DEPARTMENT OF GENERAL SERVICES
OFFICE OF STATE PROCUREMENT
ACTION AGENDA
September 20, 2023

SUPPLEMENTAL

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48-IT. **INFORMATION TECHNOLOGY**
RETROACTIVE - Department of Emergency Management

Contract ID: WebEOC Incident Management Software; MDEM24-002
ADPICS No.: D52B4600002

Contract Description*: *RETROACTIVE approval for WEBEOC incident management software product that allows the Department to share information before, during, and after disaster incidents and real-world events.

***Award*:** ESi Acquisition, Inc, Atlanta, GA

***Contract Term*:** 08/01/2021 - 07/31/2023 (**Retroactive**)

***Amount*:** $173,365.00 (**Retroactive**)

***Procurement Method*:** Sole Source (Proprietary)

***MBE/VSBE Participation*:** 0% / 0%

***Incumbent*:** Same

***Requesting Agency Remarks*:** Unfortunately, a signed contract was never obtained and both parties worked together to perform and compensate for services in good faith. The Department became aware of this when it began preparing the sole source contract that is appearing on this agenda, 49-IT.

This software allows the State of Maryland to share information, manage resources and provide situational awareness of disaster events to all government, private and nonprofit entities. It is used by all State departments and agencies and seven local government agencies, Anne Arundel, Baltimore, Carroll, Harford, and Howard Counties, along with the cities of Annapolis and Baltimore, and the Federal Emergency Management Agency to share information.

The pricing was found to be fair and reasonable by comparing the historical costs to the CPI (Consumer Price Index) over the same period. The year 2022 was 1% lower than 2021 due to a fee reduction caused by the removal of COVID charges. The new contract had a 5% increase for 2023 due to an addition of 250 users and $2,000 for custom services. Years 2024 and 2025 are set at 1% and 3% increase year over year, which is lower than CPI over the past two years.

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Agency Remarks (cont'd):

No MBE or VSBE goals were established for this contract because it is a sole source proprietary product and the contract is for access to the platform.

DGS OSP Remarks: RETROACTIVE approval requested pursuant to § 11-204(c) State Finance & Procurement Article. DGS OSP has determined that this contract should be treated as voidable rather than void because: (1) all parties have acted in good faith; (2) ratification for the procurement contract would not undermine the purposes of the Procurement Law; and (3) the violation, or series of violations, was insignificant or otherwise did not prevent substantial compliance with the Procurement Law.

***Fund Source*:** 100% General Funds

***Approp. Code*:** A0101

***Resident Business*:** No

MD Tax Clearance: 23-3310-1011

BOARD OF PUBLIC WORKS **THIS ITEM WAS:**

APPROVED **DISAPPROVED** **DEFERRED** **WITHDRAWN**

WITH DISCUSSION **WITHOUT DISCUSSION**