

Amendment 1 to Council Bill No. 72-2017

BY: Chairperson at the request
of the County Executive

Legislative Day No. 13
Date: October 2, 2017

Amendment No. 1

(This amendment:

1. Provides in the Purchasing Code that multi-step purchasing may include a combination of purchasing methods, at the discretion of the Purchasing Agent; and
2. Allows for requests for proposals to be used to procure a combination of services and tasks, at the discretion of the Purchasing Agent.)

1 On page 1, in line 16, after “Subsections”, insert “(c).”

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3 On page 1, in line 19, insert:

4 “Section 4.108 “Competitive sealed Proposals””.

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6 On page 4, after line 11, insert:

7 “(C) MULTI-METHODS: A COMBINATION OF PURCHASING METHODS MAY BE USED INCLUDING, BUT
8 NOT LIMITED TO EXPRESSIONS OF INTEREST AND REQUESTS FOR PROPOSALS, FOR BOTH CAPITAL
9 AND NON-CAPITAL PROJECTS, ALL AT THE DISCRETION OF THE COUNTY PURCHASING AGENT.

10 (([c])D) Multi-Step Purchasing Methods:

11 (1) Multi-step purchasing is a method of purchasing which progresses in increments from
12 informational requests to final solicitation approval/purchasing.

13 (2) Step 1 involves a formal solicitation requesting information, technical data, or samples.
14 The purchasing office and the user agency evaluate the respondents' data to determine
15 acceptable vendors. In step 2 the acceptable vendors are requested to provide price
16 quotations, proposals or bids.

17 (3) A method may be used under which both price and technical proposals are submitted at
18 the same time in separate sealed envelopes. However, the price information may not be
19 reviewed until the technical evaluation is complete and the vendor found acceptable by
20 the purchasing office and the user agency. The sealed pricing and bid information from
21 vendors found unacceptable during the technical evaluation shall be returned unopened to

1 the vendors.

2 (4) In all other respects, multistep sealed purchasing methods shall be treated in the same
3 ways as other purchasing methods.”.

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5 On page 4, in line 12, strike “d” and substitute “E”.

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7 On page 4, in line 23, strike “e” and substitute “F”.

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9 On page 4, in line 26, strike “F” and substitute “G”.

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11 On page 5, in line 12, insert:

12 **“Section 4.108. Competitive sealed proposals.**

13 (a) When the County Purchasing Agent determines that competitive sealed bidding is not
14 practical or not advantageous to the County, a contract may be awarded based upon
15 competitive sealed proposals.

16 (b) Public notice of the requests for proposals shall be given in the same manner as public
17 notice for competitive sealed bids.

18 (c) The request for proposals may state the relative importance of price and other evaluation
19 factors. Price may not be the sole evaluation factor. Numerical ratings may be used at the
20 discretion of the Purchasing Agent.

21 (D) A REQUEST FOR PROPOSALS MAY BE UTILIZED TO PROCURE A COMBINATION OF SERVICES
22 AND TASKS, UNDER A SINGLE CONTRACT, INCLUDING BUT NOT LIMITED TO DESIGN,
23 CONSTRUCTION, FINANCING, OPERATIONS AND MAINTENANCE SERVICES AND TASKS, FOR
24 BOTH CAPITAL AND NON-CAPITAL PROJECTS, ALL AT THE DISCRETION OF THE COUNTY
25 PURCHASING AGENT.

26 ([[d]]E) Each competitive sealed proposal may be negotiated to obtain the best offer from the
27 supplier.”.

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29 On page 7, in line 14 insert:

30 *“Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland*
31 *that, by passage of this Act, the County is confirming its ability to use multi-method purchasing*
32 *to procure multiple services and tasks. Nothing contained in this Act shall be construed or*
33 *applied to affect adversely the validity or legality of any multi-method purchasing actions*

1 *previously taken by the County.*”.

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3 On page 7, in line 15, strike “2” and substitute “3”.