



EXECUTIVE ORDER

No. 2024-009

Procurement Process for Engineering & Architecture Services

WHEREAS, the Baltimore County Executive is charged with and responsible for the proper and efficient administration of the affairs of Baltimore County, Maryland; and

WHEREAS, the Architect/Engineer Professional ("A/E") Services Selection Order creating a Professional Services Selection Committee ("PSSC") was established by County Executive Policy Directive on February 28, 1975; revised on May 28, 1976; amended on November 12, 1976; adopted as an Executive Order on December 21, 1987; amended on November 18, 2005; repealed and replaced with an Executive Order dated January 29, 2010 ("January 29, 2010 Executive Order"); and amended on May 21, 2021; and

WHEREAS, the process in the January 29, 2010 Executive Order lacks adequate transparency, creates unnecessary barriers to new firms seeking to do business with Baltimore County and results in redundant processes that waste time and resources both internal and external to Baltimore County; and

WHEREAS, increasing the number of firms eligible for business with Baltimore County is advantageous to the County in seeking the best qualified firms; and

WHEREAS, reducing barriers to participating in Baltimore County procurements increases participation among local small businesses; and

WHEREAS, increasing transparency allows citizens and businesses to understand the A/E selection process; and

WHEREAS, eliminating redundant steps reduces cost to the County, citizens and firms seeking to do business with Baltimore County.

NOW, THEREFORE, on this 6th day of July 2024, by the County Executive of Baltimore County, Maryland, hereby ORDERED that the January 29, 2010 and May 21, 2021 Executive Orders for the establishment of a Procurement Process for Engineering & Architecture Services shall be and are hereby rescinded and shall be replaced by the foregoing as follows:

SECTION I: A Procurement Process for Engineering & Architecture Professional Services is hereby established to govern the County's selection of Professional Services for all projects supported in whole or in part by public funds.

"Professional Services" shall mean those professional capital improvement services within the scope of practices of architecture, landscaping, landscape architecture, or professional engineering as defined by

the laws of the State of Maryland or those performed by any architect, landscape architect, or professional engineer in connection with the professional employment or practice.

SECTION 2: The Department of Public Works & Transportation (DPWT) shall be responsible for procurement of Professional Services on behalf of Baltimore County. DPWT shall establish such rules and procedures as it may require to conduct its business, and the rules and procedures to be followed by County agencies when requesting Professional Services.

SECTION 3: DPWT shall require firms engaged in the lawful practice of their profession who desire to provide Professional Services to the County to submit information on standard forms available from the County. The term "firm" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice architecture, landscape architecture, or engineering in the State of Maryland.

SECTION 4: DPWT shall advertise all forthcoming County projects requiring Professional Services. Public notice of Professional Services to be contracted for will be made a matter of public record through posting on the County's website, eMaryland Marketplace Advantage (eMMA) and through other available advertising mediums as deemed necessary by DPWT. The advertisement for Professional Services to be contracted shall include the description of the scope of services required, evaluation criteria/scoring rubric, duration of contracts and number of vendors proposed for award ("multiple" is sufficient if more than 1) in addition to any Procurement Review Group (PRG) Forms required for advertisement.

SECTION 5: Evaluation of firms shall include determination of their capabilities, adequacy of personnel, past record and experience of the firms in the performance of Professional Services on public projects or projects of similar nature. Submission of this information shall be on standard forms available from the County. Additional evaluation shall be added as necessary based on the scope of work in consultation with the Agency. The County may request the personal appearance of an applicant to discuss qualifications or such other data as may be required. The term "Agency" means any office or department of the County or bureau or division thereof.

SECTION 6: The Baltimore County Professional Services Evaluation Committee, hereinafter known as the Committee, shall be formed for each evaluation. The Committee shall be chaired by a Baltimore County employee with an active professional license in Engineering, Architecture, Landscape Architecture or Surveying, as applicable. The Committee shall consist of a minimum of three (3) individuals and include a representative from DPWT and a representative from the Agency requesting Professional Services. The Chief of Design from the DPWT, Bureau of Engineering and Construction shall select the members of the Committee and shall notify the DPWT Procurement Officer of who he or she has determined will comprise the Committee.

The Committee shall evaluate the technical proposals received that have met the minimum procurement requirements. The Committee shall rank the proposals using only the evaluation criteria/scoring rubric in the solicitation. The Committee shall rank firms in order of most highly qualified to perform the required project and Professional Services.

The DPWT Procurement Officer will compile scores and make a recommendation for award to a Licensed Professional Engineer in DPWT Senior Management including the Director, Deputy Director, Bureau Chief for Engineering & Construction or Chief of Design.

The Director of DPWT may select a firm without reference to, or involvement of, the Committee in an emergency involving the health, safety or welfare of the public, a situation that would cause a curtailment or diminution of an essential service, or a situation where only a sole source may provide the Professional Services. The Director shall report in writing to the County Council at its next meeting all circumstances surrounding the emergency selection and reasons for selecting the specific firm.

DPWT may conduct design competitions where it deems such an approach desirable, provided that the Director of the Office of Budget and Finance certifies the availability of the necessary funding.

Baltimore County may engage in cooperative purchasing for competitively established professional services contracts of other jurisdictions, with a limit of \$500,000 per contract.

SECTION 7: DPWT shall negotiate a contract with the firm selected as the most qualified to perform the Professional Services for each contract at a compensation that is determined to be fair and reasonable.

Should DPWT be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the applicable agency determines to be fair and reasonable, negotiations with that firm shall be terminated. DPWT shall then undertake negotiations with the second most qualified firm as selected by the Committee. If a satisfactory contract with the second firm cannot be reached, negotiations will terminate.

Should DPWT be unable to negotiate a satisfactory contract with either of the selected and approved firms, the Committee shall select additional firms in order of their competence and qualifications and follow the procedure as outlined in this Executive Order.

SECTION 8. DPWT shall take all negotiated contracts before County Council for award. Documentation provided to the Council shall include the ranking of all proposals evaluated, all disqualified proposals and the firms with whom negotiations were conducted. DPWT shall notify any non-selected firms and inform them of their rights to a debriefing to discuss their status. The debriefing request must be made in writing and requested within 45 calendar days of receiving notification of this option. Debriefs will be led by the DPWT Procurement Officer.

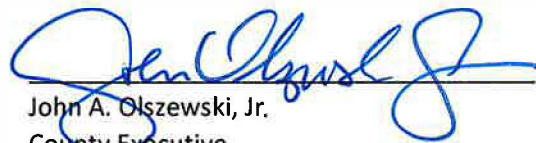
SECTION 9. Should any section, paragraph, sentence, clause, phrase or word of this Order be declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining sections, paragraphs, sentences, clauses or words of this Order.

SECTION 10. This Executive Order shall take effect on the day it is signed by the County Executive and shall continue thereafter until changed by another Executive Order.

ATTEST:



Dawn Kile
Executive Secretary



John A. Olszewski, Jr.
County Executive

APPROVED:



Lauren T. Buckler
Acting Director, Department of Public Works and Transportation

Reviewed for Form and Legal Sufficiency and approved for Execution.



James R. Benjamin, Jr.
County Attorney