

**PROCUREMENT OFFICER'S DETERMINATION
INTERGOVERNMENTAL COOPERATIVE PURCHASING
CONTRACT NO. 2227003-IT
NETWORK SWITCHES**

I. EXECUTIVE SUMMARY

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to procure network switches under an intergovernmental cooperative purchasing agreement of the Department of Information Technology (DOIT), Hardware 2012 Master Contract No. 060B2490022, from Applied Technology Services for a price of \$572,498.00.

II. PROPOSALS RECEIVED

<u>Offeror</u>	<u>Price</u>
Applied Technology Services	\$572,498.00 (Awardee)
Advanced Computer Concepts	\$608,615.99
Braxton-Grant Technologies	\$673,870.69

III. BACKGROUND

The MPA needs to procure the network switches to replace the End-of-Life/End-of-Support network switches currently operating in the MPA environment. The MPA Leadership determined it was necessary to replace these network switches to mitigate risks associated with the operation of unsupported devices that could fail or become compromised due to the unavailability of security patches.

The MPA solicited the 14 duly certified small business and MBE Master Contractors listed on the DOIT Hardware 2012 Contract. The MPA received three proposals. Two Master Contractors submitted no-bids stating, "other commitments preclude our participation at this time" and two email solicitations to two Master Contractors were undeliverable to the email addresses provided on the DOIT Master Contractors list. This Contract was designated as an SBR procurement only.

OIT has recommended Applied Technology Services for award based on lowest price and meeting the requirements of providing these products. I concur with the recommendation of OIT.

IV. DETERMINATION

- A. DOIT Hardware 2012 Master 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 MPA to utilize the DOIT contract because doing so will provide cost benefits to the State; DOIT has already competitively solicited for the Hardware 2012 Master Contract; under the DOIT contract the MPA is paying \$649,602.20 less than the manufacturer's suggested retail price for these products, according to the prices provided by

Applied Technology Services. It will promote administrative efficiencies as DOIT has already deemed Applied Technology Services responsible and it 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 DOIT Hardware 2012 Master Contract No. 060B2490022 will save MPA the considerable time it will take to prepare a solicitation for public advertisement, obtain necessary approvals prior to publication, publish the solicitation, receive and evaluate proposals, and then complete an award. It will also provide MPA with contract pricing, procedures, and services identical to those provided by DOIT to other State agencies.
- E. Based on the aforementioned information and in accordance with the State Procurement Regulations, COMAR 21.05.09, it is my determination that Applied Technology Services should be awarded the Network Switches Contract in the amount of \$572,498.00.
- F. Since this procurement constitutes a procurement of information technology supplies for which MPA has an unlimited delegation of procurement authority from the Board of Public Works (the "BPW"), approval of the award by the Maryland Port Commission and the BPW are not required.

V. APPROVAL REQUIRED

COMAR 21.05.09.05 provides: "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, etc.

Margie A. Koppelman
Procurement Officer

Date

APPROVED:

Trisha O'Neal, Director
Office of Procurement

Date