



**DEPARTMENT OF
GENERAL SERVICES**

Wes Moore, Governor · Aruna Miller, Lt. Governor · Atif Chaudhry, Secretary

**Intergovernmental Cooperative Purchasing Agreement
Procurement Officer Determination
COMAR 21.05.09.04**

Per COMAR 21.05.09.02, as a Primary Procurement Unit, the DGS Office of State Procurement (OSP) may initially sponsor or participate in, renew, modify, or administer an Intergovernmental Cooperative Purchasing Agreement (ICPA) on its own behalf or on behalf of another agency when a determination is made under SFP §13-110 and COMAR 21.05.09.04.

Based upon the analysis and market research conducted as identified in the attached Procurement Officer’s Determination from the Department of Juvenile Services (DJS) for Modular Classrooms Purchases for Charles H. Hickey, Jr., School (CHHS). To provide a modern secure educational facility, DJS is requesting to purchasing 13 modular classroom buildings to form the new educational facility for CHHS in Baltimore County, Maryland. I have conducted an independent analysis and determined that it is in the best interest of the State to participate in this intergovernmental cooperative purchasing agreement, that doing so will provide cost benefits to the State, promote administrative efficiencies or promote intergovernmental cooperation, and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.

David Renfro

May 11, 2023

David Renfro, Procurement Officer, DGS OSP / Date

Mike Haifley

May 11, 2023

Mike Haifley (May 11, 2023 11:33 EDT)

Mike Haifley, Acting Chief Procurement Officer / Date

Atif Chaudhry

MAY 23, 2023

Atif Chaudhry, Secretary, DGS / Date

Maryland

DEPARTMENT OF
JUVENILE SERVICES

217 East Redwood Street
Baltimore, MD 21201

Aruna Miller
Lt. Governor

Wes Moore
Governor

Vincent Schiraldi
Secretary

TO: Mike Myers
Associate Director of Procurement
Maryland Department of General Services

FROM: Debbie Thornton, Director *Debbie Thornton*
Office of Procurement
Maryland Department of Juvenile Services

DATE: April 13, 2023

SUBJECT: Intergovernmental Cooperative Purchasing Agreement
Baltimore County Public School
Contract No. *IBO* 716-19-003
Modular Classrooms Purchase
Charles H. Hickey, Jr., School

The Maryland General Assembly passed **SB** 497 during the 2021 legislative session, which transferred the responsibility of implementing educational programming from the Maryland State Department of Education (MSDE) to the Juvenile Services Education Board and Program. The legislation established the Juvenile Services Education Program (JSEP) Board within the Department of Juvenile Services (DJS) to oversee and provide for educational services to all juveniles placed in a DJS operated detention and residential facility.

To comply with the approved legislation and provide a modern secure educational facility, DJS is requesting your cooperation in purchasing 13 modular classroom buildings to form the new educational facility for the Charles H. Hickey, Jr., School (CHHS) in Baltimore County, Maryland. This purchase will be funded with 100 % General Funds.

In accordance with COMAR 21.05.09.04A, DJS has determined that it is in the best interest of the State to proceed with this acquisition of modular classrooms utilizing the "Multi-Agency Participation" clause provided in the Baltimore County Public Schools contract JBO-716-19. This process will afford DJS an administrative cost saving by utilizing the completed BCPS process, benefit the State financially by utilizing the fair and reasonable prices leveraged through the existing BCPS contract and promote intergovernmental cooperation with the Baltimore County. The purchase through this Intergovernmental Cooperative Purchasing Agreement is not intended to circumvent the requirements specified in COMAR 21.01.01.03. Additionally, DJS has reviewed the supplies and capabilities of the preference providers listed in COMAR 21.11.05.01 and determined that they do not supply the requested commodity.

The existing modular education facility at CHHS was erected in 2004 and is inadequate to provide services to meet the educational needs of students. It is our intention to provide adequate space, amenities and safety features through the purchase of 13 relocatable classroom buildings. The overall size of the building complex (12,082 square feet) will provide adequate space for academic instruction and support services for a maximum student population of 72 youth, 21 educational staff and 8 security staff.

Baltimore County Public Schools (BCPS) solicited competitive bids on eMaryland Marketplace Advantage as, EMMA #BPM012752 and BCPS Bid Number: JBO-716-19. Contracts were awarded to all 3 companies that responded to the IFB.

DJS requested proposals from the BCPS top 2 awardees - EMH Environmental, Inc. and Modular Genius, Inc. The proposals were prepared based on the BCPS IFB and the 10-classroom concept with added safety requirements that DJS gave to both contractors. The added scope for safety requirements is in accordance with paragraph "12.6.2 Modifications" in the BCPS IFB.

Phone: 410-230-3100

Toll Free: 1-888-639-7499

TDD: 1-800-735-2258



12.6.2 Modifications

An ordering jurisdiction has the right to require "major modifications" of any of the specifications for any of the ITEMS within this solicitation. Furthermore, that jurisdiction has the right to request any and/or all of the Award Bidders to provide a "not to exceed quote" for the newly designed unit. This quote shall be fully inclusive of all changes, alternates, and all items not removed and/or changed by the quote. The ordering jurisdiction has the right to accept the most favorable price from the Award Bidder(s) that can provide the unit(s) within the time specified.

The building modifications required are for a hardware secure facility to ensure safety for both youth and staff. The Superintendent, Juvenile Services Education Program and the Director of Facility Maintenance approved the educational facility layouts presented by both contractors.

The prices received for the IO-classroom hardware secure educational facility are as follows:

Modular Genius, Inc. - \$1,981,222
Joppa, MD

EMH Environmental , Inc. - \$2,890,000
Glenwood, MD

The proposal were reviewed by the Director of Facility Maintenance and the Office of Procurement. Based on this review it is apparent that MGT's price is the most favorable for the State. DJS intends to purchase the modular buildings from MGI., a registered Small Business Reserve, Maryland firm.

MGI will be responsible for the construction, transportation and field assembly of 13 modular classroom buildings that will connected on sight at the Charles H. Hickey School. The modular buildings will be designed and constructed to comply with all security and safety requirements for this Juvenile Detention Facility. The entire structure will be self-contained and self-sufficient and include IT hook ups to accommodate classroom and security equipment.

DJS has also compared the cost for this one-time purchase to the cost of an initial 5 year lease for the same facility and it is more cost effective to purchase the facility. One time Purchase Price - \$1,981,222 vs 5 Year Lease Rate - \$2,070,121. Typically, these facilities are leased for multiple 5-year terms, so the savings over 15 years is approximately \$4 million.

The proposal submitted by Modular Genius, Inc., is attached for your use.

If additional information is required, feel free to contact Robert Gay at 410-979-2486 or by email at Robert.gay@maryland.gov.

DJS appreciates your continued cooperation.

cc: David Bell, Director of Facility Maintenance
Michael DiBattista, Chief Financial Officer, DJS,
Robert P. Gay, DJS, Office of Procurement, DJS

