

**PROCUREMENT OFFICER'S DETERMINATION
INTERGOVERNMENTAL COOPERATIVE PURCHASING
CONTRACT NO. P222220
REPLACEMENT OF END OF LIFE SERVERS AND STORAGE**

I. EXECUTIVE SUMMARY

This Determination has been executed pursuant to COMAR 21.05.09, Intergovernmental Cooperative Purchasing, to support award of a contract by the Maryland Port Administration ("MPA") to Dell Marketing L.P. to purchase replacement end of life servers and storage under an Intergovernmental Cooperative Purchasing Agreement using the National Cooperative Purchasing Alliance ("NCPA") Contract No. 01-82, Data Storage, Cloud, Converged and Data Protection (the "NCPA Contract"). This procurement is for the one-time purchase of replacement end of life servers and storage in the amount of \$746,727.56.

II. BACKGROUND

These servers and storage devices are for MPA's computer rooms. Before the procurement commenced, the MPA Information Services Division ("ISD") researched various alternatives and concluded that only Dell products would meet MPA's minimum needs.

In the course of planning the most efficient and cost-effective method of procurement, the Procurement Officer found the NCPA Contract. There are five vendors on the NCPA Contract authorized to provide Dell products. The Procurement Officer solicited bids or quotes from all five of those NCPA Contract vendors. Bids were due on April 26, 2022 at 10:00 a.m. Only one bid was received, from Dell Marketing L.P.

ISD reviewed the bid of Dell Marketing L.P. and advised that the equipment meets MPA's requirements and the price quoted is fair and reasonable, and ISD has recommended award to Dell Marketing L.P. I concur with the recommendation of ISD. The Office of the Attorney General approved this determination for form and legal sufficiency on May 4, 2022.

III. DETERMINATION

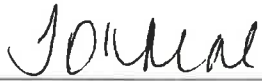
- A. The NCPA Contract meets the requirements of an Intergovernmental Cooperative Purchasing Agreement under COMAR 21.05.09.01B(2)(a).
- B. It is in the best interest of the MPA to utilize the NCPA Contract because doing so will provide cost benefits to the State and will promote administrative efficiency. The NCPA Contract resulted from a competitive procurement conducted by the NCPA lead agency. MPA solicited competitive quotes from five vendors under the NCPA Contract. Under the NCPA Contract, MPA will be paying \$726,045.40 less than the manufacturer's suggested retail price of \$1,472,772.96 for the equipment. NCPA has already deemed Dell Marketing L.P. responsible. Making an award under the NCPA Contract will save MDOT 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. This procurement is not intended as a means to evade the purposes set forth under COMAR 21.01.01.03.

- C. The award amount of \$746,727.56 is within the funding available.
- D. Based on the aforementioned information, I determine that Dell Marketing L.P. should be awarded the contract for replacement end of life servers and storage in the amount of \$746,727.56.
- E. Since this procurement constitutes a procurement of IT supplies, for which MDOT MPA has an unlimited delegation of procurement authority from the Board of Public Works under COMAR 21.02.01.04F(8)(a)(ii), approval of the award by the Maryland Port Commission and the Board of Public Works are not required.


V. 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.



Trisha O'Neal
Procurement Officer



Date

APPROVED:



William P. Doyle, Executive Director



Date