

Wyoming County Business Center (WCBC)

Procurement Procedures

Amended and Restated 09-21-2022

A. Purchasing with Federal Award Funds

WCBC is committed to securing goods and services using grant funds from reputable and responsible suppliers in an equitable and competitive manner and in accordance with procurement standards under the Federal Uniform Grant Guidance (UGG), applicable state laws, the WCBC's Accounting Manual, the WCBC's Procurement Policy and the WCBC's Code of Ethics.

B. General Procurement Policies and Procedures

1. All procurement transactions will be conducted in a manner to provide, to the maximum extent practical, open, and free competition.
2. Buyers will avoid purchasing unnecessary items.
3. All contractor bids and quotations will be evaluated on the basis of product, quality, technical compliance with specifications, total cost and the contractor's acceptance of terms and conditions of the contract.
4. WCBC will follow the WCBC Procurement Policy except where the federal grant requirements require more stringent or specific procedures or standards.
5. All solicitations for competitive procurements will accurately describe technical requirements, qualitative factors, and minimum standards while avoiding detailed product specifications that restrict competition.
6. Before awarding a contract for professional services or construction, WCBC will evaluate potential contractors' performance histories, integrity records, and compliance with public policies and laws.
7. WCBC will document the history of the procurement and provide written explanation of how the cost was determined to be reasonable. WCBC will maintain files that document:
 - a. Selection of contract type (e.g. fixed-price or cost reimbursement);
 - b. Independent estimate of the cost for the contract;
 - c. Solicitation of bids or offers and responses from potential contractors or sole-source justification;
 - d. Determination that the price is reasonable;
 - e. Final contract including any clauses required by 2 CFR 200.327 and Appendix II of the UGG;
 - f. Amendments to the contract and contract administration actions; and,
 - g. Good faith efforts to use DBEs
8. All contracts, including small purchases, shall include the following procurement provisions, as applicable; EEO, anti-kickback & Davis Bacon (construction), contract work hours & safety standards, rights to inventions, clean air and water act compliance, anti-lobby requirement and non-award to debarred/suspended contractors and provisions in the contract or agreement for termination and Federal access to contract records as required by WCBC's agreement with EPA.

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9. For any sole source procurement, a written justification will be prepared and kept on file.
10. The President/CEO will monitor the performance of contactors to ensure that the work described in invoices has been satisfactorily completed. The Project Engineer will review and approve pay applications from remediation contractors prior to submitting the payment request to the WCBC. WCBC will maintain contract files including: documents that verify completion of work, such as site photos, inspection reports and other work products; invoices/ payment requests; and verification of payment. The President/CEO Contractor will approve all contractor billing and handle any billing discrepancies.
11. All consultant agreements and subawards will be written agreements. Consultant's salary rate (excluding overhead) paid to individual consultants retained by recipients or by a recipient's contractors or subcontractors shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, available at: <https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/>, to be adjusted annually. This limit applies to consultation services of designated individuals with specialized skills who are paid at a daily or hourly rate. This rate does not include transportation and subsistence costs for travel performed (the recipient will pay these in accordance with their normal travel reimbursement practices).

C. Procurement of Professional Services

Professional services valued at under \$35,000 will be procured as follows:

Procedures for the Purchase of Commodities, Equipment or Goods under \$20,000.

- a. Up to \$500 The discretion of the President/CEO or authorized designee.
- b. \$501 - \$5,000 Documented verbal quotations from at least three vendors.
- c. \$5,001 - \$20,000 Written/fax quotations from at least three vendors.

Procedures for the Purchase of Public Works or Services under \$35,000.

- a. Up to \$1000 The discretion of the President/CEO or authorized designee.
- b. \$1,001 - \$5,000 Documented verbal quotations from at least three vendors.
- c. \$5,001 - \$35,000 Written/fax quotations from at least three vendors.

Basis for the Award of Contracts - Contracts will be awarded to the lowest responsible vendor who meets the specifications

For administrative and engineering service contracts or other professional services valued at \$35,000 or more, WCBC will issue a Request for Qualification (RFQ) or a Request for Proposals (RFP).

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All Requests for Proposals for professional services will include a clear scope of work, specify requirements and capabilities that prospective contractors must meet, and state a preference to conserve natural resources and the environment.

WCBC will determine before issuing the RFP whether the contract will be “fixed price,” “cost-reimbursable,” or “time and materials.”

RFPs and RFQs will be publicized through the WCBC website, Contract Reporter and other transparent means to solicit proposals.

WCBC will conduct technical evaluations of proposals in accordance with the following procedures and criteria:

- a. Successful completion of similar work
- b. Familiarity with EPA-funded remediation project requirements
- c. Qualifications of personnel
- d. Reasonableness of cost

D. Procurement of Remediation, Site Work and Construction Contractors

1. WCBC, with assistance from the Project Engineer, will solicit sealed bids from contractors for the brownfield remediation and site work. The bid notice will be advertised in the Batavia Daily, WCBC's official newspaper. Copies of the bid specifications will be provided to the Dodge Reports and/or other contract clearinghouses for review by interested bidders. The solicitation will remain open for at least 30 days as provided in 40 CFR 33.301(b) and WCBC will make the U.S. Small Business administration and the U.S. Minority Business Development Agency aware of the solicitation per 40 CFR 33.301(d).
2. The Project Engineer will review the contractor's qualifications and references and will forward a recommendation of contract award to the WCBC Board for approval. The Project Engineer will also provide to WCBC for its records a copy of the plan holders list, all of the bids submitted and the bid tabulation.

E. Purchase of materials and supplies

1. WCBC will procure materials and supplies in accordance with the WCBC's procurement policy and all applicable EPA requirements.
2. WCBC will specify Domestic Preference requirements for iron, aluminum, steel, cement, and other manufactured products in all subawards, contracts, and purchase orders.
3. WCBC will specify in solicitations for material purchases valued at \$10,000 or more that the materials must contain the highest percentage of recovered materials practicable.

F. Debarment and Suspension

Before the contract is made, the WCBC will verify the contractor's eligibility to receive federal funds and verify they are not vendors that are suspended and debarred via search of the SAM.gov website. Regardless of the cost of acquisition, the organization avoids purchasing unnecessary items. To verify that the entity is not excluded, WCBC will:

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1. Check the System for Award Management (SAM);
2. Collect a certification from that person documenting that the person is not excluded; or
3. Add a clause or condition to the covered transaction with that person indicating that not being excluded is a condition of the agreement.

G. Conflicts of Interest

1. All WCBC Officers, Directors and staff will adhere to the standards set forth in the WCBC Code of Ethic Policy when conducting business or performing work on the project.
2. Procurements shall not be made in which there will be, or it is perceived to be a conflict of interest including the engagement in any transaction of a representative or agent of Corporation with any business entity in which he or she has a direct or indirect financial interest that might reasonably tend to conflict with proper discharge of his or her official duties.

H. Disadvantaged Business Enterprise (DBE) Opportunity

1. The WCBC will make good faith efforts to utilize small businesses, veteran-owned businesses, minority owned (MBE) and women owned (WBE) businesses (2 CFR 200.321).
2. WCBC, with assistance from the Project Engineer and/or the Program Administrator, will also search the State Directory of Minority and Women Owned Business Enterprises (M/WBE) to identify M/WBE firms that may be qualified to submit bids for contracts, subcontracts or supplies and materials for the project. A letter will be sent to the M/WBE firms identified in the search to inform them of the opportunity to bid on the project. The letter will include a copy of the bid notice.
3. Each procurement contract will include the following terms and conditions:
The contractor shall not discriminate on the basis of race, color, national origin or sex in the performance of this contract. The contractor shall carry out applicable requirements of 40 CFR part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the contractor to carry out these requirements is a material breach of this contract which may result in the termination of this contract or other legally available remedies.

I. Record Keeping

1. All correspondence with contractors will be included in the physical and electronic files for the federal award that will be maintained at the WCBC office.
2. WCBC will maintain all records pertaining to the project, including but not limited to purchase orders, packing slips, receiving documents, payment requests and proof of payment.
3. WCBC's financial management system identifies the source and application of funds with accounting records that show obligations, unobligated balances, assets, outlays, income and interest.
4. The WCBC will retain financial reports and supporting records for a minimum of 3 years

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after the award is closed or as required by the EPA grant agreement.

J. Cost or Price Analysis

1. For all procurements, WCBC will verify that the purchase price is fair and reasonable
2. For every procurement in excess of the Simplified Acquisition Threshold (30.45, 2 CFR 200.324) the WCBC will conduct and document a cost or price analysis to verify that the purchase price is fair and reasonable.
3. Price analysis or cost analysis will be used and documented as follows:
 - a. Price Analysis: WCBC will compare price quotations submitted and review information from other sources, such as established catalog or market prices, or prices for similar past purchases to determine that the price proposed is reasonable.
 - b. Cost Analysis: Evaluation of the separate elements that make up a contractor's total cost proposal or price to determine if they are allowable, directly related to the requirement, and reasonable for the value received. For engineering and other professional services, WCBC will review each component of the total cost to verify that they are necessary to complete the project, allowable under grant guidelines and reasonable in cost.
4. Where applicable, WCBC will consider and evaluate lease vs. purchase options to determine which is more economical.

K. Procurement Approvals and Roles

1. Administrator: Submits purchase requisitions and invoices for contractual services to the President/CEO.
2. President/CEO: Reviews requisitions and invoices for contractual services, forwards approved requisitions and invoices to the Administrator. During this review, ensures that duplicate and/or unnecessary items are eliminated from the requisition for purchase of materials, verifies that materials, supplies are necessary for the project, and verifies that contractual services have been completed satisfactorily as described in the invoice.
3. Staff Clerk: Performs a final review, processes the requisition or invoice and submits order and payment to the vendor.
4. Staff Clerk: Receives orders, checks to ensure all items purchased were delivered, tags inventory as appropriate, registers warranties and forwards packing slips and inventory information to President/CEO.
5. President/CEO approves and submits copies of documentation to the Administrator.

L. Maintaining Prequalification Status and Required Reporting

1. WCBC will prepare and submit Interim/Final Financial Status Reports (SF-425) as required to report cumulative expenses incurred under the grant award every quarter.
2. The WCBC will maintain qualification status by registering and updating information in the System for Award Management on an annual basis.

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