

Appendix R – MCWIB Policies

The following documents include the MCWIB's adopted policies as indicated below:

APPENDIX: R(a) – WIA Training Expenditure Requirements (SB 734)

APPENDIX: R(b) – On-the-Job Training Policy

APPENDIX: R(c) – Individual Training Accounts

APPENDIX: R(d) – Industry Clusters

APPENDIX: R(e) – Adult and Youth Service Strategy Goals

APPENDIX: R(f) – Procurement Standards

Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2012-03



Effective Date: Starting Program Year 2012-13, July 1, 2012
 Full WIB Adopted: December 5, 2012

TO: All Monterey County Workforce Investment Act (WIA) Title I Service Providers

SUBJECT: WIA Training Expenditure Requirements

PURPOSE: The purpose of this policy is to provide guidance on implementation and tracking of training expenditure requirements imposed by Senate Bill (SB) 734.

REFERENCE: WIA Directive WSD11-9, WIA Training Expenditure Requirements (5/17/2012)

POLICY: SB 734 imposes new training expenditure requirements on local Workforce Investment Board's and their Service Providers carrying out WIA funded programs. The specified WIA training expenditure requirements and minimum amounts are detailed in this policy.

DEFINITIONS: These definitions apply to this policy only and are independent of the definitions included in any other policy statement issued by the Monterey County WIB.

Cash Contributions - Federal and/or non-federal contributions of funds made available to Service Providers to be used for training services. Examples include federal and/or non-federal money received from employers, foundations, private entities, local governments, etc.

In-Kind Contributions - Federal and/or non-federal contributions of non-cash resources used for training services. Examples include donated personnel, services, or use of equipment or space.

Job Readiness Training - Job readiness training includes services that teach skills needed to be successful in the workplace, rather than skills needed to get into the workplace. For example, job readiness training courses could teach WIA clients skills such as how to communicate in an office environment, how to function as part of a team, or how to work in a deadline driven workplace. In each of these instances, the focus of the training would be on competencies needed to succeed during the workday while on the job. The focus of job readiness training is not on the skills needed to find and apply for a job, for example, services that focus on the way one conducts a job search, or how to do an interview, or how to write a resume. Under the federal statute, these services are classified either as Core or Intensive services in WIA section 134. For example, job search assistance is defined as a core service, while group counseling or prevocational services focused on resume writing and interview skills are both classified as intensive services. These types of services do not qualify as training because they do not provide the client with competencies needed to perform specific tasks on the job. As such they do not qualify under the definition of a training program outlined in Section 663.508 of Title 20 of the Code of Federal Regulations, and do not qualify as training expenditures under SB 734.

Leveraged Resources - All federal and non-federal resources (cash contributions and in-kind contributions) used by the Service Provider for training services. Leveraged resources must be allowable and auditable under the WIA program, and meet the requirements included in the "Summary of Training Expenditures & Leveraged Resources" attachment of this policy.

Match - Resources expended to support training services, if required as a condition of funding. Match resources can be cash match and/or in-kind contribution match. Match resources must meet the requirements included in the "Summary of Training Expenditures & Leveraged Resources" attachment of this policy.

Required Training Expenditure Level

Beginning Program Year (PY) 2012-13, local boards are required to spend at least 25% of the combined total of their Adult and Dislocated Worker WIA formula fund allocations on workforce training services. This minimum training expenditure requirement does not apply to the youth WIA formula fund allocation. A portion of the minimum training expenditure requirement (an amount of up to 10% of the combined total of the Adult and Dislocated Worker formula fund allocation) may be met by applying designated leveraged resources used for training services.



Reference attachment "Summary of Training Expenditures & Leveraged Resources" of this policy.

There is no requirement that a specific amount be spent from each allocation (WIA Adult vs. WIA Dislocated Worker), therefore the 25% could be WIA Adult funds, WIA Dislocated Worker funds, or a combination of both.

Beginning PY 2016-17, the minimum training expenditure requirement will increase from 25% to 30%. Local boards will be required to spend at least 30% of their combined Adult and Dislocated Worker WIA formula fund allocations on workforce training services. This minimum training expenditure requirement does not apply to the youth WIA formula fund allocations. A portion of the minimum training expenditure requirement (an amount up to 10% of the Adult and Dislocated Worker formula fund allocation) may be met by applying designated leveraged resources used for training services. Reference attachment "Summary of Training Expenditures & Leveraged Resources" of this policy.

Training Services

In order to apply toward the minimum training expenditure requirement, formula funds and leveraged resources must be expended on WIA Adult or Dislocated Worker participants enrolled in a training activity entered into the Management Information System (MIS) utilized by the Monterey County WIB and its WIA Service Providers.

For a service to qualify as training it must also meet the definition of a training program in Section 663.508 of Title 20 of the Code of Federal Regulations which defines training in the following manner:

§ 663.508 What is a "program of training services"?

A program of training services is one or more courses or classes, or a structured regimen that upon successful completion, leads to:

(a) A certificate, an associate degree, baccalaureate degree, or

(b) The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

Examples of training services include:

- Occupational skills training, including training for nontraditional employment
- On-the-job training (OJT)
- Programs that combine workplace training with related instruction, which may include cooperative education programs
- Training programs operated by the private sector
- Skill upgrading and retraining
- Entrepreneurial training
- Job readiness training
- Adult education and literacy activities provided in combination with one or more of the other training services listed above
- Customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training

With the exception of OJT and customized training, all training services listed above will require the training vendor be on the State of CA Eligible Training Provider List, <http://etpl.edd.ca.gov/>.

Additionally, Service Providers must keep sufficient records and ensure completeness of required training documents and compliance with program requirements, State laws and WIA regulations. Examples of sufficient records would include:

- Participant application for WIA services, proof of registration in the Virtual One Stop (VOS) or equivalent case management system and proof of WIA eligibility prior to participation.
- An Individual Employment Plan (IEP) that documents the participant's need for training that is supported by an in-depth comprehensive assessment of the participant's educational background, work history and knowledge, skills and abilities, occupational goals and interests, labor market research and trends, employment barriers and recommended interventions, preliminary skill gap and interviewer's observations,



conclusions, and recommendations concerning the participant's inability to obtain/retain employment that leads to self-sufficiency without training. The assessment should also demonstrate that a comparison was done on the schools/training providers, programs offered and costs before a customer made the decision to attend training.

- Individual Training Accounts (ITA) – completion of all training contract documents including: WIA Enrollment/Registration form, the WIA ITA Contract Coversheet Information, and the WIA Agreement for Educational Services. All required Eligible Training Provider List (ETPL) information should be transferred to all ITA contract documents exactly as it is listed on the ETPL. The WIA Enrollment/Registration form must show previous activities in both WIA Core and Intensive Services. All new training provider contracts must include a completed W-9.
- On-the-Job Training (OJT) – completion of a contract with the employer that meets the applicant's needs. Completion of all OJT contract documents including WIA Enrollment/Registration form, the WIA OJT Contract Cover Sheet and the WIA On-the-Job Training Agreement.

Leveraged Resources

Service Providers may apply leveraged resources used for training services toward meeting a portion of their minimum training expenditure requirement in an amount of up to 10% of their Adult and Dislocated Worker expenditures.

Only the following 7 categories of leveraged funds may be utilized as part of the 10% credit:

1. Federal Pell Grants established under Title IV of the Higher Education Act of 1965
2. Public programs authorized by the Workforce Investment Act of 1998 (e.g., Job Corps, Migrant Seasonal Farm Worker, Rapid Response, WIA Title II Adult Education and Literacy, national and state WIA discretionary grants, WIA youth program, etc.) Local boards are permitted to apply youth formula funds expended on training for individuals ages 18-21 as a leveraged resource if: (1) the individuals are co-enrolled in either the WIA Adult or Dislocated Worker program, and (2) the training meets all requirements set forth in this policy.
3. Trade adjustment assistance
4. Department of Labor National Emergency Grants
5. Match funds from employers, industry, and industry associations (including the employer paid portion of on-the-job training and customized training)
6. Match funds from joint labor-management trusts
7. Employment training panel grants

Service Providers are not required to use leveraged resources toward meeting the minimum training expenditure requirement. However, if a Service Provider does choose this option, they must report all leveraged resources applied as part of the 10% credit in attachment "Summary of Training Expenditures & Leveraged Resources" of this policy. Leveraged resources must be tracked by source in accordance with the 7 categories above, and a total amount per source.

Additionally, Service Providers must keep sufficient records of the leveraged resources which can be independently verified. Examples of sufficient records would include:

- A commitment letter or written agreement from an employer or training provider
- A training agreement with an employer detailing the employer's contribution
- A copy of the Pell Grant award letter or relevant correspondence from the school
- An executed worksite agreement and participant time record
- A participant progress report and/or evidence of completion

This list is not all inclusive. The Monterey County WIB has the discretion to determine what constitutes sufficient records.

Note: Details of all leveraged resources reported under this policy must be included in the amounts reported under Section 3 in the "Summary of Training Expenditures & Leveraged Resources" attachment of this policy.

Each Service Provider's training expenditures (both from the allocated funding and from reports of leveraged resources) will be monitored by Monterey County WIB via the Monthly "Summary of



Training Expenditures & Leveraged Resources” attachment of this policy.

If a Service Provider’s training expenditures are not meeting the required percentage of total allocated funding expenditures (including both training expenditures and leveraged resources) on a monthly basis, Monterey County WIB may request a corrective action plan.

These reported monthly figures will be verified during on-site monitoring reviews of the Service Providers by the Monterey County WIB.

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

This policy will be posted to the MCWIB website located at: www.montereycountywib.org/policies/

**WIB POLICY 2012-03
ATTACHMENT**

SUMMARY OF TRAINING EXPENDITURES & LEVERAGED RESOURCES

SECTION 1: SERVICE PROVIDER	
1. Agency:	
2. Month-End Period:	
3. Year of Appropriation:	

SECTION 2: TRAINING BUDGET & EXPENDITURES	Amount
Total Training Budget <i>(Combined total of Adult and Dislocated Worker training set-aside)</i>	
1. Total Month-End Training Expenditures	
2. Total YTD Training Expenditures <i>(Cumulative total of month-end expenditures)</i>	
a. % of YTD Training Expenditures	

SECTION 3: LEVERAGED BUDGET & RESOURCES	Amount
Total Leveraged Budget	
1. Federal Pell Grants	
2. Public Programs Authorized by WIA <i>(Specify)</i>	
3. Trade Adjustment Assistance	
4. DOL National Emergency Grants	
5. Match funds from employers and industry	
6. Match funds from joint labor-management trusts	
7. Employment Training Panel grants	
8. Total Month-End Leveraged Resources <i>(Sum of lines 1-7 above)</i>	
9. Total YTD Leveraged Resources	
b. % of YTD Leveraged Resources	

SECTION 4: CERTIFICATION	
Name:	
Agency:	
Title:	
Phone:	
Email:	
Signature:	

SECTION 5: ATTACH SOURCE DOCUMENTATION OF LEVERAGED RESOURCES

Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2011-05

Effective Date: December 7, 2011
 Revision Date: August 1, 2012 WIB Meeting
 Full WIB Adopted: August 1, 2012 WIB meeting

TO: All Monterey County System Providers

SUBJECT: On-the-Job Training (OJT) Policy

PURPOSE: The purpose of this policy is to provide guidance and criteria used in the development of and the administration of On-the-Job Training (OJT) contracts.

REFERENCE: WIA 101(31), WIA Final Rule, 20 CFR; Part 652, 663.700 through 663.720.

POLICY:

I. Overview of OJT

OJT is one strategy for individuals to receive training funded through the Workforce Investment Act (WIA). The term "on-the-job training" means training by an employer that is provided to a paid participant while engaged in productive work in a job that:

- Provides knowledge or skills essential to the full and adequate performance of the job;
- Provides reimbursement to the employer for the costs associated with training the OJT trainee, which are usually calculated at half the pay rate for the agreed-upon training period; and
- Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

II. Length of Training

An OJT contract must be limited to the period of time required for a participant to become proficient in the job for which the training is designed. In determining the appropriate length of the contract, consideration should be given to the skill requirements of the job, the academic and occupational skill level of the participant, prior work experience, and the participant's individual employment plan or service strategy. The training plan must describe a timeline for completion of the training.

III. Training Reimbursement

Employers providing an OJT can receive reimbursement for a portion of the hourly pay rate – typically up to 50%, which is considered payment for extraordinary costs to the employer associated with training a new employee. This encourages the hiring of long-term unemployed dislocated workers and helps offset the cost of training.

Under certain funding circumstances, employers providing an OJT may receive reimbursement for a portion of the hourly pay rate at a greater percentage based on the specific funding allocation. This is in alignment with the State Plan and Department of Labor (DOL) waivers which allow increased flexibility based on additional funding allocations and grants awarded through the State and DOL. The DOL waiver granted to California under WIA Section 101(31)(B) permits an increase in employer reimbursement for on-the-job training through a sliding scale (between 50% and up to 90%) based on the size of the business. Under this waiver, the following reimbursement amounts are permitted: (1) up to 90 percent for employers with 50 or fewer employees, (2) up to 75 percent for employers with 51 – 250 employees, and (3) up to 50 percent reimbursement for employers with more than 250 employees.

IV. Outreach Strategies

Outreach can be done directly or indirectly to both employers and job seekers. Outreach includes, but is not limited to: face-to-face contacts, direct mailers, press releases, involvement with the Chamber of Commerce and networking with other agencies.

V. Employer Pre-Screening for OJT

OJT is provided under an agreement with an employer in the public, private non-profit, or private sector. Prior to entering into an OJT agreement, a pre-screening should be





conducted to ensure that the employer meets the minimum standards and can provide both training and long-term employment to an OJT trainee. Prior to engaging an employer in an OJT, local service providers must ensure:

- Worker Adjustment & Retraining Notification Act (WARN) notices have previously been filed;
- The company has not exhibited a pattern of failing to provide OJT trainees with continued long-term employment;
- Company verifies WIA funds will **not** be used to relocate operations in whole or in part;
- Company has operated at current location for at least 120 days. If less than 120 days and the business relocated from another area in the U.S and individual(s), employees were not laid off at the previous location as a result of the relocation;
- Company commits to providing an opportunity for long-term employment for successful OJT trainees;
- If the company has a collective bargaining agreement, the OJT contract does not impair existing contracts for services or collective bargaining agreements. If, as a program authorized under title I of WIA, the OJT would be inconsistent with a collective bargaining agreement, the program obtains written concurrence from the appropriate labor organization and employer before the OJT activity begins;
- OJT funds will not be used to directly or indirectly assist, promote or deter union organizing;
- The OJT will not result in the full or partial displacement of employed workers;
- Trainee wages to be paid are at least equal to:
 - ✓ \$10.50 per hour
 - ✓ Other employees in the same occupation with similar experience;
- Trainees will be provided the same workers' compensation, health insurance, unemployment insurance, retirement benefits, etc. as regular, non-OJT employees; and
- The employer will comply with the non-discrimination and equal opportunity provisions of WIA and its regulations.
- Applicants have been assessed using the WorkKeys® Readiness Indicator tool to determine an individual's readiness for WorkKeys® testing. Based upon the testing results, participants are either referred to the Worldwide Interactive Network (WIN) for remediation training or referred to an Authorized WorkKeys® location to complete an assessment. Authorized WorkKeys® assessments and WIN remedial training may be provided by appointment through partners of the Central Coast Career Readiness Consortium by contacting the Monterey County Business Council at (831) 883-9443 or Salinas One Stop Career Center at (831) 796-3600.

VI. OJT Trainee Requirements

Only those individuals who meet the eligibility requirements for intensive services (*Reference WIA Eligibility Technical Assistance Guide, WIB Policy 2011-03 Tiered Service Levels – Core, Intensive and Training Services and WIB Policy 2011-01 Lower Living Standard Income Level and Poverty Guidelines*), who have received an assessment and for whom an Individual Employment Plan (IEP) has been developed may be considered for OJT, as well as any type of training under WIA.

An individual referred to a One Stop Career Center by an employer may be considered for OJT with that employer only after the individual has met intensive services eligibility requirements for the identified funding stream, received an assessment, and for whom an IEP has been developed which indicates an OJT is appropriate based upon the skill requirements of the occupation; the academic and occupational skill level of the participant; the participant's prior work history and experience; and the participant's level of commitment to program services and likeliness to succeed. The IEP documentation of a participant's appropriateness for OJT is required prior to employer selection.

A variety of assessment instruments are available to assist in the determination of participant/trainee suitability, to include the WorkKeys Readiness Indicator. The selection of appropriate assessment instruments is based upon the individual needs of the participant and training employer.

VII. Required Documents

To encourage the use of OJT by employers and job seekers, it is critical that the OJT providers keep paperwork to a minimum. However, there are several documents required to effectively implement an OJT including OJT contracts, training plans (IEPs), invoicing and monitoring documentation. An OJT is considered a program cost under WIA and should be reported as such on financial reports.



A. OJT Contract Minimum Requirements

Contracts are the terms and conditions that the employer and OJT provider agree to provide for an OJT experience. At a minimum, an OJT contract must comply with the requirements of WIA rules and regulations including identifying the occupation, skills and competencies to be learned, and the length of time the training will be provided. Contracts should also include requirements specific to the state and local areas and the requirements specific to OJTs funded through other federal programs. An OJT contract is considered to be a legally binding agreement between the employer and OJT provider.

Local OJT providers must conduct an employer orientation with each employer and/or employer representative to discuss the contract provisions and training plans. OJT employers must be aware of the following:

- OJT participants must receive wages and fringe benefits equal to those similarly employed by the employer;
- The reimbursement mechanisms of an OJT are not a wage subsidy;
- It is expected that the participant will continue working after the payments to the employer end; and
- It is expected that participants who complete an OJT will continue to receive compensation and benefits commensurate with the job performance.

B. Training Plans

After determination of the occupation in which the participant will be trained, an OJT training plan must be developed to allow for the monitoring of agreed upon contract provisions and the progression of the established training program. The training plan becomes the work statement of the contract and should serve as a guide when delivering training. This plan will be a formal and written program of the structured job training that will provide participants with an orderly combination of instruction in work maturity skills, general employment competencies and occupationally specific skills that will enable the participant to work toward self-sufficiency. OJT providers can use O*NET and/or a company job description as a basis to begin listing skills or tasks. Skill descriptions should be concise and comprehensive and ensure that individual tasks are both measurable and observable. All OJT Training Plans must include:

1. Trainee information - name & contact information of participant and Social Security #;
2. Employer information – name and contact information;
3. OJT information – start and end dates, wage rate, and reimbursement rates;
4. Occupational information – job title & description, O*NET code, and # of hours per week. O*NET should not be relied upon exclusively at the risk of overlooking the needs, skills, and abilities of the participant and the specific needs of the employer;
5. Job skills – skills necessary to perform the job and the trainee's skill level for each;
6. Training information - list of specific skills or tasks the employer agrees to provide to the participant, estimated training hours for each skill, and acknowledgement of skill obtained; and
7. Signatures - of trainee and date, of employer and date, and of OJT provider and date.

C. Invoicing

Payments to employers for OJT shall be in compliance with WIA program guidelines, the California State Plan and Department of Labor (DOL) waivers which allow increased flexibility based on additional funding allocations and grants awarded through the State and DOL. The DOL waiver granted to California under WIA Section 101(31)(B) permits an increase in employer reimbursement for on-the-job training through a sliding scale (between 50% and up to 90%) based on the size of the business.

Payments to employers are in compensation for the “extraordinary costs” associated with training participants. Employers are not required to document these extraordinary costs associated with training of participants, which may include more intense supervision; abnormal wear on tools; down time; and lower rates of production.

Payment to employers should be managed by an invoice system that clearly documents the number of hours worked each day by the participant and rate of pay for the time period. Invoices must be signed by both the participant and the employer or only by the employer if accompanying documentation (timesheets/time cards) is signed by the participant and reconciled to the invoice. Also, payments to employers must be based on scheduled raises and regular pay increases, if they occur.



D. Other Terms & Conditions, WIA General Assurances and Certifications

All contacts and OJT employers must adhere to the Other Terms & Conditions, WIA General Assurances and Certifications as written by the Monterey County WIB.

E. Monitoring

Monitoring is the responsibility of both the state and the local area, though the duty may be assigned to another designated entity or individual. Monitoring at the local level will include oversight of the participant training and corresponding employer payroll records. To ensure validity and propriety of the reimbursement amounts claimed, and that the training for which the contract is written is actually delivered, on site monitoring of OJT employers is required. The on-site monitoring of the OJT must include documenting information received directly from the trainees, should capture the trainee supervisor's perspective about how the training is progressing, and should include review of the employer payroll records.

VIII. Additional Resources

The **OJT Toolkit** (available at www.ojttoolkit.workforce3one.org) has a variety of OJT resources, documents and samples to aid OJT providers in implementing their OJT policy and procedures. Visit this site to download customizable OJT documents to aid states and local areas in expanding the use of OJT.

For the purposes of administering OJT contracts under the **National Emergency Grant (NEG) OJT** grant, visit http://www.doleta.gov/layoff/OJT_Policy_QA.cfm for a list of OJT NEG program and policy information.

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

This policy will be posted to the MCWIB website located at: www.montereycountywib.org/policies/

Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2011-04



Effective Date: June 29, 2000
 Revision Date: June 1, 2011 WIB meeting
 Supersedes WIB Policy: ITA Policy 2000
 Full WIB Adopted: June 1, 2011 WIB meeting

TO: All Monterey County Program Operators, One-Stop Service Providers and WIB Subcontractors who provide training services to eligible individuals funded under the Workforce Investment Act (WIA).

SUBJECT: Individual Training Accounts (ITA)

PURPOSE: The purpose of this policy is to provide guidelines for implementing Individual Training Accounts (ITA) that is flexible and maximizes informed customer choice in selecting an eligible training provider. This policy sets the training limit amount and duration of ITAs developed for eligible individuals funded under the WIA within Monterey County.

REFERENCE:

WIA Section 134(d)(4)(G)(iv), Required Local Employment and Training Activities
 WIA Section 195(12), General Program Requirements
 WIA Final Rule Sections 663.310(b)(c)(d)
 WIA Final Rule Section 663.320, Amount or Duration Limits on ITAs
 WIA Final Rule Section 663.400-440, Individual Training Accounts
 EDD WIAD04-4, Recovery of WIA Tuition and Training Refunds
 EDD WIAD06-21, Workforce Training Act (SB 293) Implementation Guidance

POLICY: Training services may be made available to employed and unemployed adults and dislocated workers:

- Who have met the eligibility requirements for training services. (*Reference WIA Eligibility Technical Assistance Guide, WIB Policy 2011-03 Tiered Service Levels – Core, Intensive and Training Services and WIB Policy 2011-01 Lower Living Standard Income Level and Poverty Guidelines*);
- Who are unable to obtain grant assistance from other sources such as PELL grants or Trade Adjustment Act or require WIA assistance in addition to other sources of grant assistance;
- Who select a program of training services that is directly linked to employment opportunities in either the local area in which they reside or in areas where they are willing to locate;
- Who select a program that maximizes informed customer choice and may only be purchased through training providers that are on the State's list of eligible training providers (ETPL) located at www.montereycountywib.org/programs/training/; and
- Have been assessed using the WorkKeys® Readiness Indicator tool to determine an individual's readiness for WorkKeys® testing. Based upon the testing results, participants are either referred to the Worldwide Interactive Network (WIN) for remediation training or referred to an Authorized WorkKeys® location to complete an assessment. Authorized WorkKeys® assessments and WIN remedial training may be provided by appointment through partners of the Central Coast Career Readiness Consortium by contacting the Monterey County Business Council at (831) 883-9443 or Salinas One Stop Career Center at (831) 796-3600.

Individual Training Accounts may not exceed the following restrictions:

- ITA may not be written in amounts that exceed five thousand (\$5,000) dollars;
- Maximum training time for an ITA will be twelve (12) months; and
- Monterey County WIA funded service providers must request, in writing, and receive permission from the Monterey County WIB staff to exceed the amount cap of \$5,000 and or the duration cap of 12 months.

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

This policy will be posted to the MCWIB website located at: www.montereycountywib.org/policies/

Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2005-08

Effective Date: December 7, 2005
 Full WIB Adopted: December 7, 2005 WIB meeting

TO: All County of Monterey Providers of Workforce Investment Act (WIA) Services

SUBJECT: Industry Clusters

POLICY: Program operators in receipt of WIA Title I training funds must have a plan to implement a cluster-driven focus for specific industries and occupations as identified within this policy bulletin.

- The WIB has approved five (5) industry-specific clusters for Monterey County. They are Agriculture, Tourism, Education, Building/Design, and Health;
- The associated occupations of the selected clusters must meet an average entry level wage of at least \$10 per hour, involve less than one year of training, and have sufficient growth, and;
- At least fifty percent (50%) of On-the-Job (OJT) and Individual Training Account (ITA) funds must be dedicated toward training in the targeted occupations

Background

Workforce Investment allocations to Monterey County have diminished in the past several years resulting in limited availability of Title I funds for training within Monterey County. This situation speaks to a critical need to target scarce OJT and ITA resources to industry-specific clusters maximizing these funds for occupations within those clusters having high growth, high pay, and career ladders.

The WIB has approved a focus for Title I OJT and ITA training in the agriculture, tourism, education, building/design, and healthcare clusters. The Employment Development Department (EDD) local labor market analyst has provided a list of sixty (60) occupations and occupational groups within these clusters. These occupations were selected by EDD based on specific criteria: 1). That the entry-level wage be at least \$10/hr; 2). That the occupation could be trained for in less than one year; and 3.) That sufficient openings exist (40 over 5 years) either due to growth or separations.

This policy establishes a 50% minimum of WIA Title I training funds dedicated to support the recommended clusters in the following occupations listed on the attachment of this policy.

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

This policy will be posted to the MCWIB website located at: www.montereycountywib.org/policies/



Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2005-04

Effective Date: June 7, 2005
 Full WIB Adopted: June 7, 2005 WIB meeting

TO: All County of Monterey Providers of Workforce Investment Act (WIA) Services

SUBJECT: WIA Title I Adult and Youth Service Strategy Goals

REFERENCE: 20CFR Part 663.220; 663.310; 664.200

BACKGROUND: Workforce Investment Act (WIA) regulations leave to the discretion of the Local Workforce Investment Board (WIB) the establishment of service goals for any group of individuals with significant barriers to employment within the eligible adult and youth population. The WIA does not mandate any goal be set for service to these groups within the eligible population. The WIB has reviewed previous local WIA Title I performance in serving populations most in need as compared to State of California WIA performance and as compared to their incidence in the Monterey County population. In addition, data from the Monterey County Homeless Survey, the Monterey County Probation Department, and the Monterey County Department of Social and Employment Services TANF unit, and input from the WIB's Disability Advisory Committee was used to develop these goals.

POLICY: The goals listed below apply to all WIA Title I adult and youth service providers including but not limited to the Office for Employment Training (OET) and subcontractors. Subcontractors will continue to serve the hardest to serve individuals from these and other hard to serve groups.

GROUP	ADULT % TO SERVE	YOUTH % TO SERVE
Homeless	5%	2%
Out-of-School		20%
Offenders	20%	20%
Disabilities	16%	20%
TANF	12%	20%
Foster Care		5%
Veterans	10%	
Older Workers	5%	
HS Dropout	20%	
Limited English	10%	

ACTION: WIA Title I adult and youth service providers must establish appropriate mechanisms to reach the goals identified in this policy for all new enrollments beginning February 2, 2005 for youth and beginning June 8, 2005 for adults. The procedures and methods established by service providers to achieve these goals and the success in reaching these goals will be subject to routine monitoring by the WIB.

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

This policy will be posted to the MCWIB website located at: www.montereycountywib.org/policies/



Monterey County Workforce Investment Board (WIB)
LOCAL POLICY BULLETIN #2013-01



Effective Date: June 5, 2013
 Supersedes: OET Procurement Office Procedures and Guidelines
Full WIB Adopted: June 5, 2013

TO: All County of Monterey Providers of Workforce Investment Act (WIA) Services

SUBJECT: Procurement Standards

PURPOSE: The purpose of this policy is to provide guidance and procedures to be used by local recipients of WIA funds regarding the purchase and procurement of goods and services.

REFERENCES: Title 20 Code of Federal Regulations (CFR), WIA Final Rule, Section 667.200

- Title 29 CFR Part 97, Sections 97.32, 97.33, 97.36 and 97.42
- Title 29 CFR Part 95, Sections 95.34, 95.35, 95.40 through 95.48 and 95.53
- Title 41 CFR Part 02-85, Section 102-85.35
- Office of Federal Procurement Policy, 41 USC Chapter 7, Section 403 (Definitions)
- Office of Management and Budget (OMB) Circular A-21, Cost Principles for Educational Institutions
- OMB Circular A-87, Cost Principles for State, Local and Indian Tribal Governments
- OMB Circular A-122, Cost Principles for Non-Profit Organizations
- Department of Labor (DOL) One-Stop Comprehensive Financial Mgmt Technical Assistance Guide
- DOL Training and Employment Guidance Letter (TEGL) 7-04, Issues Related to Real Property Used for Employment and Training Administration (ETA) Program Purposes
- DOL TEGL 31-04, Payment of Royalties on Intellectual Property Created with Federal Grant Funds
- WIA Directive WIAD03-10, Subject: Allowable Costs
- California's Strategic Two-Year Plan for Title I of the WIA of 1998, and the Wagner- Peyser Act
- California State Contracting Manual, Subject: Chapter 5: Competitive Bidding Methods
- WIA Directive WSD12-10, Subject: Procurement

POLICY: It is the policy of the Monterey County Workforce Investment Board, to centralize the purchasing of goods and services under the administration of the Monterey County's Contracting and Purchasing Division and to establish minimum State and Federal requirements for procurements and contracting conducted under the WIA.

The purpose of the WIA procurement process is to provide for fair and equal treatment of all persons and organizations involved in a procurement, to maximize the purchasing power or value of WIA funds, and to provide safeguards to ensure the integrity of all WIA procurements through the maintenance of a quality procurement system.

ATTACHMENTS:

1. Sole Source and Brand Justification
2. Request for Purchases (RTP) Form

INQUIRIES: For questions or assistance related to this policy, please contact the Monterey County Workforce Investment Board (MCWIB) staff at (831) 796-6434.

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I. GENERAL REQUIREMENTS

Procurement activities will be conducted on an ongoing basis, with the County having the discretion to initiate and conduct procurements at any time during the program year.

Contracts are generally written for one year and may be extended up to two (2) additional one-year periods subject to the availability of Workforce Investment Act (WIA) funds, the contractor(s) performance during the first year of operation, and all subsequent years of performance.

Funding levels for requested programs are contingent upon the final WIA Title I allocations received from the US Department of Labor and the State of California. The Monterey County Board of Supervisors shall approve any additional funding required for the extended term.

The Workforce Investment Act (WIA) program requires that the local workforce investment area have procurement procedures that ensure:

1. Procurements will be conducted in a manner providing full and open competition. This includes the requirement that any individual who develops specifications, Request for Proposals, evaluates or makes recommendations on such proposals, or participates in any manner in the procurement of goods and services with WIA funds, shall NOT be eligible to compete in the procurement. This applies to all types of contracts or grants.
2. The use of sole source procurements is minimized to the extent practicable, but in every case shall be justified;
3. Procurements will include an appropriate analysis of the reasonableness of cost and price;
4. Procurements will not provide excess program income (for nonprofit and governmental entities) or excess profit (for private for-profit entities), and that appropriate factors shall be used in determining whether such income or profit is excessive, such as:
 - a. The complexity of the work to be performed;
 - b. The risk borne by the contractor; and
 - c. Market conditions in the surrounding geographical area;
5. Procurements will clearly specify deliverables and the basis for payment; and
6. Procurement contracts and other transactions between the local WIB and units of State and local governments will be conducted on a cost reimbursement basis. No provision for profit will be allowed.
7. Avoidance of purchasing unnecessary or duplicative goods or services. Surplus and inventory items will be used prior to the purchase of new items.
8. Consideration of small business, minority-owned and women's business enterprises and labor surplus area firms when possible, in accordance with 29 CFR Part 97 (e) (iii).

II. GENERAL ASSURANCES AND CONTRACT CERTIFICATIONS

All vendors and or subrecipients awarded a contract will be required to comply with the requirements specified below and will be required to adhere to various assurances and certifications based on the goods and services to be supplied. Any required certifications should be included in the Request for Proposal (RFP) documents to ensure that Bidders are aware of the terms and conditions applicable to the use of WIA funds.

Contract Amendments

All contracts contain the full and complete understanding between the parties subject to any applicable laws, rules, and regulations. The County of Monterey/WIB may issue administrative directives and/or unilateral Contract amendments concerning interpretations of federal rules and regulations, directives received from State and/or requests from the Board of Supervisors that may require changes in procedures by the contractor. The contractor shall be deemed responsible for complying with such administrative directives and/or amendments only after being formally notified in writing of the appropriate action necessary. The contractor may initiate requests for contract amendments, including budget line-item amendments, only once per fiscal quarter. All requests for Contract amendments must provide a detailed justification for such an amendment. There is no obligation by the County of Monterey/WIB to accept requested modifications.

Prohibition of Sub-awards to Debarred and Suspended Parties

The WIB nor its subcontractors and subrecipients shall make any awards to any party that is debarred or suspended or is otherwise excluded from or ineligible for participation in Federal assistance programs in

accordance with the Department of Labor regulations at 29 CFR part 98. Each entity that is awarded funds in excess of \$25,000 is required to self-certify that it and none of its principal staff is neither debarred nor suspended. The awarding agency is not required to do a verification of the certification.

Lobbying

The WIB will require all subcontractors and subrecipients receiving \$100,000 or more in WIA funds to certify that no federal funds will be used for lobbying activities in accordance with 29 CFR 93 of the Department of Labor regulations.

III. PURCHASE PROCEDURE

Procurement responsibilities of the WIB's Fiscal Office include:

1. Approval of all property purchases by service providers and subcontractors prior its purchase.
2. Purchasing training services from service providers, vendors and independent contractors.
3. Approving contracts for services and training.
4. Approving contract amendments.
5. Providing technical assistance to service providers and subcontractors.

IV. CONFLICT OF INTEREST AND CODE OF CONDUCT

An employee, officer, or agent shall not participate in the selection, award, or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. A conflict would arise when the employee, officer, agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the above has a financial or other interest in the firm or firms that may be selected for award.

An employee, officer, or agent will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub-agreements. Exceptions are only when the financial interest is not substantial, or the gift is an unsolicited item of nominal intrinsic value.

Any employee, officer or agent with a real or apparent conflict must declare a conflict, remove themselves from the decision making process and document their actions. No person involved in a competitive procurement will divulge any information regarding the procurement prior to the release of the procurement documents. To the extent permitted by the state, local law or regulations, any violations of these standards by employees, officers, agents, by contractors or their agents may result in penalties, sanctions, or other disciplinary actions.

V. PROCUREMENT METHODS

The following methods of procurement shall be used when purchasing goods and services with Workforce Investment Act (WIA) funds. Local procedures may be used if compatible; however, minimum standards must follow the procedures established in this policy.

All small purchases shall not be made without a proper written "Request to Purchase" (RTP) form completed, signed and approved. Reference Attached Request to Purchase (RTP)

1. Small Purchase

This type of procurement method is used when the "per transaction" value of a purchase is less than \$50,000, and the use of informal quotations may be used, in lieu of the more expensive and time consuming sealed bid or competitive proposal method.

The following guidelines for small purchases apply:

\$1 to \$9,999 – Requires two ore more documented quotes, prior to purchase. Prices/quotations can be obtained from catalogs, current price lists, prior receipts, or contact (in person, telephone, fax or e-mail) with vendors. Hard copy catalogs and price lists should be updated at least annually, however real-time Internet research is preferred.

\$10,000 or more to \$49,999 – Requires a Request for Quote (RFQ). The RFQ specifies the quantity, time frames, and all the requirements of the product or services being sought. The RFQ must be provided in writing

(including fax or e-mail). Three or more written quotes must be obtained with this method. A purchase order through the County Contracts and Purchasing Division may be used in lieu of the process described above.

Proper documentation for a small purchase includes:

- The reason for selecting the small purchase method.
- The estimate of the potential purchase price.
- A description of the goods or services being purchased, including the quantity and any additional criteria used to determine the procurement decision. A copy of the RFQ would suffice.
- All providers contacted/considered and the prices offered using current catalogs, price lists, prior sales receipts, or formal quotes depending on the amount of the purchase.
- Why the provider was selected, including how the provider met any additional criteria, and the price analysis.
- Copy of the purchase document (sales receipt, contract).

A proposed small purchase or contract for an amount above the simplified procurement threshold may not be divided into several purchases or contracts for lesser amounts in order to circumvent the threshold limits described above.

2. Sealed Bids

When the nature of the good or service to be purchased will be more than \$50,000, and can be precisely defined, the sealed bid procurement is generally used. The sealed bid process begins with issuance of an Invitation for Bid (IFB). The IFB will be publicly solicited or advertised through newspapers, local advertising and trade papers. The IFB defines the quantity, timeframes, and product requirements. Vendors are notified of the purchase requirements and submit a sealed bid to a specified location by a specified date and time. The bids are then opened at a specific date and time. A diligent effort should be made to secure at least three competitive bids. The responsible bidder (a bidder that can meet the technical requirements of the procurements), that submits the lowest bid is usually awarded the contract. Any bidder that falls outside of the parameters will normally have their bid rejected. Award of a firm fixed-price or fixed unit price contract by written notice is sent to the lowest responsible bidder. If only one bid is obtained and that bidder is deemed to be responsible, then the non-competitive or sole source process may be used.

Proper documentation for a sealed bid purchase includes:

- The reason for selecting the sealed bid method.
- The estimate of the potential purchase price.
- A copy of the IFB.
- Bids received.
- Determination of the responsibility of the bidder.
- Why the provider was selected.
- Copy of the award document.

3. Competitive Proposals

Competitive Request for Proposals (RFP) is specifically used when factors other than price are important in the selection decision; however, procurements must be in excess of \$50,000. In the Request for Proposal (RFP), it must indicate the scope of work, the method for scoring the proposals, the deadline for receipt of proposals and the dispute process. A public notification of the RFP is normally given through an announcement in a local newspaper that covers the entire service area. A copy of the RFP is sent to anyone who requests it and to any prior bidders. A bidders' conference is usually held to allow interested parties to have any questions answered. Bidders' conferences also allow attendees to receive the same information. Bidders are required to submit their proposals to a specified location by a specified date and time. Each RFP is reviewed and evaluated as to the merits of the proposal. This review includes a cost analysis. There should be a documented methodology for technical evaluation of each proposal. The review committee then makes a final recommendation as to which proposal(s) best meets the stated requirements. Careful documentation of the successful bidder selection should be maintained for reference. A public notice of intent to award is issued, and followed by the award, and the execution of the contract. If only one proposal is obtained and that proposal is deemed to be responsible, then the non-competitive or sole source process may be used.

Proper documentation for a competitive proposal purchase includes:

- The reason for selecting the competitive proposal method.
- The estimate of the potential purchase price.
- A copy of the RFP.
- Bidders' conference questions and answers.
- Bids received.
- The scoring criteria and the evaluation/scoring sheets for each proposal, including determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- Notify all RFP participants in writing of the intent to award.
- Copy of the award document.

If less than two (2) responsive proposals are received, then the competitive process has not been fulfilled. Therefore, the County of Monterey/WIB reserves the option to either issue the procurement or enter into a non-competitive procurement. The sole-source procurement will follow the standards of non-competitive procurements as described in the following section.

4. Non-competitive Proposals (Sole Source)

Non-competitive proposals may be used under certain limited circumstances. Per the One-Stop Comprehensive Financial Management Technical Assistance Guide, the purchase must be infeasible under one of the other methods discussed above, and one of the following conditions apply:

- The item is available from only one source.
- Public emergency precludes delay (for example, a flood at the local day care center requires the immediate acquisition of additional services).
- The awarding agency authorizes the specific non-competitive procurement (upon a formal request for approval).
- Competition is determined inadequate. This usually occurs after a competitive process has been used and there are insufficient bidders (fewer than three).

A cost analysis is required for all non-competitive procurements. The reason for selecting this method along with the justification for the provider selection must be carefully documented and maintained.

Proper documentation for a sole source purchase includes:

- Completion of the "Sole Source / Sole Brand Justification" form with signatures of approval. Reference Attached Sole Source / Sole Brand Justification Form, including the reason for selecting the sole source method, including why the procurement was infeasible under one of the other procurement methods and which of the additional sole source conditions the procurement met.
- The estimate of the potential purchase price.
- A copy of the RFQ/IFB/RFP.
- A determination of the responsibility of the bidder and the cost analysis.
- Why the provider was selected.
- Signed approval from the Contracts and Purchasing Department Director
- Copy of the award document.

VI. CONTRACT COST AND PRICE ANALYSIS

A cost or price analysis must be conducted in connection with every procurement action. Cost analysis is the review and evaluation of each element of cost to determine if it is reasonable and allowable. As a starting point, an independent estimate must be completed before receiving bids or proposals. A cost analysis must be performed when the bidder is required to submit the elements of their estimated cost (e.g. under professional, consulting, and architectural engineering services contracts). A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders. A cost analysis may not be necessary if one can establish price reasonableness 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 regulation. A price analysis will be used in all other circumstances to determine the reasonableness of the proposed contract price. Price analysis may be accomplished in various ways, including the comparison of price quotations submitted, market prices and similar indicia, together with discounts.

VII. BIDDING PROCESS

The bidding process often takes three to eight months from the time the advertisement is placed until the award is made. This time does not take into account internal approval steps or delays caused by appeals. Resolution of appeals may add a delay of one to three months.

The time needed to complete the bidding process will depend on the type of competitive bidding method used, the complexity of the services required, the number of bids or proposals received, whether a bidders' conference is held, whether appeals are received, and other factors.

VIII. BIDDER'S CONFERENCE

Bidder's Conference is an open exchange between purchasers and vendors (bidders) to help ensure a clear understanding of contract requirements. These conferences provide a forum for open dialog and clarification of a RFP, as well as bringing up any missing elements that should be considered in the evaluation process.

A minimum of three competitive bids or proposals are required unless one of the following applies:

1. Emergency. The work or service is the immediate preservation of the public health or welfare, or the safety or protection of State property.
2. The contract is exempt from being competitively bid, per the State Contracting Manual, Chapter 5.
3. Non-Competitively bid exemption. The Director of Department of General Services (DGS) has approved exemption from competitive bidding because the State's best interests are better served by exemption.
4. Governmental agency contract. The contract is with another state, local, or federal agency or with the University of California, the California State University, or a California community college or any of their auxiliary organizations.
5. Community-based Rehabilitation Program. The exemption applies to contracts with workshops conducted in accordance with the Welfare and Institutions Code, and which have been justified under General Code Section 19130(b).

IX. SUBGRANTEE AND VENDOR DISTINCTIONS

The applicability of the WIA, its regulations, and other program regulations, including the Office of Management and Budget (OMB) circulars, is limited to grantees and subgrantees funded by those programs. Thus, the distinction between subgrantees and vendors becomes critical to the program. Payments received by a vendor for goods or services are not considered to be federal awards. The definition of a subgrantee and vendor is provided below:

1. Subgrantees

A subgrantee is a legal entity to which a sub-award of federal funds is made and that is accountable to the grantee for the use of the funds provided. When the organization performs the following activities, a federal award to a subgrantee is indicated:

- Determines eligibility for the federally funded program.
- Has its performance measured against the objectives of the federal program.
- Has responsibility for programmatic decision-making.
- Has responsibility for adherence to applicable federal program compliance requirements (for example, the regulations).
- Uses the federal funds to carry out a program of the organization as opposed to providing goods or services for a program.

2. Vendors

A vendor is a dealer, distributor, merchant, or other seller providing goods or services that are required for the conduct of a federal program. The following activities are indicative of a vendor relationship with an organization:

- Provides the goods and services within normal business operations.
- Provides similar goods or services to many different purchasers.
- Operates in a competitive environment.
- Provides goods or services that are ancillary to the operation of the federal program.
- Is not subject to the federal compliance requirements of the program.

In making the determinations of subgrantees and vendors, direct grantees, local areas, and other subgrantees should take into account all of the characteristics related to the type of provider. When deciding whether a

vendor or subgrantee relationship exists, it is the relationship that matters, not the label on the award document (e.g. grant, contract, subgrant, or subcontract). No one factor should be taken in isolation; all the applicable criteria for each decision should be reviewed. However, under no circumstances should a designation of vendor be made for providers that have a financial or performance requirement related to eligibility or selection of participants. As previously stated, the designations of subgrantee and vendor relate to type of product or service provided, and not to the type of agreement document used or whether that agreement is called a contract or a subgrant.

X. APPEALS PROCESS

If any bidder submits a proposal and it is not recommended for funding during the review process, and the bidder can show that the proposal did not receive due consideration or that other irregularities existed, the bidder may appeal the recommendation to the County of Monterey/WIB. The appeal must be in writing, on bidder letterhead, and must be received by the County of Monterey/WIB within five (5) business days of the award notification. Appeals after the established time frame will not be accepted. The review shall be limited to information provided in writing. The written appeal must contain:

- Date of appeal;
- The full name, address, and telephone number of the appealing party;
- A brief statement of the reasons for appeal, including citations to the bid name and date of bid closing and other pertinent documents;
- A statement of the relief sought.

Appeals regarding the Workforce Investment Board's decision for non-approval of a proposal must be submitted in writing to:

Attn: WIB Executive Director
Monterey County Workforce Investment Board
730 La Guardia Street
Salinas, CA 93905

Any bidder formally appealing the decision of the County of Monterey/WIB with regard to their proposal will be scheduled to meet with the County of Monterey/WIB at their next regularly scheduled meeting for final consideration of the appeal. A decision by the County of Monterey/WIB will be communicated to the bidder within 60 days of the filing of the appeal. All decisions of the County of Monterey/WIB shall be final.

Reference the WIB Policy 2005-10 - Grievance and Complaint Procedures for further details of the local level grievance and hearing procedures when participants and other interested parties affected by the local workforce investment system file a complaint or grievance. (Policy Reference: <http://www.montereycountywib.org/policies/policies/>)

ATTACHMENT: 1

SOLE SOURCE/SOLE BRAND JUSTIFICATION

OVERVIEW:

Contracts/Purchasing recognizes that departments often invest a great deal of time and effort in selecting a source or brand, prior to submitting a requisition to Purchasing. Even though the department's review process prior to the submittal of a requisition may be sound, departments may unknowingly discourage free and open competition by requesting a single vendor or product. Additionally, the County is bound by both federal and local laws as well as County Policies of which County Staff may not be aware of. The lack of an effective means of communication between buyer and requesting departments can lead to both lost time in completing the requisition as well as possible adverse legal actions towards both the County and the requesting staff member. Purchasing can be an effective partner in a competitive review process given adequate time and involvement in your requirement definitions.

In an effort to expedite sole source/brand requisition requests through purchasing, we would encourage you to review the criteria for Sole Source/Brand form herein. If you feel your request meets such criteria, follow the instructions in filling out the form and attach it to your requisition. If sole source/brand justification is warranted and accepted by Purchasing, the requisition will be processed for the sole source/brand as requested.

This is an internal review process. Departments are requested to use discretion in their discussion with vendors so as not to compromise any competitive advantage the Buyer may utilize, regardless of the acceptance or rejection of the sole source/brand justification.

Rather than merely a shift of the review process and burden, this process acknowledges the significant effort a department may undertake when identifying a vendor or brand, and provides you with the method by which to make your requisitioning efforts more efficient under sole source/brand conditions.

Purchasing will advise you when a particular competitive review process may both serve the County better and/or be required by governing law.

In order for us to accept a request for sole source/brand certification, the form referenced herein should be made a part of your justification and be signed by an authorized department representative. This certification will remain on file as part of your requisition package for audit purposes.

SOLE SOURCE PURCHASING:

On rare occasions there may be a need to purchase goods or services from one vendor/contractor without going to formal bid or requesting competitive quotations. This is known as "Sole Source" purchasing.

"Sole Source" purchasing is authorized by Monterey County Code 2.32.040, Emergency Purchases, and by Monterey County Code 2.32.070, Competitive Bidding Not Required.

A sole source may be designated when it is apparent that a needed product or service is uniquely available from the source, or for all practical purposes, it is justifiably in the best interest of the County.

“Sole Source” purchasing may be necessary under certain circumstances such as an emergency wherein the department head or other County Official who is authorized to sign requisitions may purchase items for the continuance of the department function, or that items purchased are necessary for the preservation of life or property, and that no authorized purchasing department personnel are immediately available to make the purchase.

The designation of a “Sole Source” supplier must be authorized by the County Purchasing Agent or Deputy-Purchasing Agent before the requirement for competitive quotations is waived.

PROCEDURE:

Sole source/brand purchasing is an exception to the normal procurement function and requires a detailed justification. In processing sole source/brand requests for supplies, services and/or equipment, Purchasing adheres to and is governed by the principles set forth in both the Federal and State Laws governing public purchasing and the Public Contract Code, and by the adopted and approved County of Monterey Policies and Procedures. As such, our decision is final.

If you are requesting a particular vendor, brand or product, you must make this fact clear on your requisition. Such a request should not be made unless the request is reasonable and appropriately justified to meet legal requirements and can withstand a possible audit. The County requirements and the format for submitting such requests are contained herein. Please make copies of the Criteria for Sole Source/Brand form for your future use.

The following factors **DO NOT** apply to sole source/brand requests and should not be included in your sole source/brand justification. They will not be considered and only tend to confuse the evaluation process.

1. Personal preference for product or vendor
2. Cost, vendor performance, and local service (this may be considered an award factor in competitive bidding)
3. Features which exceed the minimum department requirements
4. Explanation for the actual need and basic use for the equipment, unless the information relates to a request for unique factors
5. A request for no substitution submitted without justification. This is a sole source/brand request requiring detailed justification including established sole source/brand criteria

County of Monterey
Contracts/Purchasing Department
JUSTIFICATION OF SOLE SOURCE/SOLE BRAND REQUEST

Purchase Requisition Number: _____ Date: _____

Description of Item: _____

1. Please indicate the following:

Procurement: Goods
 Services

(Check One)

Sole Source: Item is available from one source only. Item is a one-of-a kind and is not sold through distributors. Manufacturer is exclusive distributor.

Sole Brand: Various sources can supply the specified model and brand and competitive bids will be solicited for the requested brand only. Meets form, fit and function- nothing else will do.

Note: Sole Source/Sole Brand Requests are not maintained as a standing request. Each request is for a single one-time purchase only.

2. Vendor Selection:

Preferred Vendor
 Sole Source

Vendor Name: _____

Address: _____ City: _____ State: _____

Phone Number: () _____ Fax: () _____

Contact Person: _____ Title: _____

Federal Employer #: _____

3. Provide a brief description of the goods/services to be purchased and why this purchase is being proposed under a sole source acquisition.

- a) Why were product and/or vendor chosen?
- b) What are the unique performance features of the product/brand requested that are not available in any other product/brand? For Services: what unique qualifications, rights, and licenses does the vendor possess to qualify as a sole source/brand request?
- c) Why are these specific features/qualifications required?
- d) What other products/services have been examined and/or rejected?

- e) Why are other sources providing like goods or services unacceptable (please give a full meaningful explanation)?
- f) What are the unique performance features REQUIRED (not merely preferred), and how would your requirement be inhibited without this particular item or service?
- g) Estimated Costs:

4. Is there an unusual or compelling urgency associated with this project?

- No
- Yes (Please describe)

THE FOLLOWING TO BE COMPLETED BY THE REQUESTOR

I hereby certify that:

1. I am an approved department representative, and am aware of the County’s requirements for competitive bidding, as well as the criteria for justification for sole source/brand purchasing.
2. I have gathered the required technical information and have made a concentrated effort to review comparable and/or equal equipment.
3. The information contained herein is complete and accurate.
4. There is justification for sole source/brand purchasing noted above as it meets the County’s criteria.
5. A sole source/brand purchase in this case would withstand a possible audit or a vendor’s protest.

Requestors Signature

Date

Authorized Signature by Department Head

Date

Contracts/Purchasing Officer

Date

**OFFICE FOR EMPLOYMENT TRAINING
REQUEST TO PURCHASE**

SUGGESTED VENDOR: _____ CHART OF ACCT. CODE/FUND: _____
 REQUESTOR: _____ ACTIVITY CODE: _____
 LOCATION: _____ EXP. LINE ITEM: _____
 DATE OF REQUEST: _____
 DATE REQ'D: _____

QTY	UNIT	ITEM NUMBER	DESCRIPTION	COST	TOTAL
					-
					-
					-
					-
					-
					-
				-	-
				-	-
				-	-
				-	-
				-	-

ALL REQUESTS MUST COMPLY WITH THE WIA PROCUREMENT METHODS. SEE BELOW:
 SMALL PURCHASES: \$1 TO \$9,999.00: 2 DOCUMENTED QUOTES
 SOLE SOURCE: MUST BE JUSTIFIED IN WRITING
 RFP: FOLLOW PROCEDURES IN PROCUREMENT MANUAL
 NOTE: THE FOLLOWING MUST BE ATTACHED TO THIS FORM: COMPLETED APPLICABLE
 PROCUREMENT FORM(S), QUOTES, WRITTEN JUSTIFICATION, BIDS, AND OTHER NECESSARY DOCUMENTATION.

Sub-Total	\$	-
Hotel fees		
Tax	\$	-
Discount	\$	-
TOTAL	\$	-

JUSTIFICATION FOR REQUEST:

 fiscal documents. _____

REQUESTOR	DATE	AUTHORIZED SIGNATURE	DATE
		*** SIGNATURE AUTHORIZES PURCHASE***	

FOR PROCUREMENT ONLY -DO NOT WRITE BELOW THIS LINE- FOR PROCUREMENT ONLY

RECOMMENDED ACTION: APPROVED _____ DENIED _____

ACCOUNTING NUMBER: _____

COMMENTS: _____

<div style="border: 1px solid black; width: 250px; height: 20px;"></div>		
PURCHASE ORDER NUMBER	FISCAL OFFICE AUTHORIZATION	DATE

Original-Fiscal Office Copy-Make copy for division records