provides educational, training, employment or supportive services.

## PROPERTY MANAGEMENT

The primary and secondary Property Manager(s) for the Pocono Counties Workforce Development Area is:

Garry Wentz, Executive Director  
76 Susquehanna Street, Suite 1  
Jim Thorpe, PA 18229  
[gawentz@ptd.net](mailto:gawentz@ptd.net)  
(570) 325-2462

Susan Rhoads-Procina, Fiscal Officer  
76 Susquehanna Street, Suite 1  
Jim Thorpe, PA 18229  
[sprocina@ptd.net](mailto:sprocina@ptd.net)  
(570) 325-2462

### A. Property Acquisition

The Pocono Counties Workforce Investment Area Property Manager will:

- Obtain written approval from the Department of Labor and Industry for the purchase of any property with a single unit acquisition cost of \$5,000 or more. Orders that have a single acquisition below \$5,000, but in the aggregate purchase order is greater than \$5,000, will also need written approval from the Department of Labor & Industry. The Department of Labor and Industry's procedures for requesting approval for acquisition, as found in the WIOA Manual, will be followed.
- Prior to request for acquisition, attempt to locate surplus property within the PCWDA or by contacting the property division of the Department of Labor and Industry. If surplus property is not available, the necessary procedures will then be initiated to acquire the requested property.
- All property acquisitions, including purchases made by Subrecipients of the Pocono Counties WDB, will follow the Pocono Counties WDA Procurement Policy.

Subrecipients of the Pocono Counties WDB will:

- Submit a request, in writing, to the Pocono Counties Property Manager for purchase of any property that qualifies as a Small or Major Purchase under the Pocono Counties Procurement Policy. Such request must be submitted prior to the purchase.
- Notify the Pocono Counties Property Manager of any purchase of property that qualifies as a Micro Purchase under the Pocono Counties Procurement Policy if said purchase has a single unit acquisition cost of at least \$250.

### B. Property Utilization

The Pocono Counties Workforce Investment Area Property Manager will ensure that all property acquired with WIOA, or WIA funds are utilized for WIOA purposes only.

### **C. Leasing or Renting Nonexpendable Personal Property**

The PCWDA will allow leasing or renting when a purchase option is not financially feasible, or where leasing or renting is an only option. Any subrecipient requesting lease or rent of nonexpendable personal property must contact the Property Manager, in writing, prior to entering said agreement. The Property Manager will review said request and determine whether leasing or renting is appropriate versus purchase.

The Property Manager will contact the Department of Labor and Industry prior to executing a lease or rental agreement in order to determine if excess property may be available for transfer.

Should the PCWDA determine that leasing or rental will be used, open and free competition will be ensured. Competitive procurement would be required for any item, or multiple of like items, having a value of \$5,000 or more. The Property Manager will develop specifications for the property to be leased or rented. The specifications will be a clear and accurate description of the technical requirements and must not contain features which would restrict, eliminate or otherwise restrain competition. Notice of request for bids will be advertised in local newspapers within the PCWIA at least three (3) times at intervals of not less than three (3) days where daily newspapers of general circulation are employed, or, in case where weekly newspapers are employed, then the notice shall be published not less than ten days prior to the date fixed for the opening of bids. Specific time frames will be established for the bidding process. The Property Manager will review and evaluate the bids and forward the evaluation to either the Executive Committee or the Workforce Development Board for approval.

Single items, or multiples of like items, having a value of \$2,500 to \$4,999, will require three (3) written quotes for lease or rental. Written price quotations will be evaluated based upon the specifications of the items requested to be leased or rented. Verification of the written quotes will be maintained by the Property Manager. The PCWDA does not encourage the lease or rental of any item with the exception when lease or rental is the only option, or in the case where the item is known to be needed for short-term use.

Pocono Counties Workforce Development Area reserves the right to lease or rent property directly from vendors who are on the Commonwealth of Pennsylvania's approved state contract vendor list (COSTARS) in lieu of the steps described above.

Any lease or rental agreement entered into by the PCWDA or its subrecipients utilizing WIOA funds, will ensure that a contingency clause is included in the agreement. The clause must state that either party may terminate the lease or rental agreement within a specified period of time. It must also state that the agreement is contingent upon continued receipt of Federal funding.

### **D. Property Control**

The PCWDA Property Manager will:

- Conduct an annual property inventory review of the PCWDA and its subrecipients and submit an Annual Property Inventory form (WIA-5d) to the Bureau of Workforce Development listing all property with a single unit acquisition cost of \$5,000 or more.
- Conduct an annual inventory review of the PCWDA and its subrecipients relative to property with a single unit acquisition cost of \$250 or more. A list of this property will be maintained and updated and kept on file in the PCWDA's Administrative Office.

- Ensure that all property purchased with WIOA funds that have a single unit acquisition cost of \$5,000 or more will have a state issued WIOA Property Tag affixed.
- Ensure that all property purchased with WIOA funds that have a single unit acquisition cost of \$3,001 to \$4,999 will have a numbered Pocono Counties WIA Property Tag affixed. This property will be listed on inventory forms.
- Ensure that all property purchased with WIOA funds that have a single unit acquisition cost of \$250 to \$3,000 will have an unnumbered Pocono Counties WIA Property Tag affixed. This property will be listed on inventory forms.
- During the annual review, it will be determined if any property may no longer be needed. This will be determined by discussing with the agency where the property is located, whether the property is still being utilized on a regular basis. If the property is deemed to be excess, steps will be followed in accordance with the Property Control Manual.
- During annual property review, ensure that all property within the PCWDA and its subrecipients are safely contained in areas where controls such as locked doors, cabinets, etc., are present.
- Ensure that all subrecipients who are in possession of property purchased with WIOA or WIA funds, maintain an adequate system of property management. Said property must be properly identified and safeguarded.

#### **E. Transferring**

Any property which is no longer needed by a subrecipient within the PCWDA may be transferred from one location to another within the PCWDA by contacting the Property Manager, in writing, prior to transfer. The Property Manager will then determine if another subrecipient within the PCWDA would like the property transferred to their location. The cost and responsibility of transfer of said property will be borne by the recipient. If said property had a single unit acquisition cost of \$5,000 or more, a Notification of Property Transfer form (WIA-5b) must be completed by the Property Manager and forwarded to the Department of Labor and Industry per instructions in the WIOA Policies and Procedures Manual.

If property within the PCWDA is deemed excess, and it is known that another WIA is interested in having the item transferred to their jurisdiction, the PCWDA Property Manager will notify the Department of Labor and Industry when the transfer is complete and a Notification of Property Transfer Form (WIA-5b) will be forwarded if the item had a single unit acquisition cost of \$5,000 or more. The PCWIA will then be released of its responsibility for said property.

#### **F. Property Damage, Loss or Theft**

The PCWDA requires that all property purchased, rented or leased with WIOA or WIA funds be provided adequate safeguards for protection. Said property should be located within buildings/rooms capable of being locked. Maintenance coverage and security measures, including adequate insurance coverage are required for all WIOA property.

Should property be damaged, stolen or reported missing, the Property Manager of the PCWDA must be notified immediately, in writing. In the case of theft, or damage by vandals, the incident must also be reported to the local police department and a copy of their report must be forwarded to the Property Manager.

If the property damaged, stolen or reported missing had a single unit acquisition cost of \$5,000 or more, a Property Damage, Loss or Theft Report Form (WIA-5c) will be completed by the Property Manager and forwarded to the Department of Labor and Industry. Copies of the reports to the local police will accompany the WIA-5c.

#### **G. Final Disposition of Property**

The Property Manager will determine if the nonexpendable personal property is:

- No longer needed in WIOA/WIA Programs.
- Out of date and no longer useful.
- Unserviceable.

The Property Manager will submit a request to the Pennsylvania Department of Labor and Industry to dispose of nonexpendable property with a single unit acquisition cost of \$5,000.00 or more.

Nonexpendable personal property with a current per-unit fair market value in excess of \$5,000 may be retained or sold and the awarding agency shall be reimbursed a share by applying the formula outlined in Section 97.32, 29CFR, Part 97. Nonexpendable personal property with a current per-unit fair market value of less than \$5,000 may be retained, transferred, utilized as a trade-in, disposed of, or sold (proceeds from sale would be used for WIOA Activities), depending on condition of property in question.

#### **Nonexpendable Personal Property with a Single Unit Acquisition Cost of \$4,999 or Less**

Any nonexpendable property having a single unit acquisition cost of \$250 to \$4,999 which is no longer needed by a subrecipient within the PCWIA must be reported to the Property Manager, in writing.

The disposition procedures for the disposal of all nonexpendable personal property with a single unit acquisition cost of \$250 to \$4,999 are as follows:

The Property Manager will determine if the nonexpendable personal property is:

- No longer needed in WIOA Programs
- Out of date and no longer useful
- Unserviceable

If the property can be sold it will be to the highest bidder with all proceeds being used for WIOA Activities. If the property has no value, as determined by the Property Manager, it will be disposed of and properly documented in the inventory files.

#### **Expendable Personal Property**

Supplies no longer needed for Federal supported programs with a residual inventory of \$5,000 in total aggregate fair market value, shall be retained and the awarding agency shall be compensated its share.