



**BAY CONSORTIUM
WORKFORCE DEVELOPMENT BOARD, INC.
PROCUREMENT PROCEDURES**

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**BAY CONSORTIUM
WORKFORCE DEVELOPMENT BOARD
PROCUREMENT PROCEDURES
Contractor Selection**

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BAY CONSORTIUM WORKFORCE DEVELOPMENT BOARD PROCUREMENT PROCEDURES

1.0 PURPOSE

The purchase or lease of goods and services with nongovernmental contractors for the purpose of the delivery of services to the clients of the Bay Consortium Workforce Development Board (the "WDB"), as authorized by the WDB, shall be governed by these Procurement Procedures in accordance with the Virginia Public Procurement Act, Va. Code section 2.2-4300 et seq. All contracts shall be for one year with a maximum renewal of up to three years.

All purchases by the WDB shall also be governed by the State and Local Government Conflict of Interests Act, Virginia Code section 2.2-3100, et seq.

1.1 PROCUREMENT METHOD

All public contracts with nongovernmental contractors for the purchase or lease of goods¹, or for the purchase of services², insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as allowed by this Procurement Policy and the Virginia Public Procurement Act, Va. Code section 2.2-4300 et seq. In the event that there shall be a conflict between this Procurement Policy and the Virginia Public Procurement Act, Va. Code section 2.2-4300 et seq., the Virginia Public Procurement Act, Va. Code section 2.2-4300 et seq. shall control.

Professional services must be procured by competitive negotiation. "Professional services" means work performed by an independent contractor within the scope of the practice of accounting, actuarial services, architecture, land surveying, landscape architecture, law, dentistry, medicine, optometry, pharmacy or professional engineering.

Upon a determination made in advance by the WDB in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the WDB, goods, services or insurance may be procured by competitive negotiation. The writing must document the basis for this determination.

Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source

¹ "Goods" means all material, equipment, supplies, printing, and automated data processing hardware and software.

² "Services" means any work performed by an independent contractor wherein the service rendered does not consist primarily of acquisition of equipment or materials, or the rental of equipment, materials and supplies.

without competitive sealed bidding or competitive negotiation. The Executive Director makes a written determination that there is only one source practicably available for that which is to be procured and authorizes a Sole Source Procurement.

The writing shall document the basis for this determination. The WDB shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the WDB awards or announces its decision to award the contract, whichever occurs first. Public notice may also be published on the Department of General Services' central electronic procurement Web site and other appropriate Web sites.

In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. The Executive Director makes a written determination that there is insufficient time to enter into Competitive Negotiation prior to the need to deliver services and authorizes an Emergency Procurement a written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The WDB shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted in a designated public area or published in a newspaper of general circulation on the day the WDB awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Public notice may also be published on the Department of General Services' central electronic procurement Web site and other appropriate Web sites.

The WDB may also utilize the small purchase procedures not requiring competitive sealed bids or competitive negotiation for single or term contracts for goods and services other than professional services, if the aggregate or the sum of all phases is not expected to exceed \$50,000 in accordance with the procedure previously adopted by the WDB. Small purchases that are expected to exceed \$30,000 require the written informal solicitation of a minimum of four bidders or offerors.

The WDB may utilize its purchase procedures, which were previously adopted in writing, not requiring competitive negotiation for single or term contracts for professional services as long as the aggregate or the sum of all phases is not expected to exceed \$30,000.

Upon a determination made in advance by the WDB and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction. The writing shall document the basis for this determination.

2.0 COMPETITIVE NEGOTIATION

"Competitive negotiation" is a method of contractor selection that includes the following elements:

1. Issuance of a written Request for Proposal which indicates in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities or qualifications that will be required of the contractor.
2. There must be public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting in a public area normally used for posting of public notices and by publication in a newspaper or newspapers of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites. In addition, proposals may be solicited directly from potential contractors.
3. For the procurement of professional services, the WDB shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services.

Repetitive informal interviews shall be permissible.

The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts.

The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services.

At the discussion stage, the WDB may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services.

Proprietary information from competing offerors shall not be disclosed to the public or to competitors.

At the conclusion of discussion, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the WDB shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the WDB can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror.

Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Should the WDB determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

A contract for architectural or professional engineering services relating to construction projects may be negotiated by a WDB, for multiple projects provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract term is limited to one year or when the cumulative total project fees reach the maximum cost authorized in this paragraph, whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the WDB. Under such contract, (a) the fair and reasonable prices, as negotiated, shall be used in determining the cost of each project performed, (b) the sum of all projects performed in one contract term shall not exceed \$500,000; and (c) the project fee of any single project shall not exceed \$100,000. Any unused amounts from the first contract term shall not be carried forward to the additional term.

Competitive negotiations for such contracts may result in awards to more than one offeror provided (1) the Request for Proposal so states and (2) the WDB has established procedures for distributing multiple projects among the selected contractors during the contract term.

b. For procurement of other than professional services, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal.

Negotiations shall then be conducted with each of the offerors so selected.

Price shall be considered, but need not be the sole determining factor.

After negotiations have been conducted with each offeror so selected, the WDB shall select the offeror which, in its opinion, has made the best proposal, and shall award the contract to that offeror.

When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror.

Should the WDB determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror.

2.1 REQUEST FOR PROPOSALS

The Request for Proposal (RFP) is a written document that describes the services the Bay WDB has identified as most appropriately purchased from vendors. Issuance of the RFP involves developing the written RFP specifications, approval of the RFP document by the WDB, adequate distribution of the RFP to potential vendors and appropriate instruction and controls to ensure fair and open competition.

- a) The Bay WDB staff develops the RFP document based on the program needs approved by the WDB. The following elements will be addressed in the written RFP.
- b) The written RFP describes in general terms that which is to be procured. The RFP must specify and list the specific requirements to be addressed by the offerors that will be used in evaluating the proposals. The factors for use in evaluation shall be stated in the RFP, and the weights assigned to them must also be included. Price shall be one of the factors considered, but does not need to be the determining one.
- c) The RFP will include any unique capabilities or qualifications required of the contractor. The terms or conditions of the RFP must state the manner in which public notice of the award or the announcement of the decision to award shall be given by the Bay WDB.
- d) Establish all required contractual special terms and conditions as appropriate to include:
 - i. Audit requirements;
 - ii. Cancellation of contracts;
 - iii. Renewal of contracts;
 - iv. Availability of funds;
 - v. Method of payment.
- e) A nondiscrimination statement will be prominently displayed indicating that the Bay WDB does not discriminate because of the race, religion, color, sex, age, disability, or national origin of the offeror or against faith-based organizations.
- f) Establish a proposal submission due date, time and location. The due date will provide sufficient time for potential offerors to develop a proposal. The minimum time period is ten (10) days from the issue date of the RFP. The time period used may be greater than the required ten (10) days based on the

complexity of the requirement and whether or not a preproposal conference is required.

- g) Establish proposal preparation and submission instructions to inform potential offerors of the number of copies that must be submitted, how the proposal is to be prepared including requirements related to font type, page limitations spacing and page margins, the possibility of oral presentations by the offerors, requirements for delivery of the proposal such as whether a facsimile proposal will be accepted or requirements that the proposal be mailed or hand delivered.
- h) Establish proposal signature requirements including that the proposal must be signed in ink and the person signing must be authorized by the offeror to sign proposals.
- i) All preproposal conferences or site visits must be mentioned in the RFP and any advertisement of the RFP. If attendance at such a conference or site visit is a prerequisite for submitting a proposal, the public notice period must be at least ten (10) days after issuance to provide adequate opportunity for potential offerors to obtain a copy of the RFP and attend.
- j) Mandatory requirements should be kept to a minimum and refer only to those areas that are required by law or regulation or are such that they cannot be waived and are not subject to negotiation. The use of “shall” or “must” indicates a mandatory requirement. Specify any optional information desired.
- k) The written RFP document is reviewed by the Bay WDB Performance and Accountability Committee and presented by the Committee to the Bay WDB for approval prior to issuance. The RFP for youth program service providers will be reviewed and approved by the Bay Youth Council prior to submission to the WDB.
- l) Public notification of the availability of the RFP is conducted to ensure, to the maximum extent feasible, that all qualified and interested vendors are aware of the notification. Notification techniques include but are not limited to:
 - i. Published notification of the issuance in major newspapers in the area in which the program is to be operated;
 - ii. Notification posted on the Bay WDB website and other websites as needed and appropriate.
- m) The RFP is provided to all potential vendors who request the RFP in response to the published notification and other potential vendors as identified by the Bay WDB members or staff.

- n) An offerors conference may be held, at the discretion of the WDB staff, for those potential vendors who received the RFP, to explain the essential elements and specific requirements of the RFP.
- o) The WDB staff will notify potential vendors as to whether the offerors conference is voluntary or mandatory.
- p) Responses to RFP's, from potential vendors not in attendance at a mandatory offerors conference will not be considered.

2.2 PROPOSAL EVALUATION

Proposal evaluation is conducted to ensure the selection of the best possible provider at a reasonable cost. Proposals selected for evaluation are reviewed and scored by a committee. The scores are used to rank proposals for determining which proposals will be selected for negotiation and funding approval.

- a) The WDB staff stamps the time and date each proposal is received at the specified location.
- b) All proposals received on or before the closing date and time are accepted for review.
- c) Proposals received after the closing date and time are returned to the offeror unless no other responsive proposal is received.
- d) If only one proposal is received for a solicitation and there is a significant budgetary impact and competitive sources are known to exist, the Bay WDB staff will investigate to determine why other offerors did not respond and will make a recommendation to the Bay WDB whether to award or to reject the proposal and resolicit. If it is determined to make the award based on a single response, the Bay WDB staff will make a written determination that the price is fair and reasonable.
- e) The WDB staff reviews all accepted proposals, for responsiveness to the requirements contained in the RFP. In order to be determined responsive, the proposal must, at a minimum:
 - i. Be received at the specified location on or before the due date and time;
 - ii. Be complete and contain responses to all the required sections of the RFP; and,
 - iii. Contain appropriate signatures to all required documents.
- f) Proposals that do not meet the criteria for responsiveness are returned to the offeror within ten (10) days with written reasons for the proposal being

determined non-responsive. Returned proposals will be sent Registered Mail with return receipt requested.

- g) A proposal evaluation committee is appointed by the Executive Director. A minimum of three committee members is selected.
- h) Each committee member evaluates all selected proposals per the criteria specified in the RFP. Each proposal receives a numeric score derived in the following manner.
 - i. The Executive Director establishes a numeric range to be applied to each criterion.
 - ii. Each evaluation committee member assigns a value within the established range to each criterion. The committee member scores will averaged for each element of the proposal and an average total score for the entire proposal will be computed.

2.3 PROPOSAL NEGOTIATION

Based on the total scores established by the evaluation committee, the WDB staff negotiates with top rated offerors. Negotiation is conducted in order to ensure that the most qualified and appropriate proposal is selected for funding as well as to ensure that adequate contractual terms can be established.

- a) The evaluation committee will select two or more offerors deemed to be fully qualified and best suited among those submitting proposals, based on the factors included in the RFP. A single offeror may be selected if the committee states in writing that only one offeror is fully qualified, or that one offeror is more highly qualified and suitable than the others under consideration.
- b) Negotiations will be conducted by WDB staff with each of the offerors so selected.
- c) WDB staff will obtain in writing, from each offeror with whom negotiations have been held, confirmation of any changes to their proposals that were agreed to during negotiations.
- d) Documentation of the negotiating sessions will be made a part of the procurement file.

2.4 CONTRACTOR SELECTION

Based on the results of negotiation, the WDB staff prepares contractor selection and funding recommendations for review and approval by the Bay WDB Performance and Accountability Committee and the Bay WDB Youth Council.

- a) The Bay WDB Performance and Accountability Committee and the Youth Council may choose to hold closed meetings in accordance with the Virginia Freedom of Information Act for the purpose of preparing contractor selection and funding recommendations for presentation to the Bay WDB.
- b) All evaluated proposals are ranked in order of the scores and are presented by the Bay WDB Performance and Accountability Committee or Youth Council, with funding recommendations, to the Bay WDB for approval.
- c) Complete copies of all proposals are available for review by WDB members prior to the presentation of funding recommendations.
- d) A proposal abstract is provided to all WDB members for consideration in conjunction with funding recommendations.
- e) Prior to any motion on, or discussion of funding recommendations any Bay WDB or Youth Council member who may have a conflict of interest or a perceived conflict of interest will recuse themselves from participating in the discussion or voting on any funding motion or related motion during the Bay WDB's decision making process as per the conflict of interest requirements established in Virginia Board of Workforce Development Policy Number 99-02 Titled, Establishment of Local Workforce Development Boards.
- f) The WDB selects service providers and authorizes funding based on the presentation of the proposals and funding recommendations.
- g) The Bay WDB will post a Notification of Intent to Award on its website ten days prior to the award being final.
- h) Written notices of contract award are issued to all successful and unsuccessful proposal offerors.

3.0 Competitive Sealed Bidding

"Competitive sealed bidding" is a method of contractor selection, other than for professional services, which includes the following elements:

1. The issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement.

Unless the WDB has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors.

When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced

offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation.

2. There must be public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting in a designated public area, or publication in a newspaper of general circulation, or both. Public notice may also be published on the Department of General Services' central electronic procurement website and other appropriate websites. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include businesses selected from a list made available by the Department of Minority Business Enterprise.

3. There shall be a public opening and announcement of all bids received.

4. Bids shall be evaluated based upon the requirements set forth in the invitation, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability.

5. There shall be an award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

- a) The following required procedures describe the process of Competitive Negotiation. Each procedure is fully described, in the following pages and under separate headings.
 - i. The process begins with the development, approval and issuance of the Request for Proposal.
 - ii. Proposals are received and evaluated and scored by an evaluation committee.
 - iii. The Bay WDB staff conducts contract negotiations with selected proposal offerors.
 - iv. The Bay WDB selects contractor(s) based on evaluation and negotiation results.
- b) Final terms of written contracts are agreed upon by the Bay WDB and the offeror through signature of the completed contract.

4.0 PROCUREMENT RECORDS

Bay WDB staff will maintain a complete file in one place for each procurement transaction, containing all the information necessary to understand the why, who, what, when, where and how of the transaction. It will contain, at a minimum and as applicable, a copy of the Invitation to Bid or Request for Proposals, sources solicited, cancellation notices, and the method of evaluation to include the scores

and rankings of proposals, award and funding recommendations, a signed copy of the contract, modifications, complaint letters, and any other actions related to the procurement.

5.0 PUBLIC INSPECTION OF RECORDS

Any offeror, upon request, shall have the opportunity to inspect proposal records within a reasonable time after the evaluation and negotiation of proposals are completed, but prior to award, except should the procurement action be cancelled or no offers accepted. Otherwise, proposal records shall be open to public inspection only after award of a contract.

6.0 AMENDING A SOLICITATION

If it is necessary to amend a solicitation, Bay WDB staff will prepare, post, and send an addendum to all potential offerors who received a copy of the solicitation or who attended a preproposal conference.

- a) When an addendum is issued that extends the time for the offeror to prepare a solicitation response, the opening date will be extended by not less than ten (10) days after the issue date of the addendum.

7.0 CANCELING A SOLICITATION

A Request for Proposals, any other solicitation, or any and all bids or proposals may be canceled or rejected. When canceling a written solicitation, all offerors who have been issued a solicitation will be sent a copy of the notice, and the notice will be publicly posted. The reason for cancellation shall be part of the contract file. The Bay WDB shall not cancel or reject a Request for Proposal solely to avoid awarding a contract to a particular responsive and responsible offeror.

8.0 ADMINISTRATIVE APPEALS

An administrative appeals procedure will be used for hearing protests of a decision to award, or to protest an award, or to protest a decision of proposal non-responsiveness.

- a) To initiate the administrative appeals procedure the aggrieved party shall submit, in writing, a protest or appeal to the Bay WDB Executive Director. The protest or appeal shall include the basis for the protest or appeal and the relief sought.
- b) A protest of a decision to award or an award shall be submitted within ten (10) days after the award, or the announcement of the decision to award, whichever comes first.

- c) A protest of a decision of proposal non-responsiveness shall be submitted within five (5) days of receipt of the decision.
- d) Upon receipt of a protest or an appeal the Bay WDB Executive Director shall respond in writing to the protest or appeal within ten (10) days or shall give notice to the protesting or appealing party within ten (10) days that a hearing is required to present the facts concerning the protest or appeal. Such notice will be in writing.
- e) The Bay WDB Executive Director shall establish a location, date and time for the hearing. The hearing shall allow for the presentation of relevant facts and shall allow representatives of the Bay WDB and the aggrieved party to explain their position on the matter.
- f) At the conclusion of the hearing the Bay WDB Executive Director may choose to respond to the aggrieved party's protest or appeal verbally. A verbal response shall be summarized in writing and filed with the other documents concerning the protest or appeal.
- g) If a verbal response is not given to the aggrieved party at the conclusion of the hearing, the WDB Executive Director shall issue a written response within ten (10) days after the conclusion of the hearing.
- h) Should the aggrieved party not be satisfied with the response given by the Bay WDB Executive Director, the aggrieved party may request a panel hearing.
- i) A request for a panel hearing shall be submitted in writing to the Bay WDB Executive Director within ten (10) days after receipt of a written response or within ten (10) days of the issuance of a verbal response.
- j) Upon receipt of a request for a panel hearing, the Bay WDB Executive Director shall advise the WDB Chair that a panel hearing has been requested. The Bay WDB Chair will appoint a panel of three (3) or more disinterested persons. The Bay WDB Chair shall attempt to select a panel which collectively has knowledge of current state and local government procurement laws and regulations, familiarity with the type of product and/or service provided by the aggrieved party and knowledge of the product or service application with a similar environment.
- k) The panel members shall select a chair who shall establish a location, date and time for the panel hearing. The panel hearing shall allow for the presentation of relevant facts and pertinent information by the aggrieved party and the Bay WDB Executive Director. The Bay WDB Executive Director may require the participation of other individuals who have contributed to an evaluation or decision-making process.

- l) The panel hearing is an administrative process and is not meant to be conducted as a full court proceeding. The panel, by majority vote, may decide procedural questions and rule on objections raised during the course of the hearing.
- m) At the option of the aggrieved party or the Bay WDB Executive Director, opening statements may be made at the beginning of the hearing setting forth the issues and the panel may ask for such statements in order to clarify the issues involved. The panel is not bound by technical rules of evidence.
- n) The panel shall take into account all the reliable and substantial relevant facts and pertinent information produced at the hearing. The aggrieved party and the Bay WDB Executive Director shall produce such additional relevant facts and pertinent information as the panel may deem necessary in understanding and determining a protest or an appeal.
- o) Within ten days after the conclusion of the panel hearing, the panel shall issue a written decision containing the findings of fact. The findings of fact shall be final and conclusive and shall not be set aside unless the same are fraudulent or arbitrary or capricious, or so grossly erroneous as to imply bad faith.
- p) The panel, in rendering its decision, shall decide the protest or appeal on the merits. The panel has the responsibility of ensuring the proper application of statutes, regulations, policies and procedures. The panel does not have the authority to formulate or to change policy. Accordingly, the panel shall make its decision within the following parameters:
- q) A proposed award or an award shall be reversed only if the aggrieved party establishes that the proposed award, or the award, is not an honest exercise of discretion, but rather is arbitrary or capricious or not in accordance with statutes, regulations, or the terms and conditions of the request for proposal.
- r) If prior to the award it is determined that the decision to award is arbitrary or capricious, then the sole relief shall be a finding to that effect. The Executive Director shall cancel the proposed award or revise it to comply with the law.
- s) If, after the award, it is determined that an award of a contract was arbitrary or capricious, then the sole relief shall be as hereinafter provided. Where the award has been made but performance has not begun, the performance of the contract may be enjoined by the Executive Director. Where the award has been made and performance has begun, the Executive Director may declare the contract void. Where a contract is declared void, the performing contractor shall be compensated for the cost of performance up to the time of such declaration. In no event shall the performing contractor be entitled to lost profits.

- t) Any party to the Administrative Appeals Procedures, including the Bay WDB, shall be entitled to institute judicial review if such action is brought within thirty (30) days of receipt of the panel's written decision.

**BAY CONSORTIUM WORKFORCE DEVELOPMENT BOARD, INC.
CONFLICT OF INTEREST SELF ATTESTATION FORM**

All Board Members and Youth Council Members serve a public interest and trust role and have a clear obligation to conduct all affairs in a manner consistent with this concept. All decisions of the Board and Youth Council are to be based on promoting the best interest of the corporation and the public good.

All Board Members and Youth Council Members are subject to the provisions of the State and Local Government Conflict of Interest Act. [Code of Virginia, Title 2.2, Chapter 31]

No Board Member or Youth Council Member has the right to vote on any matter that will directly benefit the Board Member or Youth Council Member, the organization that such Board Member or Youth Council Member represents or member of the Board Member's or Youth Council's immediate family.

Immediate family means (1) a spouse and (2) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. Dependent means any person, whether or not related by blood or marriage, who receives from the member, or provides to the member, more than one-half of his financial support.

Any Board Member or Youth Council Member who participates in the Development of contract specifications or standards is prohibited from receiving any direct financial benefit from any resulting contract.

Any Board Member or Youth Council Member who participates in a board decision relating to specific terms of a contract, the determination of specific standards for performance of a contract, the Development of Invitations for Bid (IFB) or Requests for Proposals (RFP) or other such bid processes leading to a contract, or any similar decisions is prohibited from receiving any direct financial benefit from any resulting contract. In addition, no corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust, foundation or other entity shall receive the contract if it would create a conflict of interest for the Board Member or Youth Council Member who participated in this manner.

If a contract or purchase is made by the Corporation involving its own Board Member or Youth Council Member with a conflict of interest, the Corporation shall justify and disclose the terms and conditions of the contract or purchase; and document that the contract or purchase was adequately bid or negotiated and that the terms of the contract or price of the purchase are fair and reasonable.

Board Members and Youth Council Members who are also contractors or subcontractors shall not serve on any committees that deal with oversight of the One Stop/WIOA Youth system or allocation of resources that would potentially be allocated to that Board Member's program or Youth Council Member's program. The existence of a vendor relationship with a Board Member organization or a Youth Council Member organization does not in itself, constitute a conflict of interest.

Contractor means an organization or individual that holds a contract with the Corporation
Subcontractor means an organization or individual that holds a contract with a contractor to the Corporation for the provision of goods or services that directly assists the Contractor in performing their contract with the Corporation.

Vendor means and organization or individual that provides goods or services on an individual purchase basis to the Contractor and is included on the approved Training Providers list established by the Commonwealth and/or the Local WDB.

Any Board Member or Youth Council Member with a potential or actual conflict of interest must disclose that fact to the Corporation as soon as the potential conflict is discovered and, to the extent possible, before the agenda for the meeting involving the matter at issue is prepared. If it should be determined during a meeting that a conflict of interest exists, the Board Member or Youth Council Member must verbally declare such conflict of interest. Such declaration must be clearly noted in the Minutes. The Board Member or Youth Council Member must excuse himself or herself from the remainder of the discussion during voting on that item. Each Board Member or Youth Council Member is responsible for determining whether any potential or actual conflict of interest exists or arises for him or herself during their tenure on the Board of Directors or Youth Council.

As a condition of assuming membership on the Board of Directors or Youth Council each Board Member/Youth Council Member shall file a statement of economic interest with the Corporation. The statement of economic interest must be filed annually in order for a Board Member/Youth Council Member to maintain membership on the Board of Directors/Youth Council.

ATTESTATION

I understand and agree to abide by these guidelines, as a condition of my appointment and service to the Workforce Development Board or Youth Council. I and/or members of my immediate family have a direct financial interest (i.e. employer, corporate officer, board member, stockholder, member, etc. . .) in the following businesses, organizations, boards or other groups which are currently involved with the Workforce Innovation & Opportunity Act (WIOA) System. In the event that additional financial interests become present, I will immediately so inform the Board.

Name Of Business, Organization, Board, Groups, etc. . . Affiliation(s)

Board Member Youth Council Member

Name

Signature

Date