

MEMORANDUM OF AGREEMENT ON THE POLICY AND PROCEDURES OF THE
BALTIMORE REGIONAL COOPERATIVE PURCHASING COMMITTEE

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I. Purpose:

The Baltimore Regional Cooperative Purchasing Committee (BRCPC) is a committee of purchasing organizations in Maryland which jurisdictions are a part of (BRCOG) who have agreed to join and adhere to these procedures. The objective of BRCPC is for one government to issue solicitations for a particular requirement, the specifications of which would represent the needs of all participating governments, with each participating jurisdiction making its own individual award to the successful bidder or offerer. This objective has the effect of lowering administrative costs by participating governments, avoiding duplication of effort, obtaining better prices through economies of scale, and the exchanging of information and expertise. This effort is known as cooperative purchasing. It has further benefits of encouraging product improvement and standardization, promoting exchange of technical information and management techniques, and providing a forum for common problem solving. Participation in BRCPC is voluntary and each purchasing jurisdiction determines for itself whether or not to take part in any cooperative purchase.

II. Participants :

- 1) Anne Arundel County Maryland
City of Baltimore
Baltimore County Maryland
Carroll County Maryland
Harford County Maryland
Howard County Maryland
State of Maryland

Page 2

- 2) The authorized signatures of participants signify agreement to all procedures of BRCPC indicated herein. The signature list is made a part of these procedures.
- 3) A chairperson will be appointed by the BRCOG as recommended by the members of the participating jurisdictions for a term of one year and may be re-approved for additional terms of office. The chairperson will convene meetings and perform other duties as described herein. The BRCOG will provide a coordinator for BRCPC.

III. Responsibilities of BRCPC

- 1) BRCPC shall meet at least bi-monthly and jointly select items that will provide the greatest possibility for a successful cooperative purchase. This selection is usually based on commodities with common or industry-wide standard specifications which are purchased in large quantities by the participants in the cooperative purchase.
- 2) The chairperson of BRCPC appoints the lead jurisdiction to handle the cooperative purchase of a preselected commodity, provided the lead jurisdiction consents.
- 3) BRCPC will resolve differences which cannot be resolved by the lead jurisdiction and participants.

Page 3

- 4) The BRCOG will maintain the centralized cooperative purchase files, which includes copies of bid proposals, responses, correspondence, awards, terminations and any other relevant documents.

IV. Responsibilities of the Lead Jurisdiction:

The lead jurisdiction is appointed by the chairman of BRCOG, with its consent, to issue a cooperative Invitation For Bid (IFB) or Request For Proposal (RFP) on behalf of the other participating jurisdictions.

A. Before the Contract Award

- 1) The lead jurisdiction assisted by the BRCOG will review, develop or refine specifications, prepare bid or offer documents, develop a bidders' or offerers' list, etc., including consultation with all participating jurisdictions.
- 2) This document shall contain a combination of the standard clauses approved by the participants of BRCOG and any other clause(s) required by participating jurisdictions. The lead jurisdiction shall review the draft IFB or RFP to assure maximum participation by other jurisdictions.
- 3) The lead jurisdiction shall forward to all participating jurisdictions the final draft of the IFB or RFP for approval. The lead jurisdiction will establish a response date for comments.

Page 4

- 4) If any request for changes are received and are not acceptable by the lead jurisdiction, and the difference cannot be resolved with the participating jurisdictions requesting the change, the lead jurisdiction shall present the request to the next scheduled or special meeting of BRCOG for resolution.
- 5) The lead jurisdiction, upon receipt of the approved IFB or RFP, and after informing participants of the date and time of bid "or offer" opening, will advertise the IFB or RFP in a local or major newspaper in the BRCOG Metropolitan Area and any other publication deemed necessary. Participating jurisdictions will be responsible for advertising in their own publication if required by law, ordinance or policy.
- 6) The lead jurisdiction will forward a copy of the IFB or RFP package to all prospective bidders or offerers from the compiled bidders or offerers list as well as to each of the participating jurisdictions. In the event an addendum is required, the lead jurisdiction shall send the addendum to bidders or offerers by certified mail if time permits. If not, some evidence of receipt of the addendum by the bidder or offerer will be required. The lead jurisdiction shall send copies of any addendum to each of the participating jurisdictions.

- 7) The lead jurisdiction will respond to all inquiries pertaining to the IFB or RFP.
- 8) The lead jurisdiction will receive, open and tabulate all responses to the IFB or RFP. Representatives of the participating jurisdictions are invited to attend the bid or offer opening.
- 9) The lead jurisdiction will be responsible for sending a copy of each of the bid or proposals received, in addition to any correspondence pertaining to the bid or proposal to the BRCOG.
- 10) Minor differences in specifications may be waived at the discretion of the lead jurisdiction in accordance with its laws, ordinances and/or regulations.
- 11) The lead jurisdiction, assisted by the BRCOG, if necessary, will review solicitation results, and the jurisdiction shall advise all participating jurisdictions, in writing, to issue their respective award to the lowest responsive and responsible bidder or offerer.
- 12) The lead jurisdiction shall be responsible for all protests in response to the solicitation in accordance with its laws, ordinances and/or regulations.

- 13) If the apparent low bidder is not awarded the contract, an explanation by the lead jurisdiction shall be provided to the chairman and all participants.

B. After the Contract Award:

- 1) Each participating jurisdiction must issue its own contract award to the successful bidder or proposer when a requirement has been authorized, and furnish copies of its own contract award to the lead jurisdiction for inclusion in a central file.
- 2) The lead jurisdiction shall submit to the BRCOG within a reasonable period after bid or proposal opening, copies of the solicitation file, including but not limited to the specifications, terms and conditions, tab sheets, evaluations, pertinent correspondence, award recommendations and the purchase order. **The City of Baltimore will provide copies of the specifications, terms and conditions, summary, award notifications and pertinent correspondence.*
- 3) The lead jurisdiction shall assist participating jurisdictions, if requested, in resolving complaints with the vendor.
- 4) The cooperative purchase file maintained by the BRCOG shall be kept for a minimum of five years. Prior to purging, bid or proposal file shall be offered to all members of BRCPC, and if not accepted, may be destroyed.

V. Responsibilities of Jurisdictions:

- 1) Participating in any cooperative purchase is always voluntary.
- 2) Once a jurisdiction determines that it will participate in a solicitation for a cooperative purchase, that jurisdiction has committed itself to execute a purchase order with the awarded supplier when a requirement is authorized. No participating jurisdiction may withdraw from the process after the solicitation has been issued by the lead jurisdiction. Any jurisdiction which is a full participant in a cooperative purchase shall not execute separate contracts with such vendors other than under the terms of the cooperative IFB or RFP. Exceptions may be made by majority vote at BRCPC meetings involving such cases as violation of a jurisdiction's procurement law, ordinance or regulation, lack of funds, poor performance, requirement changes and the like. Requests for exceptions shall be made in writing to the chairperson within seven (7) calendar days of the bid opening date, and the chairperson shall convene a meeting of BRCPC within seven (7) calendar days of receipt of requests.
- 3) A nonparticipating jurisdiction may choose to use a cooperative purchasing contract only as a mutual agreement between the jurisdiction and the vendor. The chairperson shall be notified in writing when this occurs; the writing to be made a part of the cooperative purchase file.

VI. Contract Disputes:

- 1) Disputes over execution of the contract shall be the responsibility of each participating jurisdiction.
- 2) It is the BRCPC's policy to seek resolution to problems without recourse to litigation. Where possible, resolutions should be obtained by the use of informal discussions between the parties. If not resolved with the participating jurisdiction, the vendor may make a request in writing to the chairperson for a hearing at a scheduled meeting of BRCPC to present its case. BRCPC may hear the dispute and recommend a decision but has no power to enforce the decision if it is in disagreement with the participating jurisdiction. Notwithstanding the above, a vendor should take all steps necessary to comply with the participating jurisdictions' rules, regulations and laws regarding disputes to protect the vendor's legal remedies.
- 3) Dispute costs dealing with complaints, including litigation, are to be born by the vendor and/or the jurisdiction that issued the purchase order as the case may be.

VII. Socio-Economic Programs:

Many of the participating jurisdictions in BRCPC have adopted Minority Business Enterprise, Small Business Enterprise Programs,

Page 9

South African sanctions, and similar programs collectively called Socio-Economic Programs. These programs affirm participation in individual procurements or have established socio-economic goals. It is incumbent upon all participating jurisdictions to be aware of the lead jurisdiction's socio-economic program, if any, and to include their own program, if any, in a cooperative purchase by advising the lead jurisdiction of all details to be included in the solicitation.

VIII. Authority:

The authority to engage in cooperative purchase programs is found in each jurisdiction's law, code, ordinance or policy.

Page 10

SLG 2/23/90
 COUNTY SOLICITOR ATTORNEY Date
 ANNE ARUNDEL COUNTY

Joe Nichols 3/9/90
 CITY SOLICITOR Date
 CITY OF BALTIMORE

Stanley J. Shapiro 2/12/90
 DEP. COUNTY ATTORNEY Date
 BALTIMORE COUNTY

John Kelly 2/27/90
 COUNTY SOLICITOR Date
 CARROLL COUNTY

Richard B. Herbig
 COUNTY ATTORNEY Date
 HARFORD COUNTY

Martha M. Cook 3/13/90
 COUNTY SOLICITOR Date
 HOWARD COUNTY

Buddy Roogow
 BUDDY ROOGOW
 ADMINISTRATIVE OFFICER
 HOWARD COUNTY

Allen B. Blundy 3/19/90
 955, 1st fl ATTORNEY GENERAL Date
 STATE OF MARYLAND

James F. Ryan 2/23/90
 JAMES F. RYAN, CPPO Date
 PURCHASING AGENT
 ANNE ARUNDEL COUNTY

Ella H. Pierce 3/9/90
 ELLA H. PIERCE, CPPO, C.P.M. Date
 CITY PURCHASING AGENT
 CITY OF BALTIMORE - PER ASTERISK

Joanne S. Deitz 2/13/90
 JOANNE S. DEITZ, CPPO Date
 CHIEF, PURCHASING SERVICES
 BALTIMORE COUNTY

Thomas F. Crum 2/27/90
 THOMAS F. CRUM, CPPO Date
 PURCHASING AGENT
 CARROLL COUNTY

F. G. Holecheck 2/28/90
 F. G. HOLECHECK Date
 DIRECTOR OF PROCUREMENT
 HARFORD COUNTY

Elizabeth Bobo 3/15/90
 ELIZABETH BOBO Date
 HOWARD COUNTY EXECUTIVE

Harry H. Bain 3/15/90
 HARRY H. BAIN, CPPO, C.P.M. Date
 CHIEF OF PURCHASING
 HOWARD COUNTY

Paul T. Harris, Sr. 03/19/90
 PAUL T. HARRIS, SR., CPM, P.P.B. Date
 CHIEF, PURCHASING BUREAU CPPO
 STATE OF MARYLAND