

**PROCUREMENT OFFICER'S DETERMINATION
INTERGOVERNMENTAL COOPERATIVE PURCHASING
MODIFICATION NO. 1, CONTRACT 217033-H
CLOTHING FOR TERMINAL WORKERS
ONE-YEAR EXTENSION**

I. EXECUTIVE SUMMARY

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to exercise a one-year extension option to extend the contract with ServiceWear Apparel, Inc. ("ServiceWear"), Contract No. 270033-H, for one year, November 1, 2019, through October 31, 2020, and an amount not to exceed \$45,000.

II. BACKGROUND

The contract allows MDOT MPA to purchase clothing and other articles under an intergovernmental cooperative purchasing agreement (the "parent contract") of the National Intergovernmental Purchasing Alliance, now called OMNIA Partners ("OMNIA"), procured by the Region 4 Education Service Center, a Texas governmental agency, for itself and other participating governmental entities. Under the parent contract, the Region 4 Education Service Center has the right to extend the contract for two additional one-year terms. MDOT MPA issued its contract with ServiceWear on February 1, 2017, for the term of February 1, 2017 through October 31, 2019, for an amount not to exceed \$136,500. Under its contract with ServiceWear, MDOT MPA has the right to extend its contract for two additional one-year terms to the extent that the Region 4 Education Service Center extends the parent contract. The Region 4 Education Service Center has extended its contract with ServiceWear for one year, from November 1, 2019, through October 31, 2020. The MDOT MPA Operations division has requested that the MDOT MPA contract with ServiceWear be extended for the same one-year period.

MDOT MPA has saved on average 35% or more buying from ServiceWear compared to the prices paid when MDOT MPA published its own procurement, due to the volume-pricing discount available by virtue of the participation in the parent contract of many governmental agencies across the US. In addition, the service provided by the contractor, ServiceWear, has been excellent. To gauge the desirability of extending the contract with ServiceWear, the Procurement Officer researched other potential sources and found another intergovernmental cooperative purchasing agreement under the Sourcewell intergovernmental cooperative purchasing group. Some of the prices available under that Sourcewell contract, with a company called Unifirst, are more favorable than those under the OMNIA contract and some are less favorable. MDOT MPA Procurement obtained from Unifirst samples of the articles of clothing that MDOT MPA buys the most of, jeans, tee shirts, and hoodies. Operations staff examined those samples and advised on June 19, 2019, that the quality is not as good as that provided by ServiceWear and that Operations prefers extension of the ServiceWear contract. The MDOT MPA Budget office advised that the not-to-exceed amount for the 1-year period should be \$45,000.

III. DETERMINATION

For the foregoing reasons, and for the reasons stated in the original determination to award the contract to ServiceWear, I determine that:

- A. It is in the best interest of the MPA to extend the ServiceWear contract because doing so will provide cost benefits to the State, will promote administrative efficiencies, and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03;
- B. Extending the contract will save MPA the considerable time it will take (approximately five weeks at a minimum) to prepare a solicitation for public advertisement, obtain necessary approvals prior to publication, publish the solicitation, receive and analyze bids, and then complete an award;
- C. A one-year contract extension should be awarded to ServiceWear in the amount not to exceed \$45,000; and
- D. This modification is within MDOT MPA's unlimited delegation of authority for contracts for supplies; therefore, approval by the Maryland Port Commission and the Board of Public Works are not required.

IV. APPROVAL REQUIRED

I request your approval, as unit head, 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), etc.

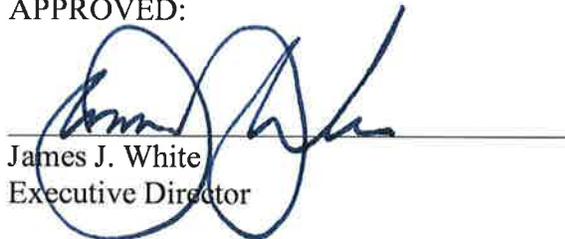


John Thornton
Procurement Officer

8/7/19

Date

APPROVED:



James J. White
Executive Director

8/12/19

Date