

**PROCUREMENT OFFICER'S DETERMINATION
INTERGOVERNMENTAL COOPERATIVE PURCHASING
CONTRACT NO. 218031-H
MID-SIZED WHEELED EXCAVATOR**

I. EXECUTIVE SUMMARY

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to purchase a Mid-Sized Wheeled Excavator for the Facilities Maintenance department under an intergovernmental cooperative purchasing agreement of the National Joint Powers Alliance ("NJPA").

II. BACKGROUND

Facilities Maintenance needs a mid-sized wheeled excavator for removing underground utilities and debris at Maryland Department of Transportation Maryland Port Administration's ("MDOT MPA") terminals.

During the course of researching equipment available in the marketplace, the Procurement Officer found six vendors that hold a contract with the U.S. General Services Administration ("GSA"). On April 23, 2018 the Procurement Officer solicited quotations from the following vendors holding GSA Contracts available for state and local government use.

Company	GSA Contract Number	City	State
Case Construction	GS-30F-023BA	Racine	WI
Caterpillar, Inc.	GS-30F-1021H	Watkinsville	GA
JCB Inc.	GS-30F-0018W	Edinburg	TX
Kubota Tractor Corporation	GS-30F-0006U	Racine	WI

None of the vendors on the GSA contract submitted a quote.

The Procurement Officer also researched the NJPA website for manufacturers that could provide the loader. NJPA is an intergovernmental cooperative purchasing alliance that allows state and local governments and nonprofits to benefit from the use of Intergovernmental Cooperative Purchasing. NJPA operates under the enabling authority of Minnesota Statute 123A.21. MDOT MPA is a member of NJPA.

NJPA has a contract for Construction and Agricultural Equipment covering the mid-sized wheeled excavator required by MDOT MPA. Below is the list of manufacturers on the NJPA contract. On April 30, 2018, a request for quotations was sent to the following manufacturers:

Manufacturers	NJPA Contract Number
CASE (Dealer: Folcomer – Aberdeen, MD)	032515-CNH
Caterpillar, Inc. (Dealer: Alban CAT-Baltimore, MD)	032515-CAT
JCB Inc.	042815-JCB
John Deere (Dealer: JESCO Inc. Southplain, NJ)	032515-JDC
Kubota Tractor Corporation	042815-KBA
Volvo Construction Equipment	032515-VCE

III. QUOTATIONS RECEIVED

Authorized Dealer	Contract	Price
JESCO Inc. (Dealer: John Deere)	032515-JDC	\$207,579.63
McClung-Logan Equipment Co. (Dealer: Volvo Construction Equipment)	032515-VCE	\$268,800 .00

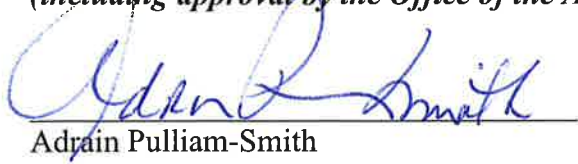
IV. DETERMINATION

- A. NJPA Contract #032515-JDC between JESCO Inc., a John Deere dealer, and NJPA meets the requirements of an intergovernmental cooperative purchasing agreement under COMAR 21.05.09.01B(2)(a).
- B. JESCO Inc.'s price represents a savings of \$130,176.37 over the manufacturer's suggested retail price for the equipment. Therefore, it is in the best interest of the MDOT MPA to utilize the NJPA contract because doing so will provide cost benefits to the State, will promote administrative efficiencies, and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.
- C. Making an award under the NJPA contract will save MDOT MPA the considerable time it will take (approximately five weeks at a minimum) to prepare a solicitation for public advertisement, obtain necessary approvals prior to publication, publish the solicitation, receive and analyze bids, and then complete an award. Under the NJPA contract, MDOT MPA can issue a purchase order in a matter of days, once this Procurement Officer's Determination is approved. (Facilities Maintenance has submitted a requisition, R3012737, and it has been approved and routed to Procurement for completion of the purchase.
- D. A contract should be awarded to JESCO Inc., a John Deere dealer, in the amount of \$207,579.63 for the mid-sized wheeled excavator, under NJPA Contract #032515-JDC.
- E. Since the contract consists of a single element of work, supplying the mid-sized wheeled excavator with no subcontractable elements of work, MBE goals are not appropriate (subject to approval of the Procurement Review Group).
- F. This is a procurement of a motor vehicle; therefore, is within MPA's unlimited delegation of procurement authority over supplies. Therefore, approval by the Maryland Port Commission and Board of Public Works are not required.

V. APPROVAL REQUIRED

COMAR 21.05.09.05 provides: "Before awarding or participating in an intergovernmental cooperative purchasing agreement, the procurement officer shall obtain the approval of the primary procurement unit head, and any other approvals as required under this title."

I request your approval, as unit head, to procure as described in this determination, subject to completion of all other requirements of procurement law, fund certification, execution and approval of the contract (including approval by the Office of the Attorney General for form and legal sufficiency).



Adrain Pulliam-Smith
Procurement Officer

5/29/18
Date

APPROVED:



James J. White
Executive Director

06/04/18
Date