

**PROCUREMENT OFFICER'S DETERMINATION
INTERGOVERNMENTAL COOPERATIVE PURCHASING
CONTRACT NO. 223038-H**

TWO (2) TELEHANDLERS

I. EXECUTIVE SUMMARY

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to enter into a contract with Valley Supply & Equipment Company, Inc. to purchase two (2) JCB 512-83 Rotating Telehandlers under the intergovernmental cooperative purchasing agreement (ICPA), Sourcewell Contract No. 040319-JCB. The contract is for the one-time purchase of these vehicles in the amount of \$763,897.00.

II. BACKGROUND

The MDOT MPA Fleet Maintenance Department started looking into these vehicles for a project at the Dundalk Marine Terminal (DMT) to place a storm wall around the perimeter of DMT to reduce flooding during severe storms. The telehandlers will be used to install and remove sections of this wall. The telehandlers will also be used for day to day operations to place equipment and supplies on elevated areas such as building roofs.

When the MDOT MPA Fleet Maintenance Department started looking into these vehicles, they were looking for a unit that could pick up and place blocks that weighed 3,000 to 6,000 pounds. The JCB 512-83 Rotating Telehandlers will lift 12,000 pounds fully retracted which will allow the Maintenance Department to place the gravity blocks more quickly because the boom rotates and is extendable for precise placement. The attachments requested with the telehandlers are also capable of being used as a fork lift, crane, and a personal/man lift to 83 feet.

The Procurement Officer and MDOT MPA Fleet Maintenance Department have researched other ICPAs and the Department of General Services (DGS) Statewide Contracts. When conducting research on this type of vehicle, Sourcewell listed four (4) telehandler manufacturers and only JCB offered the rotating telehandler.

The MDOT MPA Fleet Maintenance Department contacted the JCB Manufacturer through the Sourcewell contract and JCB put the Maintenance Department in contact with the local authorized dealer, Valley Supply & Equipment Company, Inc.

The MDOT MPA Fleet Maintenance Department has recommended Valley Supply & Equipment Company, Inc. for award based on the utilization of the rotating telehandler whereas other manufacturers offer standard fixed boom telehandlers.

The MDOT MPA Fleet Maintenance Department has determined that the JCB 512-83 Rotating Telehandler meets all requirements. I concur with the recommendation of the MDOT MPA Fleet Maintenance Department. The Office of the Attorney General approved this determination for form and legal sufficiency on April 13, 2023.

III. DETERMINATION

- A. Sourcewell's contract meets the requirements of an intergovernmental cooperative purchasing agreement under COMAR 21.05.09.01B(2)(a).

- B. It is in the best interest of the MDOT MPA to utilize the Sourcewell contract because doing so will provide cost benefits to the State; Sourcewell has already competitively solicited for the Contract No. 040319-JCB; under the Sourcewell contract the State is paying \$134,806.00 less than the manufacturer's suggested retail price for these vehicles, according to the price provided by Valley Supply & Equipment Company, Inc. It will promote administrative efficiencies as Sourcewell has already deemed Valley Supply & Equipment Company, Inc. responsible and using the Sourcewell contract is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.
- C. The award amount is within the funding available.
- D. Making an award under Sourcewell's Contract No. 040319-JCB will save the MDOT MPA the considerable time it will take to prepare a solicitation for public advertisement, receive and evaluate proposals, and then complete an award.
- E. Based on the aforementioned information, I determine that this procurement satisfies the requirements of COMAR 21.05.09.04B, and that a contract in the amount of \$763,897.00 should be awarded to Valley Supply & Equipment Company, Inc to deliver two (2) telehandlers.
- F. Since this procurement constitutes a procurement of motor vehicles for which MDOT MPA has an unlimited delegation of procurement authority from the Board of Public Works ("BPW"), under COMAR 21.02.01.04F(8), approval of the award by the Maryland Port Commission and the BPW are not required.

IV. APPROVAL REQUIRED

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

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.



Hannah Brown
Procurement Officer

4-18-23
Date

APPROVED:



William P. Doyle, Executive Director

4/18/2023
Date