



FREDERICK COUNTY, MARYLAND STAFF REPORT CONCURRENCE FORM

To: Office of the County Executive

Date: 04/27/2018

Through (Name of Div. Dir.): _____

From (Name & Division): Ray Barnes, Chief Administrative Officer

Phone #: Ext 11652

Staff Report Topic:

Department of Procurement and Contracts - Task Order Policy for
Indefinite Quantity Contracts

Time Sensitive? Yes (if yes, deadline for approval: _____) No

Action Requested by County Executive:

Signature Approval OR Information Only

Staff Report Review:

This staff report has been thoroughly reviewed first by the appropriate divisions/agencies noted on Page 2 followed by those outlined below:

	Initials	Date	Comments Y/N (Page 2)
<input checked="" type="checkbox"/> Budget Office	<u>RAF</u>	<u>5/2/18</u>	<u>N</u>
<input checked="" type="checkbox"/> Finance Division	<u>Ewford</u>	<u>5/4/18</u>	<u>N</u>
<input checked="" type="checkbox"/> County Attorney's Office	<u>JSM</u>	<u>5/3/18</u>	<u>no</u>
Refer to County Council? Yes _____ No <u>X</u>			(To be completed by the Co. Attorney's office.)
<input checked="" type="checkbox"/> Chief Administrative Officer	<u>[Signature]</u>	<u>5-7-18</u>	<u>N</u>

<input checked="" type="checkbox"/> County Executive	<u>[Signature]</u>	<u>5/7/18</u>	
Approval to forward to Council? Yes _____ No <u>✓</u>			

Other Reviewing Divisions/Agencies:

(Click to place a check mark in the following appropriate spaces.)

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <u>(noted below)</u>
<input type="checkbox"/> <input type="checkbox"/> Animal Control	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Citizens Services	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Economic Development	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Emergency Management	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Fire & Rescue Services	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Health Services	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Human Resources	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Interagency Information Technologies	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Parks & Recreation	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Planning & Permitting	_____	_____	_____
<input checked="" type="checkbox"/> <input type="checkbox"/> Public Works	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Sustainability & Environmental Resources	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Transit Services	_____	_____	_____
<input checked="" type="checkbox"/> <input type="checkbox"/> Utilities & Solid Waste Management	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Volunteer Fire & Rescue Services	_____	_____	_____
<input checked="" type="checkbox"/> <input type="checkbox"/> Other: <u>Mike Marschner</u>	<u>MM</u>	<u>5/1/18</u>	<u>N</u>
<input type="checkbox"/> <input type="checkbox"/> Other: _____	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Other: _____	_____	_____	_____

Elected Officials or Independent Agencies:

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <u>(noted below)</u>
<input type="checkbox"/> <input type="checkbox"/> Board of Education	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Board of Elections	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Board of License Commissioners	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Frederick Community College	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Frederick County Public Libraries	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Internal Audit	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Sheriff's Office	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> Social Services	_____	_____	_____
<input type="checkbox"/> <input type="checkbox"/> State's Attorney's Office	_____	_____	_____

Comments:

1. From: _____ Date: _____

2. From: _____ Date: _____

3. From: _____ Date: _____

4. From: _____ Date: _____

Other Reviewing Divisions/Agencies:

(Click to place a check mark in the following appropriate spaces.)

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <u>(noted below)</u>
- - Animal Control	_____	_____	_____
- - Citizens Services	_____	_____	_____
- - Economic Development	_____	_____	_____
- - Emergency Management	_____	_____	_____
- - Fire & Rescue Services	_____	_____	_____
- - Health Services	_____	_____	_____
- - Human Resources	_____	_____	_____
- - Interagency Information Technologies	_____	_____	_____
- - Parks & Recreation	_____	_____	_____
- - Planning & Permitting	_____	_____	_____
- ✓ - Public Works	_____	_____	_____
- - Sustainability & Environmental Resources	_____	_____	_____
- - Transit Services	_____	_____	_____
- ✓ - Utilities & Solid Waste Management	DM	5/7/18	N
- - Volunteer Fire & Rescue Services	_____	_____	_____
- ✓ - Other: <u>Mike Marschner</u>	MM	5/7/18	N
- - Other: _____	_____	_____	_____
- - Other: _____	_____	_____	_____

Elected Officials or Independent Agencies:

	<u>Initials</u>	<u>Date</u>	<u>Comments Y/N</u> <u>(noted below)</u>
- - Board of Education	_____	_____	_____
- - Board of Elections	_____	_____	_____
- - Board of License Commissioners	_____	_____	_____
- - Frederick Community College	_____	_____	_____
- - Frederick County Public Libraries	_____	_____	_____
- - Internal Audit	_____	_____	_____
- - Sheriff's Office	_____	_____	_____
- - Social Services	_____	_____	_____
- - State's Attorney's Office	_____	_____	_____

Comments:

1. From: _____ Date: _____

2. From: _____ Date: _____

3. From: _____ Date: _____

4. From: _____ Date: _____



FREDERICK COUNTY GOVERNMENT

Jan H. Gardner
County Executive

OFFICE OF THE COUNTY EXECUTIVE *Raymond V. Barnes, Jr., Chief Administrative Officer*

TO: Jan H. Gardner, County Executive

FROM: Ray Barnes, Chief Administrative Officer 

DATE: April 27, 2018

SUBJECT: Purchasing Department Task Order Policy – Indefinite Quantity Contracts

ISSUE:

Should the County Executive approve the Task Order Policy (Attachment 1) to clarify administrative responsibilities associated with approving task orders in connection with Indefinite Quantity (IDQ) Contracts?

BACKGROUND:

IDQ contracts have been used by the County Government for many years, typically to permit the purchase of professional services associated with the Division of Public Works or the Division of Utilities & Solid Waste Management projects. IDQ contracts are often used when the County cannot determine in advance the precise services that are needed during the contract period. An IDQ contract allows a Division to contact an approved firm, using an approved County contract, and request a proposal to perform a certain task as defined by the Division. Following receipt of a proposal from one or more firms, a task order can be issued to perform the work requested. IDQ contracts streamline the contract process and speed deliver of the design for County projects. This contract type is widely utilized by many government agencies since they reduce administrative processing compared to a traditional design bid process.

By copy of white paper approved on February 12, 2018 by the County Executive moving forward with the drafting of an appropriate Department of Procurement & Contracting (DP&C) Policy that addressed the process of approving task orders associated with IDQ contracts. A team of staff from the County Executive's Office, DP&C and County Attorney's Office prepared the attached policy for the County Executive's Review.

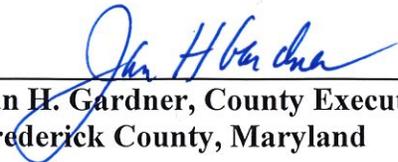
The policy is focused on task orders for architects, engineers, and other professional services. The policy establishes that, following approval of an IDQ contract by the County Executive, task orders may be issued by any division based upon the terms of the contract and needs of the project. A task order limit may be set by DP&C in consultation with the division and included in the final contract with the vendor. In no case shall any single or cumulative task orders exceed the budget approved for the contract.

The County Attorney has determined no changes to local laws need to be approved prior to adoption of this policy by the County Executive.

RECOMMENDATION:

We recommend that the County Executive approve the attached DP&C Policy for future use by the Frederick County Government.

Approve? Yes No



Jan H. Gardner, County Executive
Frederick County, Maryland



Date

FUNDING IMPLICATION: No

ATTACHMENT(S):

Attachment 1 – Task Order Policy – Department of Procurement & Contracting



FREDERICK COUNTY, MARYLAND
DEPARTMENT OF PROCUREMENT & CONTRACTING POLICIES

Task Order Policy

PURPOSE:

To establish policies and procedures for the issuance of Task Orders for Architects, Engineers and Professional Services.

DEFINITIONS:

Agreement: The contract between the Contractor(s) and the County that results from the solicitation.

Change Order: Any written modification to an existing contract authorizing changes within the scope of work, additions or deletions to the work or an adjustment to any other provision of the contract. (Sec. 1-2-16)

Contractor: Any person having a contract with the County. (Sec. 1-2-16)

Designee: A duly authorized representative of a person holding a superior position. (Sec. 1-2-16)

DP&C: Department of Procurement & Contracting.

Indefinite Quantity Contract: A master contract for completion of a project or provision of services or materials on an as-needed basis establishing all terms and conditions requested by the County except those contained in a task (work) orders to be issued pursuant to the indefinite quantity contract. (Sec. 1-2-16)

Professional Services: The furnishing of labor, time, effort or expertise by a contractor with specialized knowledge in a field, including but not limited to architecture, engineering, medicine, finance, accounting, appraisal and land surveying. (Sec. 1-2-16)

Project: A defined endeavor undertaken to deliver a specific result.

Scope of Work: The work that is to be carried out under a contract to complete a project, including deliverables that are to be provided and milestones that are to be met.

Task Order: A written order defining a discrete service and/or material with a definite project, price and time of completion which is used in conjunction with a work order contract to create an enforceable contract. (Sec. 1-2-16)

Task Order Limit: A maximum amount of funds that may be expended on a single Task Order if designated by the Agreement.

Upset Limit: The maximum amount of expenditure allowable against the Agreement.

Using Agency: Any service area, division, department, board, or commission of the County except the County Board of Education and Frederick Community College. (Sec. 1-2-16)

POLICY:

DP&C will solicit Contracts for Professional Services utilizing the appropriate procurement method as determined at the sole discretion of DP&C. Solicitations for such services shall include a list of potential projects representing a sampling of tasks which may or may not be undertaken during the term(s) of the Agreement resulting from the solicitation, but shall be intended as a reference of the type of tasks that will be undertaken. This list shall not be construed to be a limitation upon the tasks that the Using Agency may undertake in any Agreement term, nor shall it prohibit the Using Agency from requesting a solicitation for identical services for a single project.

Upon determination of award(s) resulting from the solicitation, DP&C will negotiate formal Indefinite Quantity Contract(s) (*Sec. 1-2-18(B)(2)*) and present them to the County Executive for execution (*Sec. 1-2-25(b)(9)*). The Agreement shall clearly state the Task Order Limits (if applicable) and the Upset Limit. DP&C and the Using Agency will determine the Upset Limit that may not exceed the approved budget. The Using Agency and DP&C will determine whether a Task Order Limit is necessary. An Indefinite Quantity Contract does not require a Task Order Limit and in these instances, for each Task Order, the Division Director may expend up to the Upset Limit. If the solicitation results in multiple awards, any Task Order Limits and the Upset Limits shall be the same for each awarded Contractor. The Task Order Limits and the Upset Limits may change with each term renewal. The total amount of the accumulated Task Orders issued against a single Contractor's Agreement, inclusive of any applicable Change Orders, may not exceed the Upset Limit of the Agreement unless the County Executive or Designee has first executed an IDQ Contract Amendment which increases the Upset Limit. Task Orders may be issued in accordance with the Agreement in any amount as determined necessary at the sole discretion of the Using Agency Director up to and including any Task Order Limit and the Upset Limit.

Before using a Task Order, the Using Agency, at its sole discretion, may require competition among awarded Contractors in accordance with the Indefinite Quantity Contract. In such instances, the Task Order will be issued to the Contractor providing lowest pricing. If an awarded Contractor possesses particular expertise in the field, has a familiarity with a site or structure, or can complete the work in a specified timeframe, the Using Agency may issue a Task Order directly to that Contractor without requiring competition among all awarded Contractors.

The County Executive authorizes the following:

- A Using Agency Director or Designee may execute a Task Order up to the Task Order Limit.
- The Chief Administrative Officer or Designee may execute any Task Order exceeding a Task Order Limit.
- The Chief Administrative Officer or Designee must execute any Change Order which will cause the Task Order to exceed the Task Order Limit.
- A Change Order that would increase any Task Order above the overall Upset Limit of the Indefinite Quantity Contract may not be approved until an Amendment has been executed.

RECOMMENDED BY: John S. Mathias DATE: 5/3/18
 John S. Mathias, County Attorney

APPROVED: Jan H. Gardner DATE: 5/7/18
 Jan H. Gardner, County Executive