

MHBE Board Meeting
February 18, 2020

Procurement Policies & Procedures Review

Tony Armiger, CFO
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Procurement Policies and Procedures

- Presentation of proposed modifications to PP&P Document for board approval
 - Revision to address Office of Legislative Affairs FY14-17 audit finding that no minimum solicitation period was defined
 - Add a Method of Procurement (ICPA)
 - Revision of Contract Approval Process

Proposed Changes to MHBE Procurement Policies and Procedures

Section II A. Competitive Sealed Bidding

New Language:

3. Each invitation for bids shall be published on eMaryland Marketplace Advantage and the website of the Exchange **for a minimum of fourteen (14) to twenty-one (21) calendar days, at the Procurement Officer's discretion, to meet agency need**, and shall be advertised in any other reasonable manner that would promote competition and transparency in the procurement process as determined by the Executive Director or a procurement officer designated by the Executive Director. The Executive Director or designated procurement officer may solicit bids directly from any vendor.

Proposed Changes to MHBE Procurement Policies and Procedures

Section II B. Competitive Sealed Proposals

New Language:

3. Each request for proposal shall be published on eMaryland Marketplace Advantage and the website of the Exchange **for a minimum of fourteen (14) to twenty-one (21) calendar days, at the Procurement Officer's discretion, to meet agency need**, and shall be advertised in any other reasonable manner that would promote competition and transparency in the procurement process as determined by the Executive Director or a procurement officer designated by the Executive Director. The Executive Director or designated procurement officer may solicit proposals directly from any vendor.

Proposed Changes to MHBE Procurement Policies and Procedures

Section II G. Intergovernmental Cooperative Purchasing Agreement

New Language:

4. Procurement Contract Provision Regarding Participation by Other Entities

1. **Except, as provided in paragraph (2) of this subsection, each procurement contract for supplies or services entered into by MHBE shall include a provision that facilitates other State and local entities and nonprofit entities to participate in the contract.**
2. **(a) This section does not apply to (1) a procurement for a rental property lease or other unique purchase; or (2) a procurement with a projected value less than \$100,000.**
(b) This section does not apply if the designated procurement officer determines that including the provision would:
 - (1) undermine the desired timing of the procurement;**
 - (2) interfere with MHBE's ability to meet the minority business enterprise (MBE) goals provided under § 14-302 of the State Finance and Procurement of the Maryland Code Policies; or**
 - (3) not be in the best interest of MHBE**

Proposed Changes to MHBE Procurement Policies and Procedures

Section III Contract Approval Authority and Reporting Requirements

New Language

B. Where Master Contracting has been utilized:

- 1. Ongoing Task Orders that are carried forward to the beginning of the next fiscal year – The Board will be presented a list of task orders at the May Board Meeting for approval. The Executive Director shall report any carried forward task orders to the Board;**
- 2. New Task Orders – The Finance/Audit Committee, as established by Article IV of the Bylaws of the Board of Trustees, may, without prior approval of the Board of Trustees, approve new task orders and authorize the Executive Director to execute the task orders. The Executive Director shall report any new task orders to the Board.**

Proposed Changes to MHBE Procurement Policies and Procedures

Section III Contract Approval Authority and Reporting Requirements

New Language

- H. The Executive Director shall report to the Board of Trustees, at the next regular meeting of the Board following the award to a Master Contractor of any task order; (a) The Master Contractor(s) to which any task order has been awarded, (b) the amount of the task order awarded and (c) **aggregate total of all task orders awarded** to the Master Contractor(s).

Proposed Changes to MHBE Procurement Policies and Procedures

Section VI. CONTRACT MODIFICATIONS

New Language

B. Where Master Contracting has been utilized:

- 1) Not to Exceed (NTE) Modifications – The Finance/Audit Committee, as established by Article IV of the Bylaws of the Board of Trustees may, without prior approval of the Board of Trustees, agree to modify a task order by increasing the NTE value, and authorize the Executive Director to execute the modification. The Executive Director shall report any modified NTE task orders to the Board; and**
- 2) Modifications With No Change in Monetary Value (i.e., resource change) – The Executive Director may, without prior approval of the Board of Trustees, agree to task order modifications with no change in monetary value.**

Request to Approve Changes

MHBE requests the Board's approval to accept the proposed changes to the Permanent Procurement Policies and Procedures.

Questions & Answers