

Governor's Workforce Investment Division Policy No. 18-01

Subject: Noncompetitive Procurement

Effective Date: July 13, 2001

Purpose: To establish the State's policy for securing services through noncompetitive procurement.

References: CFR 97.36

Background: Federal Procurement Regulations require solicitation through a competitive process except when infeasible.

Policy: Noncompetitive Procurement (Sole Source): defined as procurement through solicitation of a proposal from only one source, or, after solicitation of a number of sources, competition is determined inadequate.

1. Recipients and sub-recipients shall minimize the use of sole source procurement to the extent practicable, but in every case the use of sole source procurement shall be justified and documented.
2. Such procurement may only be used when the award of a contract is infeasible under small purchase procedures, sealed bid, or competitive proposals with the exception of On-the-Job Training awards, and *if one* of the following circumstances applies:
 - a. The item or service is available only from a single source;
 - b. The public exigency (demand) or emergency need for the item or service does not permit a delay resulting from competitive solicitation;
 - c. The state agency authorized a noncompetitive proposal; or
 - d. After solicitation of a number of sources, competition is determined inadequate.
3. The file documentation for this method *must* include:
 - a. *a narrative description of the specific circumstances supporting the sole source procurement and the results of an negotiations with the sub-recipient/vendor;*
 - b. *the cost analysis or other means of verifying the reasonableness of the price; and*
 - c. *a determination of demonstrated effectiveness of a provider or vendor who provides education, training, employment or supportive services to participants.*

Action: GWID and local WIBs will follow these procedures when competitive procurement is infeasible.

Questions: Questions should be directed to the Governor's Workforce Investment Division, Building 6, Room B-617, 1900 Kanawha Boulevard, East, Charleston, WV 25305. Toll free 1-877-967-5498.

Expiration Date: Effective until rescinded or modified by the West Virginia Workforce Investment Council.