



OFFICE OF STATE PROCUREMENT

Procurement Officer's Written Determination
(COMAR 21.05.09.04)

In accordance with COMAR 21.05.09.04, "Before sponsoring or participating in an intergovernmental cooperative purchasing agreement, the procurement officer of the primary procurement unit shall make a written determination that it is in the best interest of the State to do so, and which includes a statement that the participation in the agreement will: (1) Provide cost benefits to the State, (2) Promote administrative efficiencies, or (3) Promote intergovernmental cooperation and it is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.

Contract Number:

Contract Title: 9-1-1 Board Support Services

Term: 12/1/2022 – 06/30/2023 (one initial year, with three-one year options).

Date: 10/17/2022

I. Background

The Department of Public Safety and Correction Services previously held a contract with Mission Critical Partners LLC (MCP) to enhance the Maryland 9-1-1 Board's collaborative efforts with the Commission to Advance Next Generation 9-1-1 Across Maryland to meet the requirements of Carl Henn's Law. That contract expired on September 7, 2021. Since that time, the Maryland 9-1-1 Board (9-1-1 Board) has been moved, and is now under the supervision of the Maryland Department of Emergency Management (the Department). In an effort to assist with the 9-1-1 Board's efforts to meet the requirements of Carl Henn's Law, the Department seeks to procure needed services from Mission Critical Partners on behalf of the 9-1-1 Board.

II. History of the Procurement

- a. In the planning stage of deciding how to obtain the services of Mission Critical Partners (MCP), MDEM considered using the GSA schedule, but that did not seem to be competitive, also considered a Sole Source option, but was notified by the vendor that the rates using that option would be the standard rates charged by MCP to customers not under a cooperative agreement. A more viable option to obtain the services of MCP was the use of the Houston Galveston Area Council (HGAC) Intergovernmental Cooperative Purchasing Agreement (ICPA). MCP has previously provided the same 9-1-1 Board Support service via the Maryland Department of Public Safety and Correctional Services under contract using the very same cooperative (HGAC).

As of late September 2022, the Maryland Department of Emergency Management became an “End User”, which allows the Department engage contractors listed in the cooperative.

III. Additional Information

The Maryland Department of Emergency Management is requesting the use of an existing Intergovernmental Cooperative Purchasing Agreement with the Houston-Galveston Area Council (H-GAC) and Mission Critical Partners (MCP). Intergovernmental Cooperative Agreements are cooperative arrangements between local or State governments and businesses that form a cooperative that generally can provide lower pre-negotiated prices, and efficient delivery of goods and services, more than any of the single member in the collective can achieve on their own. This type of agreements is generally used to obtain an effective, best value solution for the State and taxpayer. Aggregated volume creates significant price breaks. Members are able to take advantage of competitive pricing, soft cost savings, time efficiency and administrative cost savings, which in turn generally produces a more economical purchase.

HGAC-Buy is a national government procurement service designed to make the government procurement process simpler and more efficient for governments and non-profit member agencies. HGAC members may legally purchase from these competitively solicited and awarded contracts at no charge to them, confident that the solicitation process has already been conducted by HGAC on behalf of its members. HGAC has been in the cooperative purchasing business for more than 30 years and serves more than six thousand local governments across the United States. Members of HGAC include but are not limited to, local and State governments, emergency service districts, school districts and non-profit organizations. HGAC’s experience and volume purchasing power provides significant cost savings for local governments on major equipment purchases or services. Primarily, HGAC offers products and services that are utilized in Public Safety, Public Works, Emergency Services and Communications, in addition to professional consulting and temporary personnel and disaster recovery services. HGAC is self-funded through administrative fees to the contractor, not the buyer.

To demonstrate the pricing difference, attachment A to this document is a price comparison of the listed labor rates for Mission Critical Partners rates under the Houston-Galveston Area Council (H-GAC) agreement and the standard Mission Critical Partners listed rates. This comparison shows that the labor rates are lower under the H-GAC. The request to use this agreement is not to circumvent any local or state government procurement policies or regulations. All products and services offered through H-GAC Buy, have been subjected to a competitive bid or proposal process, subsequently resulting in the award of a blanket contract(s). Becoming an H-GAC Buy Contractor requires that the vendor go through that process with H-GAC Buy when they do a solicitation for the products and/or services which the vendor offers.

IV. Contractor Provided Services

The contractor will deliver the following services, as needed, to the Board:

- Board Logistical Support
- Board Subcommittee Support

- Emergency Communications Committee Support:
- Subject Matter Technical Support

MCP has participated in the following Board funded statewide projects:

A statewide Next Generation 9-1-1 readiness assessment and procurement strategy, which includes:

- A statewide inventory of 9-1-1 equipment and services;
- An evaluation of existing contracts versus issuing a request for proposals;
- A statewide contract versus a county-by-county procurement;
- A county-by-county geospatial data evaluation for Next Generation 9-1-1 use; and
- Support for grant writing that resulted in the award of a federal Next Generation 9-1-1 grant in the amount of \$1.7 million;
- A statewide Strategic 9-1-1 plan;,
- A county-by-county cyber-security benchmarking evaluation;
- A county-by-county public safety answer point staffing study;
- GIS support for Maryland's counties; and
- Support to the Commission to Advance Next Generation 9-1-1 Across Maryland.

Due to the work that MCP has done for Maryland, including providing staff support to the Commission to Advance Next Generation 9-1-1 Across Maryland (MCP authored the reports that led to the successful passage of the commission's recommendations during the 2019 legislative session), they possess significant institutional knowledge to quickly make recommendations to the Board. These recommendations will allow the Board to enact guidelines consistent with the requirements of Carl Henn's Law. MCP has previously provided support to the Board consistent with this proposal.

The Board, via the Department, is requesting to use MCP's Houston Galveston Area Council (HGAC) Purchase Contract #HP08-21. Due to MCP's intimate knowledge of current Maryland 9-1-1 system, and the exemplary performance under a previous contract, there is no advantage to issuing a request for proposals for these services as it may cause a delay in a vital service. Also it would not be advantageous for the Department to bring on a different vendor due to the established historical working knowledge and the complexity that would be involved in introducing another vendor at this current time. Any Request for Proposal would delay implementation of this contract, and possibly hamper Maryland's migration to Next Generation 9-1-1 services which is extremely critical to the State's operation of the 9-1-1 system. The use of an ICPA provides more attractive pricing for End Users within the cooperative. An example of this is shown in the attached labor rate comparison labeled "5b Price Comparison". This comparison was requested by the MDEM Procurement Officer and provided by the vendor to demonstrate the labor rates listed under the HGAC cooperative, and the standard rates charged by Mission Critical Partners. This cost savings provides the State with a more reasonable purchase.

V. Findings

MCP will be providing the above mentioned services in a “not to exceed” amount (Base Year Pricing): The pricing below reflects base year of pricing, not “one year of pricing” due to lengthy delay in contracting with a tentative start date now of 12/1/2022 and is for a 7-month duration to coincide with the fiscal year as requested. Because of the contracting delays, certain tasks still need to be accomplished - now in a shorter (7-month) timeframe which requires a similar effort in terms of hours to complete the tasks. The reduction of the \$92k in the base year pricing reflects less weekly status meetings, reports, and administrative duties because of the shorter duration.

Board Logistical Support	\$28,634.00
Board Subcommittee Support	\$149,392.00
Emergency Communications Committee Support	\$114,753.00
Subject Matter Technical Support MCP	\$71,740.00
Expenses	\$18,225.95
12/1/2022 - 6/30/2022 Total	\$382,744.95

The pricing for optional additional years is:

7/1/2023 - 6/30/2024	\$464,528.04
7/1/2024 - 6/30/2025	\$478,463.88
7/1/2025 - 6/30/2026	\$492,817.80
Total	\$1,818,554.67

MCP will invoice the Board monthly for services used. Pricing for this contract is a “not-to-exceed” amount. MCP will use its own staff to provide the necessary consulting services for this contract, with no subcontracts.

Approved by: Rodney S Barnes Jr 10/18/2022
MDEM, Procurement Officer Date

Approved by: [Signature] 10/19/22
Attorney General, Department of Emergency Management Date

Approved by: Russell J. Strickland Digitally signed by Russell J. Strickland Date: 2022.10.21 16:51:10 -0400
Secretary, Department of Emergency Management Date

Approved by: [Signature] Oct 25, 2022
Chief Procurement Officer Date