



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.

Background: In March 2019, the Department of General Services on behalf of the Office of State Procurement entered a contract (BPO #001B9400355) to implement and provide licensing for an electronic procurement platform to replace eMaryland Marketplace with an updated electronic procurement platform, which came to be known as eMaryland Marketplace Advantage (“eMMA”). Since 2019, the implementation project has been partially completed, and the Department seek the best interests of the State by finishing the implementation under a new contract using the same platform to realize its program objective of transforming and modernizing State procurement for all using agencies. This intergovernmental cooperative purchasing agreement that is the subject of this determination is the first of three planned ICPAs under the NASPO Valuepoint Master Agreement #MA 18P 2309 1500000000000034 for eProcurement Solutions and Services to finish the implementation of eMMA and provide for the licensing of the eMMA platform. This first agreement is a six-week assessment of the current state of the implementation and remaining implementation work required to achieve full functionality. The second agreement will be for the remaining implementation work, and the third agreement is planned for the software licensing. The March 2019 contract contained both implementation services and licensing, in accordance with the terms of the request for proposals soliciting the services.


Analysis: Maryland’s use of the National Association of State Procurement Officers (“NASPO”) ValuePoint ICPA Master Agreement #MA 18P 2309 1500000000000034 eProcurement Solutions and Services, as authorized by the Code of Maryland Regulations 21.05.09.03.A, promotes administrative efficiencies and government cooperation by eliminating the need for Maryland to invest additional time and resources in conducting additional competitively procured contracts for the assessment, implementation work, and software licensing. Additionally, the NASPO contract aggregates purchasing power on behalf of the states, allowing Maryland to benefit from competitive procurements orchestrated by an entity that exists to create such purchasing power and administrative efficiencies for the benefit of states. The opportunity costs justify the use of the NASPO contract because it provides substantial savings in terms of the State resources that would have been required to conduct a separate procurement for these services. The contract presents fair and reasonable pricing because it was competitively procured by the State of Maine and received more than two acceptable bids; therefore, the competition generated by the solicitation suggests the pricing is fair and reasonable, in accordance with BPW

Advisory 2016-1. Furthermore, the available contract pricing can be further negotiated among States and awarded contractors, as it was in this case based on the specific needs of the State.

Furthermore, participating in the contract would be in the best interests of the State. Not only would the contract promote administrative efficiencies because it saves the substantial time and resources and promote cooperation between governments, the contract is in the best interest of the State because it allows the State access to an experienced contractor that has successfully implemented the Ivalua electronic procurement platform in several other states. The contractor has more experience implementing Ivalua for state governments than any other contractor, and, were the State to separately procure a contract, there is no guarantee this contractor would propose to the solicitation, thereby allowing the State to contract with this experienced contractor. Finally, participation in the contract will allow the Department to finish implementation of the eMMA Ivalua platform, which in turn will allow continued modernization of the State's procurement system and methods, increased vendor confidence in procurement practices of the state because of the automated and auditable system, and increased accountability through public access and reporting capabilities of the system.

Participation in this Master Agreement #MA 18P 2309 1500000000000034 for eProcurement Solutions and Services does not evade the purposes set forth in COMAR 21.0.01.03 Furthermore, participation in Master Agreement #MA 18P 2309 1500000000000034 for eProcurement Solutions and Services does not evade the purposes set forth in COMAR 21.0.01.03 and, rather, supports those purposes because it provides increased economy in State procurement activities and maximizes to the fullest extent the purchasing power of the State by allowing NASPO to aggregate both the procurement and purchasing efforts on behalf of the states.

Conclusion: In light of the above analysis and in accordance with COMAR 21.05.09.04, it is determined that participation in Master Agreement #MA 18P 2309 1500000000000034 for eProcurement Solutions and Services will provide cost benefits to the State, promote administrative efficiencies and intergovernmental cooperation, and that such participation is in the best interest of the State and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.


Rachel Hershey (Dec 12, 2023 09:43 EST)

Dec 12, 2023

Rachel Hershey, Procurement Officer, DGS OSP / Date


Mike Haifley (Dec 12, 2023 09:46 EST)

Dec 12, 2023

Mike Haifley, Acting Chief Procurement Officer / Date



Dec 15, 2023

Atif Chaudhry, Secretary, DGS / Date

DGS OSP ICPA POD KPMG 12.2023

Final Audit Report


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