

**PROCUREMENT OFFICER'S DETERMINATION  
INTERGOVERNMENTAL COOPERATIVE PURCHASING  
CONTRACT NO. 219026-H  
RUBBER TIRED, ARTICULATING LOADER**

**I. EXECUTIVE SUMMARY**

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to purchase a rubber tired, four-wheel drive, articulating loader with a 3.0 cubic yard general purpose bucket and a 6.0 cubic yard snow bucket for the Facility Maintenance department, under an intergovernmental cooperative purchasing agreement of Sourcewell, formerly known as the National Joint Powers Alliance.

**II. BACKGROUND**

Facility Maintenance needs the loader for excavation work when repairing underground utilities and for snow removal at the Maryland Department of Transportation Maryland Port Administration's ("MDOT MPA") terminals. In two previous procurements of similar loaders, the Procurement department requested quotes from 33 vendors holding U.S. General Services Administration ("GSA") contracts available for state and local government use. None of those GSA vendors submitted a quote. Therefore, I looked for other intergovernmental cooperative purchasing agreements and found the Sourcewell contract. Sourcewell is a cooperative purchasing alliance of state and local governments that allows participating agencies to procure via intergovernmental cooperative purchasing under contracts of other members. Sourcewell operates under the enabling authority of Minnesota Statute 123A.21. MDOT MPA is a member of Sourcewell and we have procured under Sourcewell contracts in the past.

Sourcewell has contracts with manufacturers of construction and agricultural equipment including the loader required by MDOT MPA. Each Sourcewell manufacturer has a local authorized dealer that will submit a quote. On January 30, 2019, I sent a request for quotations to the following manufacturers available under the Sourcewell contract.

<b>Manufacturers</b>	<b>Sourcewell contract</b>
CASE Construction - Racine, WI (Dealer Folcomer Equipment Corp – Aberdeen, MD)	032515-CN
Volvo Construction Equipment - Shippensburg, PA	032515-VCE
Caterpillar, Inc. (Dealer Alban CAT – Baltimore, MD)	032515-CAT
John Deere – Moline, IL	032515-JDC
New Holland Ag & CE- Racine, WI	032515-CNH
JCB- Pooler, GA	042815-JCB
Caterpillar, Inc. - Peoria, IL	032515-CAT

<b>Authorized Dealer</b>	<b>Contract</b>	<b>Price</b>
Jesco, Inc. (John Deere equipment)	032515-JDC	\$184,982.99
McClung-Logan Equip. (Volvo equipment)	032515-VCE	\$189,497.00
Alban Cat (Caterpillar equipment)	032515-CAT	\$221,240.00

The Facility Maintenance department has reviewed the quote of Jesco, Inc., and has advised that it is acceptable.

### **III. DETERMINATION**

- A. Sourcewell Contract 032515-JDC with Jesco, Inc., a John Deere dealer, 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, will promote administrative efficiencies, and is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.
- C. Making an award under the Sourcewell contract will save MDOT 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. Under the Sourcewell contract, MDOT MPA can issue a purchase order in a matter of days, once this Procurement Officer's Determination is approved. (Facility Maintenance has submitted a requisition, R3012819, and it has been approved and routed to Procurement for completion of the purchase).
- D. A contract should be awarded to Jesco, Inc., in the amount of \$184,982.99 for the loader under Sourcewell Contract 032515-JDC.
- E. This is a procurement of supplies within MDOT MPA's unlimited delegation of procurement authority under COMAR 21.02.01.04(F). Therefore, approvals by the Maryland Port Commission and Board of Public Works 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, etc. The Office of the Attorney General (Phil Whaling) approved this determination for form and legal sufficiency on February 21, 2019.*

Olu Fawehinmi  
Olu Fawehinmi  
Procurement Officer

02/25/2019  
Date

*JAT 2/25/19*

APPROVED:

  
James J. White  
Executive Director

3.1.19  
Date