

## SUMMARY OF ARCHITECTURAL AND ENGINEERING SERVICES PROCUREMENT FOR THE STATE OF MARYLAND

General: AE professional services are procured by the State of Maryland under COMAR Title 21, Subtitle 12. There are five chapters to this subtitle. The first (21.12.01) is a general description of the regulations. The second (21.12.02) and third (21.12.03) chapters address AE procurement by the Department of Transportation. The fourth (21.12.04) and fifth (21.12.05) chapters address AE procurement by the Department of General Services. (The State university systems are granted autonomy for AE selection but mostly use the same procedures as defined in Chapter four (21.12.04).

### Chapter Summaries:

**21.12.01 General** This is a general description of the contents of the other four chapters. (Note: There is a conflict in the reference to 21.12.05 where it states that this chapter “*describes the procedures for Department of General Services projects with costs of \$200,000 or less.*” However, this chapter applies to projects of \$100,000 or less.) The last revision to this chapter was adopted on May 26, 2003.

**21.12.02 Department of Transportation; A/E Services Exceeding \$200,000** This chapter describes the duties of the Transportation Professional Services Selection Board (TPSSB). The selection procedure (21.12.02.11) provides for the development of a reduced candidate list, request and evaluation of technical proposals, ranking of candidates, and negotiation of a price proposal with the highest ranked firm (21.12.02.10,I(a). For Indefinite Quantity (open-end) contracts, price proposals are negotiated with the number of firms needed for the contract in order of ranking (21.12.02.10, I(b). All contract awards are reviewed and approved by the TPSSB (21.12.02.12). The TPSSB may grant waiver’s from these procedures under 21.12.02.14 for special circumstances. The last revision to this chapter was adopted on May 26, 2003.

**21.12.03 Department of Transportation A/E Services, \$200,000 or Less** This chapter provides for A/E procurement directly by the MDOT agencies without TPSSB review and approval. The procedure is the same as those in 21.12.02. This involves the creation of a candidate list, ranking based on technical proposals, and price negotiation with the highest ranked firm. The last revision to this chapter was adopted on May 26, 2003.

**21.12.04 Department of General Services: A/E Services Exceeding \$200,000** This chapter sets a parallel structure to 21.12.02 for the DOT. A General Professional Services Selection Board (GPSSB) has similar contract review and approval duties as the

TPSSB). The GPSSB may waive these procedures under certain circumstances as provided under 21.12.04.08. The selection procedure provides the creation of a reduced candidate list based on qualifications and technical proposals and the ranking of the candidates (12.12.04.12). The criteria for the ranking of candidates are given under 21.12.04.12, B(1). At the option of the Secretary, a second phase evaluation may be made that includes interviews of the candidates having technical proposals higher than 85% (21.12.04.12, C(1)). After final ranking of the candidates, a price proposal shall be solicited *“from the firm ranked number one”* (21.12.04.12, C(12)). For Indefinite Quantity contracts, price proposals are solicited *“from the number of firms, starting with the highest ranked firm, determined by the General Board to be reasonably necessary to meet the State’s expected needs.”*(21.12.04.12, C(13)).

21.12.04.12, (E through J) provides instructions for the negotiations.

21.12.04.13-2 grants authority to the using agency to negotiate work assignments under \$200,000 on approved Indefinite Quantity contracts without GPSSB approval. Work Assignments over \$200,000 for IQ contracts must be approved by the GPSSB. Work assignments are negotiated between the contracted firm and the unit (using agency) (21.12.04.13-2, A(2)).

The last revision to this chapter was adopted on February 16, 2004.

### **21.12.05 Department of General Services A/E Services \$100,000 and Less**

This chapter provides for A/E professional services selection based on price proposals. After a reduced candidate list is created from letters of interests. The Director of the Office of Engineering and Construction shall *“solicit price proposals and, when appropriate, technical proposals from the firms on the reduced candidate list.”*

The last revision to this chapter was adopted on July 28, 1986.

(Note: This chapter conflicts with Chapter 21.12.01 which refers to DGS contracts less than \$200,000)