



FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

Executive Committee
April 15, 2026 @ 3:00 p.m.

Workforce Connection
3170 W. Shaw Avenue
Fresno, CA 93711
Conference Rooms 105/106

Mission Statement: The Fresno Regional Workforce Development Board exists to oversee the optimal administration of Workforce Innovation and Opportunity Act funds in the Fresno region. In serving both the business community and the individual job seeker with the provision of human capital development services, we hope to foster the economic vitality of the Fresno region.

REMINDER: PLEASE TURN OFF CELL PHONE OR PUT IT ON VIBRATE

ROLL CALL

AGENDA CHANGES: REMOVAL OF ITEMS OR EMERGENCY ADDITIONS

ABSTENTIONS/RECUSALS/DISCLOSURE OF POTENTIAL CONFLICTS OF INTEREST

COMMITTEE CHAIR/STAFF COMMENTS

PUBLIC COMMENTS

Item	Description	Presented By	Enclosure	Action	Page #
1.	January 21, 2026, Executive Committee Meeting Minutes	Konczal	Yes	Approve	4
2.	February 2026 Agency Budget and Expenditures	Beierschmitt	Yes	Accept	10
3.	February 2026 Financial Report	Beierschmitt	Yes	Accept	12
4.	Program Year 2026-2027 Legal Services Contract Award	Stogbauer	Yes	Approve	16
5.	Updated Conflict of Interest Policy	Konczal	Yes	Approve	17
6.	Revised Procurement Policy	Stogbauer	Yes	Approve	28

ACCOMMODATIONS FOR PERSONS WITH DISABILITIES

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Item	Description	Presented By	Enclosure	Action	Page #
7.	Generative Artificial Intelligence Usage Policy	Konczal	Yes	Information	
8.	Director's Quarterly Update	Konczal	Yes	Information	
9.	Referral of Agenda Items to Other Committees	Blunt	Yes	Direct	
10.	Information Sharing	All	No	Discussion	--
11.	July 15, 2026, Agenda Items	Konczal	No	Discussion	--
12.	Meeting Feedback	Konczal	No	Discussion	--

**FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD
EXECUTIVE COMMITTEE
2026 ATTENDANCE REPORT**

1/21/2026 4/15/2026 7/15/2026 10/21/2026

Avila Trillium Flow Technologies	P			
Blunt IMAGO	P			
Branch Fresno Adult School	A			
Chavez Fresno County Board of Supervisors	P			
Maxwell Fresno City Council	A			
Montalbano German Auto Repair	P			
Morgan Kaiser Permanente	P			
Riojas Fresno, Madera, Tulare, Kings Building Trades Council	P			
Sotiropoulos Hyatt Real Estate	P			
Zabrycki CAPTRUST	P			

P = Present

A = Absent

-- = Not a Member at Time of Meeting

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	1
MEETING DATE:	April 15, 2026
ACTION:	APPROVE

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Blake Konczal, Executive Director
SUBJECT: January 21, 2026, Executive Committee Meeting Minutes

RECOMMENDATION:

Approve the minutes of the January 21, 2026, Executive Committee meeting.

ATTACHMENT:

January 21, 2026, Executive Committee Meeting Minutes



FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

Executive Committee
January 21, 2026

SUMMARY MINUTES

The meeting was called to order at 3:00 p.m.

ROLL CALL: PRESENT – Stephen Avila, Edgar Blunt, Luis Chavez, Dennis Montalbano, Alisha Morgan (arrived at 3:03 p.m.), Chuck Riojas, Vasili Sotiropulos, Lydia Zabrycki, and Legal Counsel Craig Armstrong

ABSENT – Rodney Branch and Tyler Maxwell

AGENDA CHANGES: None

ABSTENTIONS/RECUSALS/
DISCLOSURES OF
POTENTIAL CONFLICTS OF
INTEREST: None

COMMITTEE
CHAIR/STAFF COMMENTS: None

PUBLIC COMMENTS: None

Item	Description/Action Taken
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1. **October 15, 2025, Executive Committee Meeting Minutes**

Blake Konczal, Executive Director, Fresno Regional Workforce Development Board (FRWDB), presented the October 15, 2025, Executive Committee (Committee) meeting minutes for approval, or correction and approval.

RIOJAS/SOTIROPULOS – APPROVED THE OCTOBER 15, 2025, EXECUTIVE COMMITTEE MEETING MINUTES. (UNANIMOUS)

2. **November 2025 Agency Budget and Expenditures**

Cheryl Beierschmitt, Deputy Director Fiscal Services, FRWDB, presented the November 2025 Agency Budget and Expenditures report for the Committee's acceptance. She noted that there was only one (1) negative variance and that was on Line Item #63 Memberships. This variance was due to the California Workforce Association dues were paid upfront at the beginning of the Program Year.

Director Morgan arrived (3:03 p.m.)

There were no questions from the Committee.

RIOJAS/ZABRYCKI – ACCEPTED THE NOVEMBER 2025 AGENCY BUDGET AND EXPENDITURES. (UNANIMOUS)

3. **November 2025 Financial Report**

Ms. Beierschmitt presented the November 2025 Financial Report for the Committee's acceptance. She reviewed the list of grants that had ended, grants that received an extension, and grants that were under modification review with the funders, all of which were detailed in the agenda item. There were no questions from the Committee.

AVILA/SOTIROPULOS – ACCEPTED THE AUGUST 2025 FINANCIAL REPORT (UNANIMOUS)

4. **Application to State of California Employment Development Department for Direct Adult and Dislocated Worker Career Services Provider**

Mr. Konczal presented for the Committee's approval, the submission of an America's Job Center of California Adult and Dislocated Worker Career Services Provider Request for Approval (application) to the Governor of the State of California, designating the FRWDB as a provider of Workforce Innovation and Opportunity Act (WIOA) Adult and Dislocated Worker Career Services in Fresno County; and authorizing the Chair of the FRWDB to sign the application seeking Governor approval.

Mr. Konczal explained that for workforce services, there was a process and a series of steps a client goes through. Those steps included outreach, intake, orientation, assessments, development of an Individual Employment Plan, assignment of a Case Worker, and could include training. In the current PY, FRWDB has a formula funding budget of just over \$25 Million and discretionary grants budget of close to \$35 Million. All clients, whether their services are funded by the formula budget or discretionary grants, must go through the same steps.

The proposed application requests that the FRWDB be designated as the Adult and Dislocated Worker Career Services provider for Fresno County and would include the following roles: 1) Provide Basic Career Services, 2) provide Individualized Career Services, and 3) manage the daily operation of the America's Job Centers of California in coordination with co-located partners.

CHAVEZ/SOTIROPULOS – APPROVED THE APPLICATION TO THE GOVERNOR OF THE STATE OF CALIFORNIA; AUTHORIZED FRWDB CHAIR TO SIGN THE APPLICATION; RECOMMENDED THE FRESNO COUNTY BOARD OF SUPERVISORS AND FRESNO CITY COUNCIL APPROVE THE DESIGNATION OF FRWDB AS A PROVIDER OF ADULT AND DISLOCATED WORKER SERVICES IN FRESNO COUNTY. (UNANIMOUS)

5. **Workforce Innovation and Opportunity Act Adult and Dislocated Worker Services – Local Fresno Regional Workforce Development Board Five-Year Procurement**

Mr. Konczal presented four (4) recommendations for the Committee's approval: 1) Approval of the hybrid service model as detailed in the agenda item attachment; 2) authorization of FRWDB staff to finalize procurement documents consistent with the Scope of Services as outlined in the hybrid service model; 3) authorization of FRWDB staff to release the revised Scope of Services for public comment, and the final Request for Proposals (RFP); and 4) direct FRWDB staff to negotiate and document the Fresno Area Workforce Investment Corporation's operational plan to ensure readiness by July 1, 2026.

Mr. Konczal indicated that the FRWDB would be releasing a Scope of Work for the hybrid model for public comment. If substantive comments were received, FRWDB staff would present them to the Executive Committee for review prior to the final release of the RFP. If not substantive comments were received, FRWDB staff would proceed with releasing the final RFP incorporating the revised Scope of Services.

RIOJAS/AVILA – APPROVED THE FOUR (4) RECOMMENDATIONS AS OUTLINED ABOVE. (UNANIMOUS)

6. High Road Training Partnerships Resilient Workforce Fund – Budget Modification

Beatriz Lopez, Special Projects Manager, FRWDB, presented for the Committee's approval a modification to the High Road Training Partnerships Resilient Workforce Fund grant in the amount of \$165,518.63 for the purpose of reallocating budget line items, as detailed in the agenda item.

Ms. Lopez reported that a budget modification was being requested to reallocate funds from staff salaries and benefits to increase investment in participant training and work experience, and to reallocated funds originally designated for a contract with Sierra Resource Management, which had been rescinded after it was determined they did not have the capacity to meet contractual obligations. Mr. Konczal stated that FRWDB was able to find additional trainers in which to direct the funds that were rescinded.

CHAVEZ/RIOJAS – APPROVED THE HIGH ROAD TRAINING PARTNERSHIPS RESILIENT WORKFORCE FUND GRANT MODIFICATION. (UNANIMOUS)

7. High Road Construction Careers Resilient Workforce Fund Contract Modification

Ashley Matthews, Senior Special Projects Manager, FRWDB, presented for the Committee's approval, the reallocation of the High Road Construction Careers Resilient Workforce funding. Ms. Matthews reported that there were two (2) major changes to the allocations for which she was seeking approval: Redistributing funds from contractors who were not going to be able to spend down their budgets to fund a Multi-Craft Core Curriculum (MC3) Disaster Relief Corps; and at the request of the San Joaquin Workforce Development Board, redistribute some of their funds to their local Building Trades Councils to hold additional ValleyBuild cohorts. Line by line details of the proposed funding redistribution was provided in the agenda item and the Committee had no questions.

CHAVEZ/AVILA – APPROVED THE HIGH ROAD CONSTRUCTION CAREERS RESILIENT WORKFORCE FUND CONTRACT MODIFICATION. (UNANIMOUS)

8. Draft Fresno Regional Workforce Development Board Client Engagement Framework

Mr. Konczal presented the draft FRWDB Client Engagement Framework for the Committee's review. He stated that the Executive Committee had tasked him with developing a method to define and measure FRWDB client engagement. He noted that while state and federal performance data requirements entered into CalJOBS were mandatory and foundational, the FRWDB was not prohibited from establishing its own additional local criteria to improve outcomes and better utilize funds. He explained that earlier identification of client disengagement would allow staff to intervene sooner or exit unresponsive clients and redirect resources to participants who were willing to participate. He clarified that the framework was in draft form and was not being presented for approval, and that feedback would also be sought from contractor staff before finalizing the document.

Mr. Konczal outlined four (4) proposed client status levels: Engaged, At-Risk, Disengaged, and Exit Pending. He stated that easily identifiable criteria for each category was needed and included frequency of communication, appointment attendance, task completion, and timely submission of enrollment documentation. Veronica McAlister, Senior Program Manager, FRWDB, explained that although CalJOBS allowed up to 90 days of inactivity, the proposed framework would classify clients as “Engaged” with contact or documented activity within 21 days, “At-Risk” between 21 and 45 days, “Disengaged” after 45 days with continued outreach attempts, and “Exit Pending” at 60 days without re-engagement. She noted that a visual timeline would be provided to assist case workers and could also be shared with participants to clarify expectations and responsibilities. Director Montalbano stated that providing the visual timeline to participants could help them realize the investment required on their part.

Director Avila asked about follow-up for participants who had obtained employment, to measure the quality of the job placement. Ms. McAlister indicated that FRWDB did conduct follow-up as part of their retention services. Follow up is conducted with participants 90 days after exit and quarterly for one (1) year. Director Sotiropoulos asked the method used for the post-exit follow-up. Ms. McAlister indicated emails and phone calls had been used, but that FRWDB had been testing text messaging to participants with good results.

This was an information item.

9. **Director’s Quarterly Update**

Mr. Konczal distributed a summary of his activities as Executive Director for the period of October through December 2025. He briefly summarized his key activities during the reporting period, which included preparation for the November All Staff Conference. The Conference, which centered on Artificial Intelligence, featured multiple speakers and panels on AI’s impact on workforce. Time was spent planning for possible program modifications in response to the federal Workforce Innovation and Opportunity Act reauthorization. There was a lot of time spent planning for a new local workforce hybrid service model and new client engagement framework.

Additional activities included planning related to the hybrid workforce service model; development of a new client engagement framework; and preparation and submission of multiple grant applications. He also referenced planning for the submission of an internal case management unit Waiver Request to the State of California, which was approved at this meeting. He also focused time on the planning and submission of High Road Training Partnerships modifications.

Mr. Konczal concluded that the majority of his work this quarter focused on securing, maintaining, and planning for current and future funding streams. He offered to answer questions regarding any of the items included in the report.

This was an information item.

10. **Referral of Agenda Items to Other Committees**

There were no items referred to other committees.

11. **Information Sharing**

Director Avila shared that Trillium Flow Technologies had partnered with Fresno Economic Development Corporation and Reedley College on training opportunities for individuals wanting a career in high skills manufacturing technician positions. The first cohort of 12 individuals was underway.

Ms. Espinosa reminded the Committee that the Executive Committee Planning Retreat was scheduled for March 12 – March 14, 2026, and RSVPs should be made to Diane Jensen. Mr. Konczal acknowledged members' busy schedules and emphasized the importance of the Retreat and the items scheduled for discussion. He stated that the retreat would be rescheduled if there were not a sufficient number of RSVPs to attend.

This was an information item.

12. April 15, 2026, Agenda Items

None.

13. Meeting Feedback

There was no meeting feedback.

Meeting adjourned at 4:10 p.m.

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	2
MEETING DATE:	April 15, 2026
ACTION:	ACCEPT

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Cheryl Beierschmitt, Deputy Director of Fiscal Services
SUBJECT: February 2026 Agency Budget and Expenditures

RECOMMENDATION:

Accept the attached Agency Budget and Expenditures report for February 2026 financials for Program Year 2025 - 2026.

REASON FOR RECOMMENDATION:

The attached table provides the status of the agency budget as of February 28, 2026.

- Year-to-Date budget costs are straight-lined.
- Line Item 60 – Communications are running higher than straight-lined due to the AT&T data and voice upgrades. Once completed, Fresno Regional Workforce Development Board (FRWDB) staff anticipate credits from our AT&T account representative, which will help with the current over-expenditure of \$8,624.
- Staff have no concerns with other expenditures.

ATTACHMENT:

FRWDB Agency Budget and Expenditures – February 2026

**FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD
AGENCY BUDGET AND EXPENDITURES**

February 2026

Budget by Line Item	Total Budget PY 25 - 26	YTD Budget PY 25 - 26	YTD Expenditures PY 25 - 26	Variance	Percent Variance
51 Salaries	\$ 3,902,222	\$ 2,601,481	\$ 2,394,579	206,902	7.95%
52 Payroll Taxes	350,225	233,483	217,291	16,192	6.94%
53 Fringe Benefits	1,266,932	844,621	705,907	138,714	16.42%
55 Staff/Board/Service Provider Development	72,500	48,333	34,135	14,198	29.38%
56 Local Mileage	26,000	17,333	6,076	11,257	64.94%
60 Communications	30,000	20,000	28,624	(8,624)	-43.12%
61 Insurance	37,500	37,500	34,570	2,930	7.81%
62 Maintenance	96,840	64,560	45,398	19,162	29.68%
63 Memberships	40,000	26,667	20,113	6,554	24.58%
64 Miscellaneous	20,000	13,333	10,702	2,631	19.73%
65 Office Expense	38,000	25,333	25,545	(211)	-0.83%
66 Professional Services	225,800	150,533	31,137	119,396	79.32%
67 Advertising	35,000	23,333	-	23,333	100.00%
68 Rent & Leases	299,200	199,467	194,405	5,062	2.54%
69 Utilities	48,400	32,267	30,814	1,452	4.50%
71 Furniture and Equipment	145,000	116,000	106,389	9,611	8.29%
Total	\$ 6,633,619	\$ 4,454,246	\$ 3,885,686	568,560	12.76%

Due to spreadsheet formula rounding calculations, totals may be off by \$1 or \$2.

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	3
MEETING DATE:	April 15, 2026
ACTION:	ACCEPT

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Cheryl Beierschmitt, Deputy Director of Fiscal Services
SUBJECT: February 2026 Financial Report

RECOMMENDATION:

Accept the Fresno Regional Workforce Development Board (FRWDB) February 2026 Financial Report.

REASON FOR RECOMMENDATION:

The attached summary financial report and chart display year-to-date financial information through February 28, 2026.

The following grants ended:

- **Fatherhood – Health and Human Services:** This grant ended September 29, 2025. It was 86.23% expended at \$646,757 with an unspent amount of \$103,242. FRWDB staff have completed the grant closeout with the funder and the remaining balance was *de-obligated*.
- **Quality Jobs-Equity-Strategy-Training National Dislocated Worker Grant (QUEST):** This grant ended September 30, 2025. It was 94.79% at \$710,909 with an unspent amount of \$39,091. This amount was *de-obligated* with the funder.
- **High Road Construction Careers (HRCC) Round 2 – Foundations:** This grant ended September 30, 2025. It was 80.96% expended at \$149,780, with an unspent amount of \$35,220. All activities have been completed; one (1) final invoice is pending submission in March 2026, which will bring this grant to 100% expended.
- **Equal Representation in Construction Apprenticeship (ERICa):** This grant ended December 31, 2025. It was 95.09% expended at \$1,711,624 with an unspent amount of \$88,376. FRWDB staff have completed the grant closeout with the funder and the unspent amount was *returned* to the funder.

The following grants received an extension:

- **ValleyBuild Earmark:** This grant received a no cost extension to June 30, 2026. It is 78.06% expended at \$2,341,863, with an unspent amount of \$658,137. FRWDB staff anticipate this grant will be 100% expended.
- **One Fresno Youth Job Corps Wraparound Services – City of Fresno:** This grant received an additional seven (7) month extension to December 31, 2026. It is 42.81% expended at \$256,886, with an unspent amount of \$343,114.

The following grants will be ending March 31, 2026:

- CAL FIRE – Round 2: This grant is 52.09% expended at \$1,028,017 with an unspent amount of \$945,598. FRWDB staff anticipate these funds will be 60% expended in the amount of \$1,184,169 with an unspent amount of \$789,446.
- High Road Construction Careers - Resilient Workforce Fund (HRCC – RWF): This grant is 66.91% expended at \$5,904,547, with an unspent amount of \$2,920,580. FRWDB staff anticipate these funds will be 86% expended in the amount of \$7,589,609 with an unspent amount of \$1,235,518.
- High Road Training Partnerships – Resilient Workforce Fund (HRTP – RWF): This grant is 80.47% expended at \$2,011,729 with an unspent amount of \$488,271. FRWDB staff anticipate these funds will be 85% expended in the amount of \$2,125,000 with an unspent amount of \$375,000.
- Aspen Institute: This grant is 90.33% expended at \$45,167 with an unspent amount of \$4,833. FRWDB staff anticipate the grant to be fully expended once the final invoice for the annual report has been submitted in March 2026.
- High Road Training Partnerships – CA Legacy Well Services: As of January 31, 2026, this grant has been fully expended at 100% in the amount of \$40,000.
- Staff have no concerns with other grant expenditures.

ATTACHMENT:

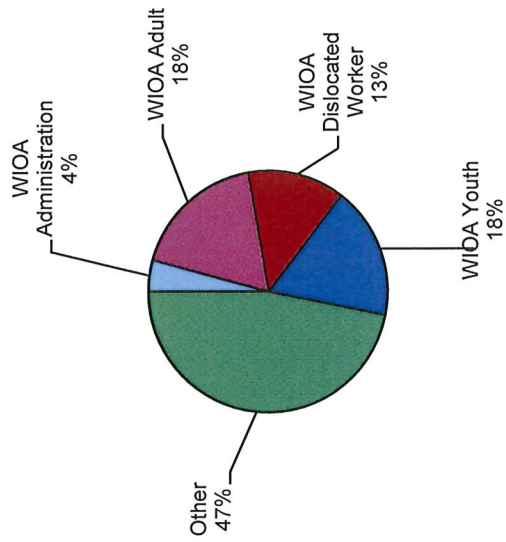
February 2026 Financial Report

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD
Summary Financial Report
February 2026

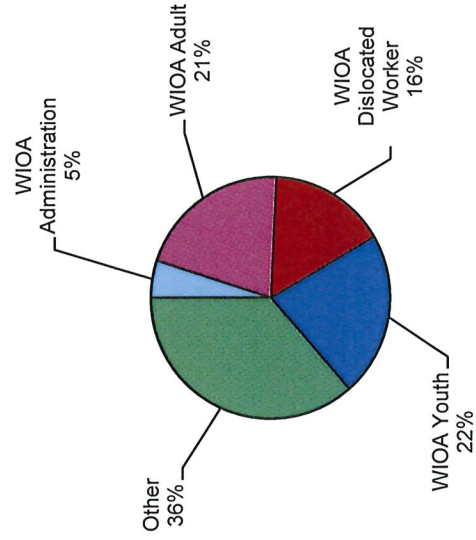
	A	B	C	D	E	F	J
1							
2							
3							
4							
5							
6							
7							
8	GRANT	TERM	Total Grant Amount	Prior Year(s) Expended	Current PlanYear to Date Expenditures	Percent Expended	Unspent Committed Funds
9							
10	WIOA ADMINISTRATION	07/01/2025 - 06/30/2026	1,897,198		948,369	49.99%	948,829
11							
12	* WIOA ADULT	07/01/2025 - 06/30/2026	8,036,073		3,902,977	48.57%	4,133,096
13							
14	* WIOA DISLOCATED WORKER	07/01/2025 - 06/30/2026	5,837,600		2,996,956	51.34%	2,840,644
15							
16	* WIOA YOUTH	07/01/2025 - 06/30/2026	7,930,396		4,159,549	52.45%	3,770,847
17							
18	*WIOA RAPID RESPONSE & Layoff Aversion	07/01/2025 - 06/30/2026	926,834		236,155	25.48%	690,679
19							
20	QUEST - Quality Jobs-Equity-Strategy-Training-(NDWG)	10/01/2022 - 09/30/2025	750,000	696,943	13,966	94.79%	39,091
21							
22	Fatherhood - HHS	09/30/2024 - 09/29/2025	749,999	480,588	166,169	86.23%	103,242
23							
24	Valley Build Earmark - Assembly Bill No. 178	04/01/2023 - 06/30/2026	3,000,000	1,671,723	670,140	78.06%	658,137
25							
26	CAL FIRE - Round 2	03/24/2023 - 03/31/2026	1,973,615	1,028,017	-	52.09%	945,598
27							
28	HRCC: Resilient Workforce (RWF)	06/01/2023 - 03/31/2026	8,825,127	3,931,106	1,973,441	66.91%	2,920,580
29							
30	Regional Equity and Recovery Partnership (RERP)	12/01/2022 - 12/31/2026	1,050,729	266,789	224,140	46.72%	559,800
31							
32	Prison to Employment (P2E) 2.0	07/11/2023 - 06/30/2026	568,636	436,746	98,793	94.18%	33,097
33							
34	ERiCA-Equal Representation in Construction Apprenticeships	05/01/2023 - 12/31/2025	1,800,000	1,083,774	627,850	95.09%	88,376
35							
36	High Road Training Partnerships (HRTP - RWF)	05/15/2023 - 03/31/2026	2,500,000	1,484,110	527,619	80.47%	488,271
37							
38	Student Training and Employment Program (STEP) - Y3	01/01/2025 - 12/31/2026	619,952	-	259,016	41.78%	360,936
39							
40	HRCC - Rnd 2 - Foundations	12/13/2023 - 09/30/2025	185,000	41,742	108,038	80.96%	35,220
41							
42	Good Jobs Challenge - American Rescue Plan	06/01/2023 - 09/30/2027	1,807,383	738,435	175,285	50.55%	893,663
43							
44	ELL Integrated Education and Training	10/01/2023 - 12/31/2026	3,330,000	928,594	568,010	44.94%	1,833,396
45							
46	EMS Corps Implement/Planning Grant - Public Works Alliance (PWA)	05/29/2024 - 01/31/2027	1,451,820	34,272	353,010	26.68%	1,064,538
47							
48	HRCC - Ca Community College Chancellor's Office (CCCCO)	10/01/2024 - 08/31/2026	985,638	269,083	318,219	59.59%	398,336
49							
50	One Fresno Youth Job Corps WrapAround Services - City of Fresno	01/01/2025 - 12/31/2026	600,000	102,652	154,234	42.81%	343,114
51							
52	Aspen Institute	04/01/2025 - 03/31/2026	50,000	9,941	35,226	90.33%	4,833
53							
54	High Road Training Partnerships (HRTP) - CA LegacyWellServ	07/19/2023 - 03/16/2026	40,000	10,000	30,000	100.00%	0
55							
56	Public Workforce Capacity Fund (PWCF) - James Irvine Foundation	10/01/2024 - 09/30/2026	500,000	63,265	185,200	49.69%	251,535
57							
58	Growth Opportunities - Rnd 5	03/01/2025 - 08/31/2028	2,000,000	12,229	102,687	5.75%	1,885,084
59							
60	Workforce Acceleration Funds (WAF) 13	05/01/2025 - 03/31/2027	500,000	1,570	51,111	10.54%	447,319
61							
62	TOTAL FUNDING		57,916,000	13,291,579	18,886,161	55.56%	25,738,260
63							
64							
65	* Total Grant Amount includes ESTIMATED carryover from Prior Plan Year 24 - 25						
66	Due to spreadsheet formula rounding calculations, totals may be off by \$1 or \$2						
67							
68							
69	Prepared by: C. Beierschmitt						

**FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD
 FINANCIAL REPORTS
 February 2026**

**FRWDB Committed Funds
 Fiscal Year 2025-2026**



**FRWDB Expenditures
 Fiscal Year 2025-2026**



FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	4
MEETING DATE:	April 15, 2026
ACTION:	APPROVE

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Phyllis Stogbauer, Senior Deputy Director
SUBJECT: Program Year 2026-2027 Legal Services Contract Award

RECOMMENDATION:

Approve the initial contract award for legal services to Baker, Manock & Jensen, PC for the period of July 1, 2026, through June 30, 2027, in the amount of \$62,000, with an option to extend the contract annually for up to four (4) additional years.

REASON FOR RECOMMENDATION:

The Fresno Regional Workforce Development Board (FRWDB) Procurement Policy requires contracts for goods and services to be procured at least once every five (5) years. The current contract for legal services was procured and awarded in June 2021, and is set to expire on June 30, 2026.

To ensure compliance with the procurement policy, FRWDB staff released a Request for Quotes (RFQ) on January 12, 2026, to solicit qualified legal firms to provide legal services for the FRWDB and the Fresno Area Workforce Investment Corporation (FAWIC).

The submission deadline for quotes was 5:00 p.m. on February 12, 2026. Only one (1) quote was received by the deadline, from Baker, Manock & Jensen, PC, which is the current provider of legal services.

According to the FRWDB Procurement Policy, competitive negotiation requires receipt of at least three (3) responsive quotes for the same scope of work and service area. When a competition fails to meet these requirements, the FRWDB may either re-compete the procurement or award a sole-source contract.

FRWDB staff reviewed the submitted quote and determined that it met all minimum criteria specified in the RFQ. Therefore, FRWDB staff recommends that the contract for legal services be awarded to Baker, Manock & Jensen, PC.

FISCAL IMPACT:

Approval of this item will allocate \$62,000 of FAWIC administrative funds per program year for legal services.

ATTACHMENT:

None

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	5
MEETING DATE:	April 15, 2026
ACTION:	APPROVE

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Blake Konczal, Executive Director
SUBJECT: Updated Conflict of Interest Policy

RECOMMENDATION:

Approve the attached updated Conflict of Interest Policy for the Fresno Regional Workforce Development Board (FRWDB) and the Fresno Area Workforce Investment Corporation (FAWIC).

REASON FOR RECOMMENDATION:

The FRWDB periodically reviews and updates its Conflict of Interest Policy to ensure compliance with federal and state law, including the California Political Reform Act (Cal. Gov't Code § 87100 et seq.), California Government Code §1090, the federal Workforce Innovation and Opportunity Act (WIOA), and Uniform Guidance (2 CFR Part 200).

The updated policy clarifies Members' obligations to identify and disclose potential conflicts of interest, outlines procedures for approving contracts or transactions when a conflict may exist, and includes provisions regarding post-service restrictions for former Directors, Committee Members, and support staff.

Key Updates:

- Revised definitions and examples of disqualifiable financial interests
- Updated procedures for disclosure and recusal in Board and Committee decisions
- Clarified post-service restrictions for former Directors, Committee Members, and supporting staff
- Enhanced guidance for compliance with federal and state regulations

In addition, as a result of recent organizational changes, the supporting staff has been revised as follows:

- Executive Director
- Senior Deputy Director
- Deputy Director of Fiscal & Administrative Services
- Deputy Director of Marketing, Grants & Business Initiatives
- Associate Deputy Director
- Information Services & General Services Manager
- Senior Special Projects Manager
- Special Projects Manager
- Business Services Manager
- Accounting Manager
- Manager, Intergovernmental & Community Partnerships
- Contracting Manager
- Monitoring Manager
- Administrative Manager

Upon approval of this item, the updated policy will be distributed to all current and new Members and support staff, who must acknowledge receipt and understanding.

FISCAL IMPACT:

There is no fiscal impact related to the approval of this item.

ATTACHMENTS:

Attachment I: FRWDB/FAWIC Conflict of Interest Policy

Attachment II: Redlined FRWDB/FAWIC Conflict of Interest Policy

CONFLICT OF INTEREST POLICY FOR THE FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

This Conflict of Interest Policy was adopted by the **Fresno Regional Workforce Development Board**, hereinafter referred to as the "Board", on April 15, 2026. All new Directors and committee members, hereinafter referred to as "Members", must familiarize themselves with this policy upon beginning and during service to the Board.

I. OVERVIEW OF CONFLICT OF INTEREST POLICY

General Policy:

Members have both a duty to the public and responsibility to the Board to avoid conflicts of interest resulting from business affairs by considering possible conflicts of interest before participating in, or attempting to influence, any Board or committee decision concerning contracts and transactions.

Possible Conflicts of Interest:

A Member may have a conflict of interest under the following bodies of law:

1. Under the California Political Reform Act (California Government Code section 87100 et seq.), where a contract or transaction will have a reasonably foreseeable material financial effect on one or more of the Member's economic interests, unless that effect is indistinguishable from the effect on the public generally.
2. Under California Government Code 1090 et seq. where a Member is financially interested in a contract made by them in their official capacity, or by any body or board of which they are a member.
3. Under the federal Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), the federal Uniform Guidance (2 CFR Part 200), and state Employment Development Department directive where the Member (or any organization which that Member directly represents) has a financial or other interest in or a tangible personal benefit from an entity considered for a contract.

Note that these laws may change over time and that Members have an obligation to understand their duties and responsibilities under current law.

Disqualifiable Financial Interests:

Members must disqualify themselves from Board and committee decisions affecting the following financial interests of themselves or their immediate family. (For the purpose of this policy, "immediate family" is defined as spouse and dependent children.)

1. A business or nonprofit entity where they work as an employee.
2. A privately owned business which they own, even partially.
3. A federal, state or local government entity (including public schools and universities) which pays them consulting fees or similar payments.
4. A publicly traded company in which they own any amount of stock.

5. Real property which they own, even partially.
6. Individuals, businesses or nonprofits which have paid them any amount as an independent contractor within the preceding 12 months.
7. Individuals, businesses or nonprofits which have given them "gifts" over \$630 in the preceding 12 months.

Members are not required to disqualify themselves from Board and committee decisions affecting the following financial interests, unless the Member's actions would violate the conflict of interest provisions of California's State Workforce Investment Plan:

1. A federal, state or local government entity (including public schools and universities) where they are employed, unless that decision:
 - a. Concerns the provision of services by such Member (or by an entity that such Member represents), or
 - b. Would provide direct financial benefit to such Member or his/her immediate family.
2. A nonprofit entity where they serve as an unpaid director or volunteer.
3. Individuals, businesses or nonprofits for which they have done consulting work on a pro bono basis.

Bylaws:

The Bylaws of the Board require that the Members of the Board of Directors, Executive Committee, or other committee of the Board, and officers of the Board shall disclose any potential conflict to the Board prior to entering into any transaction entered by the Board, and prior to participation in any related meetings, negotiations, discussions or other matters related to the transaction.

II. PROCEDURE FOR APPROVING CONTRACTS AND TRANSACTIONS

It is the policy of the Board to adhere to the following procedure for approving contracts or transactions in which Members have even a potential conflict of interest.

1. Before each Board or Committee meeting:
 - a. Each Member has an obligation to review Board and Committee meeting agendas to determine whether he or she has a potential conflict of interest in a proposed contract or transaction.
 - b. A Member who believes that he or she has a potential conflict of interest must immediately refrain from participating in any way in the decision to approve, reject or modify the contract or transaction (including, but not limited to, voting or attempting to influence the decision in any way).
 - c. A Member who believes that he or she has a potential conflict of interest must inform the Executive Director or Chair, who may investigate the facts and consider potential alternatives to the contract or transaction before the next meeting.
2. At each Board or Committee meeting:
 - a. Each Member has an obligation to fully disclose to the Board or Committee a potential conflict of interest in a proposed contract or transaction, during the meeting on the public record, before a vote on the matter. In that event, the interested Member shall

recuse him or herself and shall not participate in the deliberation or action of the Board or Committee, or attempt to influence the decision in any way.

- b. If a Member is uncertain about whether or not a conflict of interest exists, the Executive Director or Chair may report on the investigation conducted before the meeting so that disinterested Members can be fully informed when voting on the contract or transaction.
- c. After any such report, and before voting on the contract or transaction, the disinterested Members must vote on one of the following three options:
 - i. If a majority of disinterested Members decides that a conflict of interest does not exist, then the full Board or Committee may approve the contract or transaction;
 - ii. If a majority of disinterested Members is uncertain whether a conflict of interest exists, then the matter must be referred to a Board committee for further investigation before the next Board or Committee meeting; or
 - iii. If a majority of disinterested Members concludes a conflict of interest exists, then either: (A) the contract or transaction must be rejected; or (B) the majority of disinterested Members may validate the contract or transaction by passing the resolution in the Appendix; or (C) the majority of disinterested Members may seek approval of the transaction by the Attorney General or a court.

3. After the Board or Committee meeting:

The minutes of the meeting must reflect:

- a. any disclosure of potential conflicts of interest by a Member; and
 - b. any investigation or report to the Board or Committee concerning possible conflicts of interest; and
 - c. any findings made by the Board; and
 - d. the final vote on any proposed contract or transaction, including the vote of each Member.
4. No former Director, Committee Member, or officer of the Board or supporting staff from the Fresno Area Workforce Investment Corporation, for one (1) year after the termination of his or her service as a Director, Committee Member or employee, shall for compensation or on behalf of any business entity in which that person is a director, officer, partner, trustee, employee or holds any position of management, make any formal or informal appearance, or make any oral or written communication, before the Board, any committee or subcommittee thereof or any present Director, Member, officer or supporting staff from the Fresno Area Workforce Investment Corporation thereof for the purposes of influencing an action or recommendation of that Board, committee, subcommittee, officer or employee regarding:
- a. providing compensated services to that Board; or
 - b. having it enter into a contract or transaction that would provide direct financial benefit to that former Director, Committee Member, officer or employee or his or her immediate family.

III. DIRECTOR/COMMITTEE MEMBER/DESIGNATED SUPPORT STAFF

ACKNOWLEDGEMENT

This is to acknowledge that I have received a copy of the Fresno Regional Workforce Development Board Conflict of Interest Policy. I understand that it contains important information concerning my duties and responsibilities as a Director and/or Committee Member or designated support staff. I also understand that I have an obligation to familiarize myself with these duties and responsibilities.

Dated: _____

Signed: _____

CONFLICT OF INTEREST POLICY FOR THE FRESNO REGIONAL WORKFORCE ~~INVESTMENT-DEVELOPMENT~~ BOARD

This Conflict of Interest Policy was adopted by the ~~Fresno County Workforce Investment Board, now known as the Fresno Regional Workforce Investment-Development Board, hereinafter referred to as the "Board", on November 16, 2000~~, 2026. All new Directors and committee members, hereinafter referred to as "Members", must familiarize themselves with this policy upon beginning and during service to the ~~Fresno Regional Workforce Investment~~ Board.

I. OVERVIEW OF CONFLICT OF INTEREST POLICY

General Policy:

~~Directors and committee m~~Members, hereinafter referred to as "Members", have both a duty to the public and responsibility to the ~~Fresno Regional Workforce Investment~~ Board to avoid conflicts of interest resulting from business affairs by considering possible conflicts of interest before participating in, or attempting to influence, any Board or committee decision concerning contracts and transactions.

Possible Conflicts of Interest:

A Member may have a conflict of interest under the following bodies of law:

1. Under the California Political Reform Act (California Government Code section 87100 et seq.), where a contract or transaction will have a reasonably foreseeable material financial effect on one or more of the Member's economic interests, unless that effect is indistinguishable from the effect on the public generally.
2. Under California Government Code 1090 et seq. where a Member is financially interested in a contract made by them in their official capacity, or by any body or board of which they are a member. Provided, however,
3. Under the federal Workforce Innovation and Opportunity~~Investment~~ Act of 1998-2014 (29 United States Code section 2804Public Law 113-128), ~~and the federal Uniform Guidance the State of California Workforce Investment Plan~~ (2 CFR Part 200), and state Employment Development Department directive where the Member (or any organization which that Member directly represents) has a financial or other interest in or a tangible personal benefit from an entity considered for a contract~~would provide services to the Fresno Regional Workforce Investment Board or where a contract or transaction would provide direct financial benefit to the Member.~~

Note that these laws may change over time and that ~~members~~ Members have an obligation to understand their duties and responsibilities under current law.

Disqualifiable Financial Interests:

Members must disqualify themselves from Board and committee decisions affecting the following financial interests of themselves or their immediate family. (For the purpose of this policy, "immediate family" is defined as spouse and dependent children.)

- A business or nonprofit entity where they work as an employee.
- A privately owned business which they own, even partially.
- A federal, state or local government entity (including public schools and universities) which pays them consulting fees or similar payments.
- A publicly traded company in which they own any amount of stock.
- Real property which they own, even partially.
- Individuals, businesses or nonprofits which have paid them any amount as an independent contractor within the preceding 12 months.
- Individuals, businesses or nonprofits which have given them "gifts" over \$~~300~~630 in the preceding 12 months.

Members are not required to disqualify themselves from Board and committee decisions affecting the following financial interests, unless the Member's actions would violate the conflict of interest provisions of California's State Workforce Investment Plan:

- A federal, state or local government entity (including public schools and universities) where they are employed, unless that decision:
 1. Concerns the provision of services by such Member (or by an entity that such Member represents), or
 2. Would provide direct financial benefit to such Member or his/her immediate family, ~~or unless,~~
- A nonprofit entity where they serve as an unpaid director or volunteer.
- Individuals, businesses or nonprofits for which they have done consulting work on a pro bono basis.

Bylaws:

The Bylaws of the Board require that the ~~Fresno Regional Workforce Investment Board Members of the Board of Directors, Executive Committee, or other committee of the Board, and officers of the Board shall disclose any potential conflict to the Board prior to entering into any transaction entered by the Board, and prior to participation in any related meetings, negotiations, discussions or other matters related to the transaction~~adopt a Conflict of Interest Policy that establishes procedures for approving contracts and transactions in which Members have a possible conflict of interest.

II. PROCEDURE FOR APPROVING CONTRACTS AND TRANSACTIONS

It is the policy of the ~~Fresno Regional Workforce Investment~~ Board to adhere to the following procedure for approving contracts or transactions in which Members have even a ~~possible~~ potential conflict of interest.

1. Before each Board or Committee meeting:
 - a. Each Member has an obligation to review Board and Committee meeting agendas to

determine whether he or she has a possible-potential conflict of interest in a proposed contract or transaction.

- b. A Member who believes that he or she has a possible-potential conflict of interest must immediately refrain from participating in any way in the decision to approve, reject or modify the contract or transaction (including, but not limited to, voting or attempting to influence the decision in any way).
- c. A Member who believes that he or she has a possible-potential conflict of interest must inform the CEO-Executive Director or Chair, who may investigate the facts and consider potential alternatives to the contract or transaction before the next meeting.

2. At each Board or Committee meeting:

- a. Each Member has an obligation to fully disclose to the Board or Committee a possible potential conflict of interest in a proposed contract or transaction, during the meeting on the public record, before a vote on the matter. In that event, the interested Member shall recuse him or herself and shall not participate in the deliberation or action of the Board or Committee, or attempt to influence the decision in any way.
- ~~b. If a Member is uncertain about whether or not a conflict of interest exists, the CEO-Executive Director or Chair may report on the investigation conducted before the meeting so that disinterested Members can be fully informed when voting on the contract or transaction.~~
- ~~c. After any such report, and before voting on the contract or transaction, the disinterested Members must vote on one of the following three options:~~
 - ~~i. If a majority of disinterested Members decides that a conflict of interest does not exist, then the full Board or Committee may approve the contract or transaction;~~
 - ~~ii. If a majority of disinterested Members is uncertain whether a conflict of interest exists, then the matter must be referred to a Board committee for further investigation before the next Board or Committee meeting; or~~
 - ~~iii. If a majority of disinterested Members concludes a conflict of interest exists, then either: (A) the contract or transaction must be rejected; or (B) the majority of disinterested Members may validate the contract or transaction by passing the resolution in the Appendix; or (C) the majority of disinterested Members may seek approval of the transaction by the Attorney General or a court.~~

3. After the Board or Committee meeting:

The minutes of the meeting must reflect:

- any disclosure of possible-potential conflicts of interest by a Member; and
- ~~• any investigation or report to the Board or Committee concerning possible conflicts of interest; and~~
- ~~• any findings made by the Board; and~~
- the final vote on any proposed contract or transaction, including the vote of each

Member.

4. No former Director, Committee Member, or officer of the ~~Fresno Regional Workforce Investment~~ Board or supporting staff from the Fresno Area Workforce Investment Corporation, for one (1) year after the termination of his or her service as a Director, Committee Member or employee, shall for compensation or on behalf of any business entity in which that person is a director, officer, partner, trustee, employee or holds any position of management, make any formal or informal appearance, or make any oral or written communication, before the ~~Fresno Regional Workforce Investment~~ Board, any committee or subcommittee thereof or any present Director, Member, officer or supporting staff from the Fresno Area Workforce Investment Corporation thereof for the purposes of influencing an action or recommendation of that Board, committee, subcommittee, officer or employee regarding:
 - a. providing compensated services to that Board; or
 - b. having it enter into a contract or transaction that would provide direct financial benefit to that former Director, Committee Member, officer or employee or his or her immediate family.

III. **DIRECTOR/COMMITTEE MEMBER/DESIGNATED SUPPORT STAFF**
ACKNOWLEDGEMENT

This is to acknowledge that I have received a copy of the Fresno Regional Workforce ~~Investment Development~~ Board Conflict of Interest Policy. I understand that it contains important information concerning my duties and responsibilities as a Director and/or Committee Member or designated support staff. I also understand that I have an obligation to familiarize myself with these duties and responsibilities.

Dated: _____

Signed: _____

APPENDIX

~~SAMPLE RESOLUTION APPROVING A CONTRACT OR TRANSACTION
IN WHICH A DIRECTOR OR COMMITTEE MEMBER HAS A CONFLICT OF INTEREST~~

Although Director or Committee Member _____ disclosed that he or she has a financial interest in the decision which creates a conflict of interest, the Board nevertheless determined that the transaction is fair and in the Fresno Regional Workforce Investment Board's (FRWIB) best interest in connection with the mandates of the Workforce Investment Act, and that the FRWIB cannot obtain a more advantageous arrangement with reasonable effort under the circumstances.

FRESNO REGIONAL WORKFORCE DEVELOPMENT BOARD

AGENDA ITEM:	6
MEETING DATE:	April 15, 2026
ACTION:	APPROVE

2125 Kern Street, Suite 208 • Fresno, CA 93721 • (559) 490-7100 • Fax (559) 490-7199 • www.frwdb.net

TO: Executive Committee
FROM: Phyllis Stogbauer, Senior Deputy Director
SUBJECT: Revised Procurement Policy

RECOMMENDATION:

Approve the attached revised procurement policy for the Fresno Regional Workforce Development Board (FRWDB) and the Fresno Area Workforce Investment Corporation (FAWIC), as outlined below.

REASON FOR RECOMMENDATION:

On January 23, 2026, the Employment Development Department (EDD), Workforce Services, released WSIN 25-17, which adjusted expenditure thresholds to align with the Office of Management and Budget's (OMB) updated Uniform Guidance, 2 CFR Part 200, released on October 1, 2024. These updates streamline federal grant management, reduce administrative burdens, and ensure compliance with federal and state regulations. Key updates include:

- Increasing the Federal Simplified Acquisition Threshold to \$350,000.
- Increasing the Micro-Purchase Threshold to \$15,000.
- Increasing the Prior Approval Threshold for the procurement of equipment and related services from \$5,000 to \$10,000.

To align with EDD Workforce Services procurement guidance and 2 CFR Part 200, staff have revised the procurement policy as follows:

- Micro-Purchase Threshold: from \$10,000 to \$15,000.
- Small Purchase Threshold: from \$250,000 to \$350,000.
- Prior Approval Threshold: from \$5,000 to \$10,000.

Additional changes to the policy manual include simplifying the small purchase process and reorganizing the manual to improve flow and clarity.

FISCAL IMPACT:

There is no fiscal impact related to the approval of this item

ATTACHMENTS:

Attachment I: FRWDB/FAWIC Local Procurement Policy Revision E
Attachment II: Redlined FRWDB/FAWIC Local Procurement Policy Revision E



Local Procurement Policy

Policy Number: 01-19 Revision E

Effective Date: TBD

Supersedes: Policy # 01-19 Revision D

Table of Contents

SECTION I: INTRODUCTION	4
A. Controlling Legislation.....	4
SECTION II - GENERAL GUIDELINES AND PROVISIONS.....	5
A. Responsibility.....	5
B. Applicability.....	6
C. Approval.....	6
D. Standard of Conduct and Conflict of Interest	6
E. Sub-recipient and Contractor Distinctions.....	7
F. Request for Concept Papers.....	8
G. Exclusion of Contractors	8
H. Right to Reject Proposals, Finalize and Establish Agreement Deadlines	8
SECTION III: PROCUREMENT METHODS	10
A. Micro-Purchase.....	10
B. Competitive Proposals	10
1. Small Purchase.....	10
2. Requests for Proposals/Request for Quotes.....	11
3. Sealed Bid.....	14
4. Cooperative Purchasing Agreements/Procurements	16
5. Approved Vendors Lists.....	16
C. Non-Competitive Procurements (Sole Source).....	17
SECTION VI – PROTESTS, APPEALS and GRIEVANCES	19
A. Protest/Appeals Process.....	19
B. Grievances.....	19
II. SECTION IV – COST OR PRICE ANALYSIS	20
A. Cost Analysis	21
B. Price Analysis	21
SECTION V – PRIOR APPROVAL	20
SECTION VII – OTHER REQUIREMENTS.....	22
A. Services for WIOA Participants.....	22
B. Contracted Services.....	22
C. Debarred Parties.....	22
D. High-Risk Sub-Recipient.....	22
E. Additional General Procurement Policy Requirements	23
F. Required Contract Clauses	23

SECTION VIII – Procurement Activities by Sub-Recipients26
SECTION IX - EXHIBITS27
 Exhibit A – Method of Procurement27
 Exhibit B – Cost Analysis and Price Analysis Selection Tool.....27
 Exhibit C – Subrecipient vs Contractor Indicators.....27

SECTION I: INTRODUCTION

The purpose of these guidelines is to provide direction to employees and agents of the Fresno Regional Workforce Development Board (FRWDB) in conducting procurement and purchasing activities in compliance with federal and state procurement standards.

The FRWDB shall conduct all procurements in compliance with federal and state regulations governing the Final Rule of the Workforce Innovation and Opportunity Act (WIOA, or the Act). All provisions of the WIOA Final Rule became effective July 22, 2014. All WIOA-funded programs and activities must comply with applicable provisions in the Final Rule.

A. Controlling Legislation

- WIOA (Public Law 113-128)
- Stevens Amendment (Public Law 100-463, Section 8136)
- Title 2 *Code of Federal Regulations* (CFR) Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)
- Title 2 CFR Part 2900: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Department of Labor [DOL] Exceptions)
- Title 20 CFR WIOA, "DOL; Final Rule"
- Title 34 CFR WIOA, "Joint Rule for Unified and Combined State Plans, Performance Accountability, and the One-Stop System Joint Provisions; Final Rule"
- California State Contracting Manual, Subject: Chapter 5: "Competitive Bidding Methods" (April 2015)
- Workforce Services Directive WSD17- 08, Subject: Procurement of Equipment and Related Services
- Workforce Services Directive WSD16-10, Subject: Property - Purchasing, Inventory, and Disposal (November 10, 2016)
- WSD16-05, Subject: *WIOA Closeout Requirements* (July 29, 2016)
- WSD 22-13, Subject: Selection of America's Job Center of California (AJCC) Operators and Career Services Providers (May 1, 2023)
- WSD16-16, Subject: Allowable Costs and Prior Written Approval (February 21, 2017)
- Memorandum dated June 20, 2018: Executive Office of the President, Office of Management and Budget, "Implementing Statutory Changes to the Micro-Purchase and the Simplified Acquisition Thresholds for Financial Assistance"
- WSIN 25-17, Federal Adjustment of Dollar Amounts and Rates (January 23, 2026)

SECTION II - GENERAL GUIDELINES AND PROVISIONS

All procurement actions are to be conducted in a manner that provides for full and open competition. The following four (4) methods may be used to procure goods or services:

- Micro-Purchase
- Small Purchase
- Competitive Procurements
 - Small Purchase
 - Request for Proposals
 - Request for Quotes
 - Sealed Bids, and
- Non-Competitive Procurement - Sole Source.

The type of purchase is determined by the "per transaction" value of the procurement and the type of goods or services being purchased. "Per transaction" is a single solicitation for a single item (e.g., copying machine), a group of related items (e.g., office furniture), or a specified service (e.g., staff training).

Purchases must not be divided, i.e., broken down into smaller components to avoid more stringent procurement requirements.

Any equipment purchases with a unit price greater than \$5,000 must be analyzed for leasing versus purchasing before purchase. See Section V, Prior Approval for additional requirements.
Responsibility

A. Responsibility

The Procurement Facilitator is responsible for developing and maintaining the processes and tools used to implement this policy. The Executive Director oversees the approval of all procurement processes and updates, while the FRWDB Board of Directors is responsible for approving the policy.

The FRWDB, through the Procurement Facilitator, is responsible for drafting and distributing procurement documents, publishing the procurement notices, receiving the proposal documents, and coordinating with the requesting department manager for the evaluation of the proposal documents. Depending on the goods or services being procured, the Procurement Facilitator may request information and/or assistance from, or delegate the procurement to, other FRWDB departments.

The department managers are responsible for providing the Procurement Facilitator with all information related to program design and/or bid specifications (including independent estimates), background statement of work, evaluation factors, etc., to assist the Procurement Facilitator in preparing and drafting the procurement instrument and other related documents. The department managers are responsible for completing a cost-price analysis as required.

In those circumstances where the General Services and Information Technology departments have a need to procure services or products that fall under \$50,000, as defined in Section III, Item B, Small Purchases (see page 8), those departments will be responsible for performing and

documenting the procurement as outlined in this policy, subject to the review of the Procurement Facilitator.

B. Applicability

This Policy applies to all procurements of the FRWDB, the Fresno Area Workforce Investment Corporation (FAWIC), and its sub-contractors who are sub-recipients of federal funds. See Section VIII - Procurement Activities by Sub-Recipients for additional guidance, requirements, and limits.

The provisions in this Policy do not apply to the selection of training services paid through Individual Training Accounts (ITA) or On-the-Job Training (OJT) contracts. Procurement for these services is outlined in separate FRWDB procedures

C. Approval

The following table provides approval levels for the purchases of goods and services for amounts that are included in a budget or pool allocations approved by the FAWIC or FRWDB, e.g., the FAWIC agency budget, or America’s Job Centers of California budget:

Amount of Purchase	Approval Levels
\$.01 to \$1,000	Designated Leads and Managers
\$.01 to \$5,000	Deputy Directors
\$5,001 to \$50,000	FRWDB Executive Director for FAWIC and FRWDB budgets
Over \$50,000	FAWIC (for agency budget) or FRWDB (for all other budgets) Boards of Directors

- All other purchases for goods and services over \$50,000 that are not included in an approved budget must be approved by the FRWDB Board of Directors.
- For special grants and discretionary awards that fall between regularly scheduled FRWDB meetings, may be approved by the Executive Committee.
- Approvals are subject to the veto authority of each Chief Local Elected Official if the matter is opposed by a majority of their respective governing board (Fresno County Board of Supervisors) or council (Fresno City Council).

D. Standard of Conduct and Conflict of Interest

All procurement activities adhere to FRWDB’s/FAWIC’s code of conduct and conflict of interest policies. Including sanctions as prescribed by law, described in the FRWDB’s policies and Operational Directives.

All FRWDB staff, FRWDB/FAWIC Board members, and outside rating staff must not divulge, in advance, purchasing or specific proposal information. Procurement activities must be conducted in a confidential manner.

Confidentiality must be maintained for all procurements. All proposals and/or quotes submitted are securely handled and stored. FRWDB/FAWIC staff involved in any aspect of procurement must not reveal or disclose information to anyone outside of the identified group engaged in conducting the procurement, rating bids, and making contract award decisions. All information will

remain confidential until the FRWDB/FAWIC has awarded and signed a contract with the awardee(s).

Unauthorized communication with bidders is prohibited by FRWDB/FAWIC staff or Board members is strictly prohibited. Authorized staff will be identified in each procurement and will be the primary point of contact for discussion or information about the procurement. In the event a bidder attempts to communicate with unauthorized staff or Board members, the staff or Board member shall immediately notify the FRWDB Executive Director of such attempt(s). Violation of this clause may constitute grounds for rejection of the bidder's proposal by the FRWDB/FAWIC.

Individuals in a decision-making capacity, including FRWDB/FAWIC Board members, are prohibited from engaging in any activity, including the awarding or administration of a contract, if they have a conflict of interest, as defined by federal and state laws, including but not limited to the California Political Reform Act and California Government Code Section 1090 et seq. Conflict-of-interest and nondisclosure policies and procedures are provided to all FAWIC employees, outside agency raters, and FRWDB/FAWIC Board members participating in procurement review teams. These individuals must agree to abide by these policies and procedures by signing a "Conflict of Interest/Nondisclosure Statement." The original signed statements must be maintained in the procurement file. Documentation of conflict-of-interest compliance for FRWDB/FAWIC Board members regarding any procurement or contract award will be recorded in the minutes of the FRWDB/FAWIC Board meeting.

The original procurement file for Requests for Small Purchases, Requests for Proposals (RFPs), Requests for Quotes (RFQs), Invitations for Bids (IFBs), and Non-Competitive Procurements, shall be maintained by the Procurement Facilitator, except as noted below.

Procurement records for all small purchases shall be retained for a minimum of three (3) years following the submission of the final expenditure report for each procurement by the Fiscal Department. Procurement files for activities exceeding \$50,000 shall be retained for the same period by the Procurement Facilitator.

E. Sub-recipient and Contractor Distinctions

A sub-recipient is a legal entity to which a sub-award of federal funds is made and that is accountable to another sub-recipient or recipient for the use of the funds provided.

A contractor is an entity that receives a contract, as defined in Uniform Guidance Section 200.23.

Sub-recipient: A sub-recipient carries out a portion of a federal award and creates a federal assistance relationship with the pass-through entity. The following descriptions are indicative of a non-federal entity in the role of a sub-recipient:

Determines eligibility for the federally funded program

- Performance is measured against the objectives of the federal program
- Maintains programmatic control or independent discretion over work Responsible for adherence to applicable federal program compliance requirements (e.g., WIOA)

- Uses federal funds to carry out a program for a specified public purpose as opposed to providing goods or services for a program or pass-through entity directly supports goals of the grant

Contractor: A contractor is a vendor, dealer, distributor, merchant, or other seller providing goods or services that are needed to conduct a federal program. The following descriptions are indicative of a contractor in a procurement relationship with the non-federal entity disbursing federal funds:

- Provides goods and services to a variety of purchasers within normal business operations
- Operates in a competitive environment
- Provides goods or services that are ancillary to the operation of the federal program
- Not subject to federal compliance requirements of the program resulting from the agreement
- Does not take part in program design
- Holds little or no independent discretion over program work or direction
- Undelivered work will result in non-payment
- Not required to directly support the goals of the grant

The chart provided in Exhibit C includes a list of indicators that may be of assistance in distinguishing subrecipients from contractors. This guidance is based in part on the information found in the Uniform Guidance Section 200.330.

F. Request for Concept Papers

The FRWDB may request, at any time, concept papers to help identify innovative, custom, or unique employment and training activities, services, and programs, subject to the interest of the FRWDB and the availability of funds. If the FRWDB is interested in a further review, then the proposer will submit a full proposal and be subject to the conditions of the standard procurement process as described herein.

G. Exclusion of Contractors

Contractors or Individuals that develop or draft specifications, requirements, statements of work, or invitations for bids or RFPs must be excluded from competing on such procurements.

H. Right to Reject Proposals, Finalize and Establish Agreement Deadlines

The FRWDB will not pay for any costs incurred by the responding entities in the preparation of proposals, quotes, or bids.

The RFQ, RFP, or Sealed Bid does not commit FRWDB staff or FRWDB Committees/Councils to recommend approval of an agreement based solely on the highest score of the applicants or the lowest price, with reasonable justification.

The FRWDB reserves the right to:

- Accept or reject any or all proposals received in response to the procurement.

- Cancel, in part or its entirety, the procurement.
- Conduct a cost and/or price analysis of the proposed budget.
- Add, delete, or amend the cost/price analysis as a part of the finalization process with the successful responsive entity. Items that may be included, but are not limited to:
 - Budget line items
 - Staffing patterns/cost of salaries
 - Overhead cost, to determine necessary and reasonable costs

The procurement for the RFQ, RFP, or Sealed Bid, shall include the time, dates, and activities, starting with the issuance of the procurement document to the time that an agreement is awarded, as indicated in the timetable. If an agreement has not been finalized by the deadline, FRWDB staff reserves the right to recommend appropriate action to be taken. Action may include reissuing the RFQ, RFP, or Sealed Bid, recommending the next qualifying proposal, or any other actions deemed reasonable or necessary as decided by FRWDB staff or FRWDB Board, as applicable.

Funds may not be spent until the execution of a formal contract, agreement, or formal purchase order (P.O.), where appropriate, and State approval when required.

SECTION III: PROCUREMENT METHODS

Within the context of open competition, there are five procurement methods for acquiring goods or services: micro-purchases, small purchases, sealed bids, competitive proposals, and noncompetitive proposals.

A. Micro-Purchase

Micro-Purchases are used when the per transaction value of a purchase is less than the micro purchase threshold, currently at \$15,000 per the Federal Acquisition Regulation(FAR) 48 CFR Subpart 2.1. and may be used without soliciting competitive quotation if the price is reasonable .

To the extent practicable, FRWDB staff shall distribute micro-purchases equitably among qualified suppliers.

Micro-purchases do not require prior written approval; however, they must be documented, including justification for the purchase and the selection of the vendor. This justification must be included with the purchasing documents.

B. Competitive Procurements

1. Small Purchase

The small purchase procurement method may be used when the pre-transaction value of equipment or services is less than the Simplified Acquisition Threshold, currently \$350,000, as defined in FAR 48 CFR Subpart 2.1.

Small purchases between \$15,000 and \$350,000 require a minimum of two (2) documented quotes from qualified sources. Documented quotes can be obtained from catalogs, price lists, or from a contractor in writing. Catalogs or price list should be no more than one (1) year old. The justification and quotes received shall be included with the purchasing documents.

Proper Documentation for a Small Purchase Includes:

- The reason for selecting the small purchase method.
- The subrecipient's estimate of the potential purchase price.
- A description of the goods or services, including quantity and any additional selection criteria used to determine the procurement decision, e.g., a copy of the RFQ, if required.
- A record of all providers contacted/considered, and the prices offered using current catalog, price lists, and prior sales receipts
- Justification for selection, including how the provider met additional criteria and price analysis (FRWDB/FAWIC agenda item or Method of Procurement Form, as applicable).
- A copy of the purchase document (e.g., sales receipt, contract, purchase order, or agreement).

References: EDD State Directive WSD 17-08, Procurement of Equipment and Related Services EDD WSIN 25-17, Federal Adjustment of Dollar Amounts and Rates, and 2 CFR §200.320, Procurement Standards.

2. Requests for Proposals/Request for Quotes

Request for Proposal (RFP/Request for Quotes (RFQs) are used when the purchase is in excess of the small purchase amount of \$350,000. This method is typically used when the nature of the goods or services to be acquired cannot be defined as precisely required by the Sealed Bid method.

RFPs are specifically used when factors other than price are important in the selection decision or if the technical requirements or specifications are of a functional nature or unclear.

RFQ's are specifically used when specifications of a product or service are already known and when price is the main or only factor in selecting the successful contractor. e.g., equipment purchases.

The RFP/RFQ will include the following information, as applicable:

- Statement/Scope of Work.
- Service area, if applicable.
- Deadline for receipt of the proposals/quotes.
- submission checklist.
- Requirements for time, place, and methods or performance of service.
- Appeal process.
- Agreement clauses that outline what the proposers will be required to comply with and perform, in addition to the basic Statement of Work.
- Certifications, assurances, and representations (forms that the proposer will have to complete to affirm that it will comply with the regulatory requirements set by the United States DOL, the State of California, the local governing bodies, and the FRWDB).
- Instructions on how to prepare and submit, at a minimum, the technical and cost/price analysis sections of the proposal. Other submissions may include proposal summary, statement of financial capability, and certification of the adequacy of the proposer's accounting system.
- Evaluation factors for the award and method for scoring the proposals, including qualifying criteria.
- Solicitation provisions and the procurement timeline.
- The right of the FRWDB to reject any or all proposals when the proposal(s) is/are not responsive in providing the services as stated in the RFP. The specific reasons must be fully described and documented in the procurement file.
- The requirement of the signature of an appropriate official who is authorized to submit the proposal for the responding agency/entity, and their Board Resolution providing the name and title of the official with this authorization.

At the discretion of the FRWDB, a draft Statement of Work (SOW) for the services may be released for public comment. The public comment period will be defined by the FRWDB and may be extended as deemed necessary. The following process will be used for draft SOWs:

- Public meetings may be in-person or virtual to record the public comment.
- Once the public comment period has ended, the FRWDB will review the comments and

make any changes to the SOW that the FRWDB deems necessary.

- A summary of the comments will be made, which will include the actual comment, whether or not the SOW was changed as a result of the comment, and if the RFP was not changed, the reason.
- The SOW, with the summary of the comments, will be submitted to the appropriate FRWDB Committee/Council for recommendation to the FRWDB Board.
- Once the FRWDB Board approves the SOW, the RFP will be released, and the process will continue as outlined further in these procedures and in the RFP.

The Request for proposal (RFP) must be publicly solicited or advertised to an adequate number of known suppliers. and sent to those listed on the FRWDB's prospective bidders' list and to all interested parties upon request. The RFP and all addendums will also be available on the FRWDB website.

At the FRWDB's discretion, there may be a mandated Bidders' Conference, for bidders to ask questions of FRWDB staff pertaining to the RFP process and/or the Statement of Work. If a proposer does not attend the mandatory Bidders' Conference, any proposal submitted will not be accepted.

If any person planning to submit a proposal finds discrepancies in or omissions from the RFP or has any doubt about the true meaning or interpretation of any item, clarification may be requested in writing or email, from the contact person(s) listed in the RFP, by the deadline established in the RFP timeline. The person submitting the request will be responsible for its prompt delivery.

Clarification of the RFP will be made by written addendum only. Only duly authorized FRWDB staff may discuss and/or prepare the addendum to the RFPs. The FRWDB will not be responsible for any other explanation or interpretation. Written addendums will be emailed to all persons who have received an RFP and posted to the FRWDB website.

Proposals will be submitted to the FRWDB by the specified time and date listed in the RFP. The proposals will be time and date stamped upon receipt by FRWDB staff. Late proposals will be rejected and will not be considered for funding.

If less than three (3) responsive proposals are received, the RFP will be considered a failed competition. The FRWDB then has the option to re-compete the procurement or to enter into sole source contract or cancel the procurement.

All submitted proposals become the property and the official files of the FRWDB. The proposals will not be made public until after the agreement is signed by the FRWDB Board Chair. The FRWDB reserves the right to reject all proposals in response to the RFP.

RFP Selection Process: The proposal review process will include the following activities to ensure that the FRWDB procurement system meets the required standards:

- All proposals will be screened for compliance with the WIOA, federal regulations, state policy, the Local FRWDB Five-Year Plan, and compliance with the specifications of the RFP.
- Awards will be given to organizations possessing the demonstrated ability to perform

successfully under the terms and conditions of the proposed sub-grant or contract.

- Proposers may be invited to answer specific questions, at the discretion of the FRWDB. General presentations will not be permitted.
- All proposals will be reviewed, scored, and ranked. The selection of a proposal for a contract award will be made through a two-phase process:
 - Phase I: FRWDB staff will initially evaluate each proposal for acceptability, with emphasis placed on responsiveness to the RFP specifications; and
 - Phase II: A specialized rating team will evaluate for acceptability all proposals forwarded from FRWDB staff for consideration, with emphasis placed on the proposal's ability to meet the requested performance and costs that are reasonable, allowable, necessary, and competitive, as measured by the review of the line-item budget, the program design, and comparison to all other proposals. Proposals will be scored on a 100-point scale and must receive a minimum rating of 70 points to be considered for funding.

At the discretion of the FRWDB, the Phase II point scale may be increased based on the complexity of the Scope of Services of any particular RFP. In these cases, the required minimum rating will be 70 percent.

The FRWDB may also conduct interviews and site visits of the proposer's site(s) as a result of the ranking of written applications.

Only those proposals that have met the minimum score threshold of 70 percent will be considered for recommendation to the appropriate FRWDB Committee/Council or the FRWDB Board. Recommendations made to the FRWDB Committee/Council must be forwarded to the FRWDB Board. The FRWDB Board must approve all final awards, subject to the veto authority of each Chief Local Elected Official serving on the FRWDB Board, if the matter is opposed by a majority of their respective governing board (Fresno County Board of Supervisors) and council (Fresno City Council). In the situation where the timing of the FRWDB Board meeting is not conducive to the need to award a contract(s) promptly, the FRWDB Board may authorize the FRWDB Executive Committee to receive the recommendation and make the appropriate decision on behalf of the FRWDB Board. The actions of the Executive Committee will be reported at the next full Board meeting.

The bidder with the highest points, and who has met the technical requirements of the solicitation, will receive the award. Notice of the award will be emailed to the successful proposer. Those proposers who were not accepted will also receive emailed notification of the award.

FRWDB staff shall negotiate and execute contracts with those entities whose proposals were approved for funding. These negotiations will take place after final funding approval by the FRWDB Board. Discussions may center on such items as cost, program design, service levels, service by geographic locations and/or target populations, and miscellaneous clarifications.

Proper documentation for an RFP includes:

- The reason for selecting the competitive proposal method.
- The estimate of the potential purchase price.
- A copy of the Public Notice.

- A copy of the RFP.
- Bidders' Conference attendance documentation
- Copy of questions and answers.
- Copies of all the bids received.
- The scoring criteria and the evaluation/scoring sheets for each proposal, including the determination of the responsibility of the bidder and the cost analysis.
- The public notice of intent to award (Evaluation Summary).
- Why the bidder was selected (FRWDB/FAWIC agenda item and minutes).
- Copy of the award document (FRWDB/FAWIC agenda item and minutes).
- Method of Procurement form (Exhibit A).
- Cost and Price Analysis form (Exhibit B).

3. Sealed Bid

Sealed Bids are publicly solicited procurements for which a firm-fixed-price award (lump sum or unit price), or another fixed-price arrangement, is awarded to the responding entities whose bid has conformed to all the requirements, terms, and conditions of an IFB, and is lowest in price. This method is appropriate when the desired goods and services to be provided can be specified and described with a high level of precision and completeness. The best examples are commodity-type goods or services that are widely available in the marketplace. Sealed bids may be used for purchases over \$350,000 that meet these criteria.

Once the sealed bid method has been determined as appropriate, an IFB will be developed, which shall include the following:

- Statement/Scope of Work.
- Service area, if applicable.
- Deadline for receipt of the IFB.
- Proposal submission checklist.
- Requirements for time, place, and methods or performance of service.
- Appeal process.
- Agreement clauses that outline what the proposers will be required to comply with and perform, in addition to the basic Statement of Work.
- Certifications, assurances, and representations (forms that the proposer will have to complete to affirm that it will comply with the regulatory requirements set by the United States Department of Labor (DOL), the State of California, the local governing bodies, and the FRWDB).
- Instructions on how to prepare and submit, at a minimum, the technical and cost/price analysis sections of the proposal. Other submissions may include proposal summary, statement of financial capability, and certification of the adequacy of the proposer's accounting system.
- Evaluation factors for the award including qualifying criteria.
- Solicitation provisions and the IFB calendar.
- The right of the FRWDB to reject any or all proposals when the proposal(s) is/are not responsive in providing the services as stated in the IFB. The specific reasons must be fully described and documented in the procurement file.

- The requirement of the signature of an appropriate official who is authorized to submit the proposal for the responding agency/entity, and their Board Resolution providing the name and title of the official with this authorization.

IFBs must incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured, identify all requirements that responding entities must fulfill, and all other factors to be used in evaluating bids.

The IFB will be publicly notified for a minimum of two (2) consecutive days through local newspapers, local advertising, and trade papers that cover the entire service area and sent to those listed on the FRWDB's prospective bidders' list and, upon request, all interested parties.

At the FRWDB's discretion, a mandatory Bidders' Conference may be held, allowing bidders to ask questions of FRWDB staff regarding the IFB process and/or the Statement of Work. Bidders who do not attend the conference will not have their bids accepted.

Clarification of the IFB will be made by written addendum only. Only duly authorized FRWDB staff may discuss and/or prepare the addendum to the IFB. Each entity that received an IFB and attended any mandatory Pre-Bid Conference may make a written request for an addendum. The FRWDB will not be responsible for any other explanation or interpretation. Written addendums will be emailed to all persons who have received an IFB.

Sealed Bid Selection Basis: All bids received at the time and place stated in the IFB will be publicly opened and reviewed for qualification or disqualification. Circumstances under which bids will be rejected or disqualified are:

- The bid is not submitted on time,
- The bid does not meet all qualifying criteria, or
- The bidder does not meet all of the requirements/specifications of the IFB.

The bidder with the lowest price, and who has met the technical requirements of the solicitation, will receive the award. Notice of the award will be emailed to the successful bidder. Those bidders who were not accepted will also receive email notification of the award.

FRWDB staff shall negotiate and execute contracts with those entities whose bids are awarded. These discussions will take place after final funding approval by the FRWDB Board. Negotiations may center on miscellaneous clarifications and execution/performance timelines.

If less than three (3) responsive bids are received, the solicitation will be considered a failed competition. The FRWDB then has the option to re-compete the procurement or to enter into a sole source procurement.

Proper documentation for sealed bids includes:

- The reason for selecting the sealed bid method (Method of Procurement Form).
- The estimate of the potential purchase price.
- A copy of the Public Notice.
- A copy of the IFB.

- Copies of all the bids received.
- Determination of the responsibility of the bidder.
- Why the bidder was selected (FRWDB/FAWIC agenda item and minutes).
- Copy of the award document (FRWDB/FAWIC agenda item and minutes).
- Method of Procurement form (Exhibit A).
- Cost and Price Analysis form (Exhibit B).

4. Cooperative Purchasing Agreements/Procurements

Equipment, products, services, or consultant services may be purchased through contracts established by the State of California, the City or County of Fresno, other qualified governmental entities, or other Workforce Development Boards in the San Joaquin Valley Regional Planning Unit through a competitive bid process or cooperative purchasing contracts. Equipment, products, services, or consultant services acquired through this process are considered competitively procured and deemed compliant with FRWDB procurement requirements.

FRWDB staff must obtain documentation to verify that the contract and procurement process used by the other agency for any item is valid and less than five (5) years old before making a purchase. Sole source procurement is not permitted under this provision.

Required Documentation:

- A copy of the procurement document(s) used by the other agency (see Section III, paragraphs A, B, or E).
- A copy of the issued contract.
- A copy of the selected/winning bid, proposal, or quote.
- A copy of the selection justification document (e.g., rating results).
- A completed FRWDB cost analysis (see Exhibit B).

Equipment, products, services, or consultancy services acquired under this provision must meet the specification requirements determined by FRWDB.

5. Approved Vendors Lists

The FRWDB shall use Approved Vendor Lists (AVLs) when staff needs to select from a list of pre-approved contractors or consultants for services or tools categorized under a specific service type (e.g., Soft Skills Services, Marketing Services, Consulting Services, Information Technology Services, or Contracted Education Training Services).

The Procurement Facilitator shall utilize the RFQ process as the procurement method. The intent is to obtain multiple proposals that will either cover all requested services or portions thereof (see Section III, Item B).

If the anticipated annual cost of services exceeds the Small Purchase limit of \$350,000, then an AVL is not the correct methodology, and the RFP process must be used to issue a single contract. Purchases must not be divided to avoid competitive procurement requirements.

Once a contractor or consultant is placed on the AVL, no further procurement activity is required to enter into a contracted relationship. However, if multiple contractors or consultants on the AVL offer the same services, staff must complete a cost or price analysis (see Section IV) and engage in contract negotiations to ensure the cost of the contracted services is reasonable and justified based on the proposals listed in the AVL.

If the contracted service requires pre-approval from the State, documentation must be secured before executing any contract (see Section V).

C. Non-Competitive Procurements (Sole Source)

The FRWDB shall not allow the use of Sole Source procurement except under one (1) of the following conditions (must be documented in the procurement file):

- The item or service is available only from a single source.
- A public emergency precludes delay.
- The awarding agency (State of California Employment Development Department (EDD)) authorizes the specific noncompetitive procurement; or
- After solicitation from several sources, competition is determined to be inadequate. This condition is only allowable after a competitive process has been used and there are insufficient bidders (fewer than three (3)).

Use of the Non-Competitive Procurement for public emergency reasons should be for goods, supplies, or services that will provide for the agency's immediate need to enable correction or to resolve the emergency. For long-term or on-going needs, one (1) of the competitive procurement methods must be used.

A cost or price analysis is needed for all Non-Competitive Procurements. The reason for selecting the method along with the justification for the provider selection must be carefully documented and maintained in the contract and/or procurement files, as appropriate.

Proper documentation for Non-competitive Procurements includes:

- Completion of the "Method of Procurement" form (Exhibit A), Non-Competitive Proposal section, detailing 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 for noncompetitive procurement.
- A determination of the responsibility of the bidder.
- A copy of the Price and Cost analysis form (Exhibit B).
- Justification for bidder selection.
- Copy of the award document.

No Sole Source contract will be signed and finalized until all procurement activities have been verified, documented, and filed.

If the decision to sole source a procurement is the result of inadequate competition, the following areas of the RFQ, IFB, or RFP will be reviewed to ensure that the process was as competitive as possible and documented in the procurement file:

- The specifications to ensure they were not unduly restrictive or would favor the selection of one (1) supplier or service provider.
- The price or cost estimates to ensure that they are fair and reasonable; and
- The timetable to verify that there was ample time in the planning process to publicize solicitations in newspapers and other sources.

If the Sole Source method was chosen due to a public emergency, a complete description of the emergency and the rationale for the Sole Source procurement must be documented in the procurement file.

FRWDB staff will document in the procurement file the conditions that required the Sole Source procurement. In all cases, FRWDB staff will determine that the costs for the program are necessary and reasonable as required by federal regulations and document the determination in the procurement file.

The Sole Source contract award must be approved by the FRWDB Executive Director, if under \$50,000. A Sole Source procurement in excess of \$50,000 must be approved by the FRWDB Board or the FRWDB Executive Committee.

SECTION IV – PROTESTS, APPEALS and GRIEVANCES

A. Protest/Appeals Process

If an entity has submitted a proposal and is not recommended for funding during the review process, the entity may appeal the recommendation to the FRWDB. Protests/Appeals may not dispute the particular score received by the petitioning entity, or the scores assigned to a competing entity. The scores given by the rating panel are final and not subject to question by an appealing entity. An appealing entity may protest/appeal the recommendation of the evaluators if it can show that any material portion of the FRWDB-approved procurement process has not been followed.

Any protest/appeal must be submitted in writing to the FRWDB within five (5) working days of the posting of the preliminary award notification. All protests/appeals are to be addressed to the FRWDB Executive Director. Only protest/appeals, which cite the specific section(s) of the RFP that have been violated, will be considered. The FRWDB Executive Director will review all protests/appeals and may seek clarification from the party appealing the award. The protest/appeal shall be elevated to the appropriate FRWDB Committee/Council, and then to the FRWDB Board. Protests/appeals received after the established time frame will not be accepted.

The decision made by the full FRWDB Board as to which proposal(s) are funded will be final.

B. Grievances

Filing a formal grievance is the second step in the dispute resolution process available only after denial of a protest/appeal. The FRWDB Grievance Procedures are intended for a more formalized, comprehensive process usually involving legal representation by both parties. This process does not allow for resolution prior to contract award in accordance with the procurement timetable. In no event shall the filing of a grievance delay the procurement process in accordance with the timetable.

Grievances regarding procurement procedures may be made using the procedures outlined in the FRWDB's WIOA Complaint and Hearing Procedures available upon request and available on the FRWDB website. Contract awards will not be delayed pending the outcome of a formal grievance. The grounds for filing a grievance are limited to charges that the procedures specified in the procurement document, FRWDB policies, or that are required by law, have not been followed. The grievance shall set forth specific facts and evidence and specify which law, procurement procedure, or FRWDB policy has been violated. All grievance procedures must be exhausted at the FRWDB before proceeding with a grievance to the State Workforce Services Division.

SECTION V – PRIOR APPROVAL

Prior approval written from EDD is required for equipment and related services under the following criteria:

- Procurements with a per-unit cost that exceeds \$10,000,
- Related procurements with cumulative costs that exceed \$10,000 within the same state fiscal year.
- Procurements resulting in improvements to land, buildings, or equipment that exceed \$10,000.

References: EDD State Directives WSD 17-08, Procurement of Equipment and Related Services, and WSD 16-16, Allowable Costs and Prior Written Approval.

SECTION VI – COST OR PRICE ANALYSIS

A Cost or Price Analysis must be completed for all procurement activities that exceed the Simplified Acquisition Threshold over \$350,000 and all non-competitive procurements. Additionally, the analysis will be performed at contract modifications of monetary contract terms and contract renewals. The method and degree of analysis are dependent on the facts surrounding the particular procurement situation, and an estimate shall be required before receiving bids or proposals. The analysis will be documented in the procurement file. Exhibit B is used to document this decision process.

An analysis of contractor prices shall be performed by comparing proposed prices to catalog or market prices of comparable products sold to the public or based on prices set by law or regulation.

A. Cost Analysis

Cost Analysis is the review and evaluation, element by element, of the cost estimate supporting a proposal to price a contract. Cost Analysis is required when price analysis alone is not sufficient to determine whether a price is fair and reasonable for a product or service. A Cost Analysis is required for all Provider of Services RFPs and all Non-competitive procurement actions. Cost Analysis must be conducted when:

- The bidder is required to submit the elements of the estimated cost.
- Adequate price competition is lacking.
- For sole source procurement, including contract modification or change orders unless price reasonableness can be established based on market price.

The Cost Analysis Worksheet must be completed, and a copy must be maintained in the procurement file. When acquiring equipment, a cost comparison between leasing and purchasing is to be completed. See Section V, Prior Approval, for additional requirements.

B. Price Analysis

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

- The recommended process for comparisons is:
- Comparison of prices of competing offers and selecting the best price.
- Comparison of prior quotes and contracts for the same or similar requirements, taking inflation into account.
- Comparison of offers to parametric estimates or benchmarks, e.g., dollars per square foot or cost per instructional hour.
- Comparison of offers to an independent agency estimate.
- Comparison of material contractual terms and conditions associated with the quotes.

The Price Analysis Worksheet must be completed, and a copy must be maintained in the contract file.

SECTION VII – OTHER REQUIREMENTS

A. Services for WIOA Participants

Procurement of sub-recipients for services to WIOA participants will be performed once every five (5) years, following the appropriate procurement methodology, with the exception of the AJCC operator. Procurement for this service will be once every four (4) years. Renewal of the second, third, fourth, and (where applicable) fifth year of funding is contingent upon satisfactory performance in the prior years, as well as the availability of funds. If performance is not satisfactory, the service may be re-procured or awarded to the bidder with the next highest score.

B. Contracted Services

Procurement of contracted services will be completed at least once every five (5) years. At least annually, FRWDB staff will:

- Conduct a cost/price analysis.
 - If that analysis determines that the services can be provided by another vendor at a lower cost, a procurement for these services will be conducted in accordance with this Procurement Policy.
 - In the event there is a tie between two (2) or more bidders, and at least one (1) of the bidders is a local business, the contract will be awarded to the local business, unless such preference is legally invalid. A local business is defined as a business that has a physical location in Fresno County.
- Review each request for goods and services to avoid purchasing unnecessary or duplicate items.

C. Debarred Parties

The federal government prohibits awards to any party that is debarred. No recipient or sub-recipient shall make any awards, or permit any awards at any tier, to any party that is debarred or suspended, or is otherwise excluded from or ineligible for participation in federal assistance programs, in accordance with DOL regulations. All contracts and awards to vendors and/or sub recipients, in excess of the small purchase threshold as defined in the following sections, shall include debarment certifications. Further guidance and the current Debarred Companies list can be found at <https://www.sam.gov/SAM/>

D. High-Risk Sub-Recipient

A sub-recipient may be considered “high-risk” if the FRWDB determines that the sub-recipient is otherwise responsible, but:

- Has a history of unsatisfactory performance.
- Is not financially stable.
- Has a management system that does not meet standards set forth in 20 CFR Part 627.
- Has not conformed to the terms and conditions of a previously awarded grant or sub-agreement; **or**
- Is otherwise not responsible.

If the FRWDB determines that awards will be made to a high-risk organization, special funding restrictions that address the high-risk status may be included in the award. Restrictions may include, but are not limited to:

- Payment on a reimbursement basis.
- Withholding authority to proceed to the next phase until the receipt of evidence of acceptable performance within a given funding period.
- Requiring additional, more detailed financial reports.
- Additional project monitoring.
- Requiring the grantee or sub-grantee to obtain technical or management assistance; **and/or**
- Establishing additional prior approvals.

If the FRWDB decides to impose such funding restrictions, the sub-recipient will be notified in writing, as early as possible, of the following:

- The nature of the funding restriction(s).
- The reason(s) for imposing the funding restriction(s).
- The corrective actions that must be taken before the funding restriction(s) will be removed.
- The time allowed for completing the corrective actions; **and**
- The method of requesting reconsideration of the funding restrictions imposed.

E. Additional General Procurement Policy Requirements

- FRWDB will have procedures that promote the use of shared resources and other agreements for common goods and services, as well as the use of federal excess and surplus property wherever possible.
- FRWDB will have procedures to utilize small, minority, or women owned business or labor surplus area firms whenever possible.
- FRWDB will have procedures for analysis of lease versus purchase alternative to determine the most economical and practical procurement.
- All Procurements will comply with the Stevens Amendment, specifying the approximate percentage of funding from Federal sources. See Public Law 100-463, Section 8136.

F. Required Contract Clauses

In addition, to other provisions required by the Federal agency or non-Federal entity, all agreements funded by federal funds must contain the following contract clauses referred to in Uniform Guidance Appendix II to Part 200, as appropriate:

- Contracts for more than the simplified acquisition threshold currently set at \$350,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

- All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be affected and the basis for settlement.
- Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of “federally assisted construction contract” in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, “Equal Employment Opportunity” (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” and implementing regulations at 41 CFR part 60, “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor.”
- Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, “Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction”). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland “Anti-Kickback” Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, “Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States”). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.
- Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous. These requirements do not apply to the purchases of supplies, materials, or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.
- Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended. Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- Debarment and Suspension (Executive Orders 12549 and 12689). A contract award (see 2 CFR 180.220) must not be made to parties listed on the government wide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.
- Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- Procurement of recovered materials. A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

SECTION VIII – Procurement Activities by Sub-Recipients

All sub-recipients of the FRWDB are required to comply with all provisions of this Policy and current FRWDB Operational Directives and Information Bulletins pertaining to procurement activities.

All questions are to be directed to the FRWDB Procurement Facilitator.

For Micro-Purchases, the amount must be available in the sub-recipient's current year's contract budget. The sub-recipient is to maintain the required documentation to support the purchase as required in this Policy.

For Small Purchases, the amount must be available in the sub-recipient's current year's contract budget. The sub-recipient is to maintain the required documentation to support the purchase as required in this Policy.

If a sub-recipient needs to procure services or materials for greater than \$50,000 or it is not accounted for in their current year's contract budget, the FRWDB Procurement Facilitator must be contacted to confirm the process that will be followed to ensure compliance with this Policy. In addition, this requires the approval of the FRWDB Senior Deputy Director.

All documentation must be available for inspection by the FRWDB staff, the State of California, and/or the Federal Government, upon request.

SECTION IX - EXHIBITS

Exhibit A – Method of Procurement

Exhibit B – Cost Analysis and Price Analysis Selection Tool

Exhibit C – Subrecipient vs Contractor Indicators