



Policies and Procedures Expedited Procurements

Background and Purpose

This policy is adopted by the Department of General Services' (DGS) Office of State Procurement (OSP) pursuant to the requirements described in the Maryland Annotated Code, State Finance and Procurement Article §13-108(d) and the Code of Maryland Regulations 21.05.06 ("Emergency and Expedited Procurements"). The procedures provide guidance on how a Procurement Officer may conduct a procurement on an expedited basis, including post-award requirements.

Use of the expedited procurement method is a four-step process. Procurement Officers must:

- (1) justify the use of the expedited procurement method and obtain approval from the head of the unit or designee;
- (2) obtain approval from BPW to conduct the expedited procurement;
- (3) conduct the expedited procurement and execute the contract; and
- (4) after the award is made, post the contract award on eMaryland Marketplace Advantage ("eMMA") and submit a post-award report for inclusion on the appropriate control agency's BPW agenda.

Step 1 - Justifying the Use of the Expedited Procurement Method

An expedited procurement is appropriate when:

- Urgent circumstances require prompt action;
- An expedited procurement best serves the public interest; and
- The need for the expedited procurement outweighs the benefits of conducting the procurement on the basis of competitive sealed bidding or competitive sealed proposals.

When conducting an expedited procurement, competitive solicitation of bids or offers shall be the preferred method, and **the procurement officer shall attempt to obtain as much competition as reasonably possible.**

A non-competitive source selection may **only** be made if the time between when the need to make an expedited procurement first became known to the procurement agency and the date for contract execution is insufficient to permit a competitive solicitation, or for some other reason that precludes the use of a competitive solicitation.

When the expedited procurement method is used, the Procurement Officer shall make a written determination that:

- explains why an expedited procurement best serves the public interest and why the need to make an expedited procurement outweighs the benefits of making the procurement by competitive sealed bidding or competitive sealed proposals; and
- justifies any non-competitive selection.

The Procurement Officer must also obtain written approval from the head of the unit or designee to use the expedited procurement method.

Step 2 - BPW Approval for Expedited Procurements

After the Procurement Officer has sufficiently documented the justification for using the expedited procurement method and has received written approval from the head of the unit or designee, the request for use of the expedited procurement method must be submitted to the BPW through the appropriate control agency. For procurements under DGS OSP authority, submit the request to OSP BPW for inclusion on the DGS BPW agenda as an appendix action agenda item via dgs.osp-bpw@maryland.gov. The action agenda item must contain a detailed statement of the expected impact upon the State if the procurement is not made on an expedited basis and, if applicable, an estimate of lost revenues. Additionally, a Procurement Review Group (PRG) should be conducted in advance with recommended subcontracting participation goals included on the agenda item.

Ultimately, the BPW may approve or deny a request to conduct an expedited procurement and stipulate any conditions or limitations on the procurement that it deems appropriate.

Step 3 - Agency Conducts the Procurement and Executes the Contract

Once the BPW approves the use of the expedited procurement method, the unit Procurement Officer conducts the procurement on an expedited basis and then awards and executes the contract.

Step 4 - Actions Required Post-award for Expedited Procurements

The Procurement Officer shall publish notice of award in eMMA not more than 30 days after the approval and execution of an expedited procurement contract.

Within 30 days of contract award, the Procurement Officer shall submit as an action agenda item to DGS OSP via dgs.osp-bpw@maryland.gov to include as an appendix on the DGS BPW agenda a report of the expedited procurement that includes:

- The date the Board approved the use of the expedited procurement method;
- The date of award;
- The selected contractor's name;
- The amount and type of the contract;
- The names of persons solicited and their responses;
- A listing of supplies, services, maintenance, commodities, construction, or construction-related services procured under the contract;
- The basis for the selection of a particular contractor; and
- The identification number, if any, of the contract file.

References and Supporting Documentation

Maryland Annotated Code, State Finance and Procurement Article §13-108(d)

Code of Maryland Regulations 21.05.06 (“Emergency and Expedited Procurements”)

Maryland Procurement Manual 3.4.9.2 (“Expedited Procurements”)

Version Number	Published Date	Reason for Change
1	November 21, 2024	NA - New Policy