

**MARYLAND PORT ADMINISTRATION  
OFFICE OF PROCUREMENT  
PROCUREMENT OFFICER'S DETERMINATION  
INTERGOVERNMENTAL COOPERATIVE PURCHASING  
CONTRACT NO. P3600599  
ELECTRIC FORKLIFTS (FIVE)**

**I. SUMMARY**

This Determination has been executed pursuant to COMAR 21.05.09.04, *Intergovernmental Cooperative Purchasing – Determinations Required*, to procure five electric powered forklifts under an intergovernmental cooperative purchasing agreement (Sourcewell Contract No. 053024-HYS) from Hyster-Yale Materials Handling Inc. (Hyster-Yale) in the amount of \$831,926.

**II. BACKGROUND**

The Maryland Port Administration (MPA) Facility Maintenance Fleet Department (Fleet Department) requires replacement forklifts for five internal combustion models. MPA successfully applied for federal funds from the Environmental Protection Agency (EPA) to replace the forklifts with five electric zero emission models as part of the EPA's Clean Ports Program. The forklifts include one 36,000 lbs. high-capacity lift truck, three 12,000 lbs. capacity lift trucks, and one 5,000 lbs. capacity lift truck.

The Fleet Department has reviewed the quote provided by Hyster-Yale and has concluded that these vehicles meet the MPA's minimum needs. Per the Fleet Department, this model is equipped with lithium-ion technology and has a strong reputation for handling heavy loads, ideal for port operations. Hyster-Yale has stock available with relatively quick delivery timelines, allowing MPA to deploy these forklifts to meet operational demands.

The Fleet Department has recommended Hyster-Yale for award based on the specifications and pricing provided. I concur with this recommendation. The Office of the Attorney General approved this Determination for form and legal sufficiency on August 29, 2025.

**III. DETERMINATION**

- A. Sourcewell Contract No. 053024-HYS meets the requirements of intergovernmental cooperative purchasing under COMAR 21.05.09.01B(2)(a). Sourcewell has already competitively solicited for the subject contract, and the MPA Deputy Director of Procurement confirmed that this meets the requirements for competition in the Clean Ports Grant.
- B. It is in the best interest of the MPA to utilize the Sourcewell contract because doing so will provide cost benefits to the State, as set forth in COMAR 21.05.09.04(B)(1)(a). Under this contract, the State will pay \$263,544 or 24% less than the manufacturer's suggested retail price of \$1,095,470 for the five forklifts, according to the prices provided by Hyster-Yale. It will promote administrative efficiencies as Sourcewell has already

deemed the vendor as responsible. This action is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.

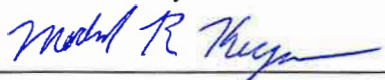
- C. The award amount is within MPA's funding available and is within the federal grant budgeted line-item amount for these forklifts.
- D. By making an award under the Sourcewell Contract No. 053024-HYS, it will promote administrative efficiencies, as set forth in COMAR 21.05.09.04(B)(1)(b), because this procurement will save the considerable time it would take to prepare a solicitation for public advertisement; obtain necessary approvals prior to publication; publish the solicitation; receive and evaluate proposals; and make the award.
- E. Based on the aforementioned information and in accordance with the State Procurement Regulations, COMAR 21.05.09, it is my determination that Hyster-Yale should be awarded the contract to provide the five forklifts in the amount of \$831,926.
- F. Approval of this award by the Maryland Port Commission and the Board of Public Works (BPW) is not required as this procurement constitutes a procurement of motor vehicles for which MPA has an unlimited delegation of procurement authority from the BPW under COMAR 21.02.01.04F(5).
- G. As the forklifts are not assembled in the US, the MPA will utilize the EPA's May 14, 2024 waiver to the Build America Buy America (BABA) act. Specifically, this procurement will be covered by the supplemental De Minimis section of the waiver, with the total \$831,926 cost of this procurement covered by the 15% "material costs associated with the purchase of mobile equipment that may be used for recipients of the Clean Ports Program only on mobile port equipment, except for the purchase of cranes".

#### IV. APPROVAL REQUIRED

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

I request your approval, as designee, 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).

Determination by:

  
\_\_\_\_\_  
Michael Keegan  
Procurement Officer

8/29/2025  
\_\_\_\_\_  
Date

Approved

  
\_\_\_\_\_  
Trisha O'Neal  
Designee/Acting Director of Procurement

8/29/25  
\_\_\_\_\_  
Date