



Maryland

# Board of Public Works

Public Comments

Meeting Date: February 26, 2025

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**SEE NEXT PAGE**

## **Agenda: Department of General Services**

### **Item: 16-IT**

**Name: Brian Walsh**

**Organization: Interclipse, Inc.**

**Position: Oppose**

#### **Comment:**

Interclipse wanted to bring to your attention several concerns surrounding item 16-IT on this February 26th agenda for the Board of Public Works with contract ID “Maryland Student Information System: R62B5600010.” This agenda item refers to a Request for Proposal (RFP) to identify and procure a new system to replace the aging Maryland College Aid Processing System (MDCAPS). The first concern is the way this RFP evaluation criteria was outlined. MHEC did not evaluate the total cost of ownership of the solicitations, putting the State at significant financial risk. We believe the original intention and goal of the RFP was for the State to end up with a fully paid and owned system once the contract concluded. Based on the cost evaluation criteria outlined in the RFP, it did not provide the evaluation team with the necessary details to assess the system’s total lifetime cost of ownership after the end of the contract. Specifically, there was no method for determining if the State would be liable for any additional licensing costs to continue to use the system after the initial contract and option years. It is our belief that the State would not want to replace this system again in five years and that the State will end up paying for even more than expected. The second concern that we have is that MHEC’s evaluation criteria for the timeline to implement this new system was based around a legislated deadline of July 1, 2025 (2022 – HB1030/SB0501) and that MHEC was biased toward solutions that achieved that deadline regardless of realism. The use of this deadline was detailed on page 14 of the RFP “This proposed schedule for this project is aggressive to ensure the mandated timeline to deploy is met”. It is our belief that including the legislated timeline in the RFP with no other means to evaluate the timeline, leaves the door open for any/all offers to create fictitious and/or unrealistic timelines to win. Furthermore, MHEC required all solutions to utilize the Maryland Department of IT to host the solution but failed to include in the RFP that it takes a minimum of 3 months but up to 6 months to get DoIT approval for new systems. MHEC had 3 years to solicit this RFP after the legislated deadline of July 1, 2025, was passed into law but failed to solicit it until 1 year and 4 months before the deadline with the final proposal submissions for all vendors being due on May 7, 2024, leaving less than 1 year and 2 months to replace the system. MHEC then evaluated offerors' proposals based on which would most closely get to the deadline on July 1, 2025, versus the ones with the highest likelihood of success. In summary, we believe this RFP did not and will not lead to the best possible solution for the longevity and sustainability of a mission-critical IT system that is relied on daily by MHEC, the State, Legislators, and Maryland students.

### **Item: 2-CGL, 3-CGL, 4-CGL**

**Name: Matthew Logan**

**Organization: Montgomery History**

**Position: Support**

#### **Comment:**

On behalf of Montgomery History, the county’s historical society since 1944, I respectfully ask for your support of Items 2-CGL, 3-CGL, and 4-CGL, for funding to acquire the historic Farmers Banking and Trust building in downtown Rockville to serve as the Montgomery County History Center. The structure is the last remaining Art Deco commercial building in Rockville and is a contributing element to the Courthouse Historic District on both the National Register of Historic Places and the City of Rockville’s historic registry. Montgomery History intends to use the building as its headquarters, creating a vibrant hub for the community, featuring space for exhibits, lectures, receptions, the county’s historical library, and an oral history recording studio.

On behalf of Montgomery History, the county's historical society since 1944, I respectfully ask for your support of Items 2-CGL, 3-CGL, and 4-CGL, for funding to acquire the historic Farmers Banking and Trust building in downtown Rockville to serve as the Montgomery County History Center. The structure is the last remaining Art Deco commercial building in Rockville and is a contributing element to the Courthouse Historic District on both the National Register of Historic Places and the City of Rockville's historic registry. Montgomery History intends to use the building as its headquarters, creating a vibrant hub for the community, featuring space for exhibits, lectures, receptions, the county's historical library, and an oral history recording studio.

**Item: 30-IT**

**Name: Sheila McDonald**

**Organization: Attain Consulting Group LLC**

**Position: Oppose**

**Comment:**

PART ONE OF TWO: Approving DGS Item 30-IT (2/26/25) is risky for the State. Postponing approval for complete review is not. (1) The Board should not approve the award of this contract in the face of the many unresolved protests and protest appeals. If a protest or appeal has been filed, the Board may approve award of the contract only if the Board "finds that execution of the contract without delay is necessary to protect substantial State interests," COMAR 21.10.02.11A(1). DGS's statement, that "without the award of this contract, the State would be unable to deliver a range of essential services," is simply untrue. The services are being delivered now and will continue to be delivered through the existing contract vehicles that currently undergird those essential services. The sheer number of protests leads to the conclusion that this is an extraordinary Agenda Item; seasoned Board observers find it unique. Nineteen protests were received; five are pending, two are sustained, and at least two are under appeal to the MSBCA. The protests raise concerns about flaws in the evaluation process; failure to follow RFP criteria; and discrepancies in the award process. Several protestors allege unclear evaluation standards, particularly regarding undefined terms like "best value" and improper consideration of partnerships or experience. Additionally, protestors argue that the lack of opportunity for oral discussions prevented them from clarifying misunderstandings or addressing minor issues. To approve DGS's Item is to rely solely on DGS's assurances that it has reviewed its own actions and is satisfied. Please note that the Procurement Officer states in the denial of Attain's protest that, due to a page limitation, "DGS could not comprehensively evaluate Attain's staffers." PO Decision at 5 (1/29/25). This for a half-a-billion dollar ten-year exclusive contract DGS belies its own position when it acknowledges that no work orders can issue under the proposed awards until Federal approval is obtained. The current grave uncertainty concerning "preapproval for any contracts receiving Federal Financial Participation" should convince the Board that a rush to award new contracts is fraught with unknowns. (2) The enormous decision DGS asks the Board to make here requires certainty and not conjecture. DGS seeks authority to award ten-year contracts to 14 contractors (FA 1) some portion of the overall \$445 million the State anticipates spending on Agile Resources and Teams during the lengthy contract term. Essential State services such as SNAP, TCA, and MDTHINK will fall under this procurement umbrella that will not be subject to further Board review for a decade. Not only will all State agencies use these contracts for the next decade but local governments and nonprofits will access these services relying on the State's contracting vehicle. DGS describes a method of awarding work orders under these master contracts that is both inappropriate for information technology contracting and not designed to achieve the best value for the State: "The State will rotate work assignments among the awarded contractors by issuing work order requests in the order of highest to lowest overall ranked Contractor. This sequence will repeat as necessary throughout the life the Contract." Instead of competing among master contractors for specific projects, the using agency will simply "go to the next on the list" even if the next on the list is the lowest ranked Contractor. The magnitude of the decision DGS requests – long-term (one decade) exclusive commitment – and the breadth of the consequences – State agencies, local governments, nonprofits all relying on these contract vehicles – overwhelms DGS's cavalier assurances to trust that "all is well" with this procurement. PART ONE OVER; PART TWO NEXT

**Item: 30-IT****Name: Sheila McDonald****Organization: Attain Consulting Group LLC****Position: Oppose****Comment:**

PART TWO OF TWO Approving DGS Item 30-IT (2/26/25) is risky for the State. Postponing approval for complete review is not. (3) The procurement evaluation process was fatally flawed. DGS did **not** follow the evaluation process it laid out in the Request for Proposals. DGS is wrong when it states in Item 30-IT “that the evaluations were conducted in strict adherence to the RFP requirements and that all proposals were assessed based on the established RFP criteria.” DGS never contacted or checked any references for offerors’ past experiences with similar projects. The RFP states: “The following experience is preferred and will be evaluated as part of the Technical Proposal (see the Offeror experience, capability and references evaluation factor). RFP, Section 3.10.1. “The Offeror shall include information on past experience with similar projects and services including information in support of the Offeror Experience criteria.” RFP, Section 5.3.2G. “At least three (3) references are requested from customers who are capable of documenting the Offeror’s ability to provide the goods and services specified in this RFP.” Section 5.3.2H. After requiring references in order to determine “Offeror experience, capability,” DGS then ignored its own edict and did not do any external or third-party validation of offeror qualifications as the RFP required. A procurement officer must follow the procedures set forth in an RFP. Failure to follow RFP procedures is fatal. “When evaluating proposals, the Procurement Officer must follow COMAR and the language of the RFP . . . . Unexpressed criteria may not be considered in evaluating a proposal, nor may specific requirements or criteria in an RFP be ignored by the evaluating agency.” In re Gantech, MSBCA Nos. 3021/3023 (2012) at 12 (emphasis added); see also In re The Active Network, MSBCA No. 2781 (2012) at 44 (“To summarize the fatal flaws committed by DHR in this procurement, neither of the top two technical evaluation factors was fairly and accurately evaluated.”). DGS did not allow for oral presentations or discussions. To base an exclusive ten-year, half a billion-dollar award on the basis of paper only is patently unreasonable. Please note that the Administration’s Procurement Reform Act of 2025 HB500/SB426 if enacted would make the State Procurement Law explicit: “An oral presentation is required for . . . information and technology services expected to exceed \$5 million.” (Proposed amendment to section 13-104.) On the face of the BPW Item, DGS scoring of overall combined score is patently illogical. For example, in FA1, awards are recommended to Overall Ranking #13 and #14. These vendors were technically ranked equal; however, their substantial price difference should have been reflected in the overall rankings. Instead, with price factored in, they remain tied. For the Board to approve this procurement, it should be assured that DGS has a detailed record, explaining how it ranked offers and how price and technical rankings were combined to create the overall rankings. In Sum: • We agree with DGS that it is paramount to “ensure the uninterrupted delivery of these essential services that millions of Maryland residents rely on.” • Approving DGS Item 30-IT (2/26/25), however, does not achieve that goal.

**Item: 31-IT****Name: David F****Organization:****Position: Oppose****Comment:**

This contract seems to have been awarded to the same company across different functional areas. The rankings are incorrect. Can you please explain why the contract has so many appeals/protests and still trying to get pushed into an agenda? There are so many loopholes and it looks like they are trying to cover all those?



February 24, 2025

The Honorable Wes Moore  
Governor of Maryland  
State House  
100 State Circle  
Annapolis, Maryland 21401

The Honorable Brooke E. Lierman, Esquire  
Comptroller of Maryland  
Goldstein Treasury Building  
800 Calvert Street, 1<sup>st</sup> Floor  
Annapolis, Maryland 21401

The Honorable Dereck E. Davis  
Treasurer of Maryland  
Goldstein Treasury Building  
800 Calvert Street, 1<sup>st</sup> Floor  
Annapolis, Maryland 21401

Re: Board of Public Works February 26, 2025 Agenda, Item 30-IT

Once again, the Department of General Services (“DGS”) will be asking the Board of Public Works on February 26, 2025 to take the extraordinary step of overriding the requisite stay of performance for contracts awarded under the Statewide Agile Resources and Teams 2024 Solicitation No. BPM043644 (“the Solicitation”) to support the Maryland Total Human-services Integrated Network (“MDTHINK”). As you are aware, there are currently 10 protests against the awards, including one filed by FEI.com, Inc. dba FEI Systems (“FEI”), with nine (9) pending before the Maryland State Board of Contract Appeals (“MSBCA”). Notably, this procurement has been riddled with issues from its inception - - as reflected in the 11 previous protests filed against DGS – two of which were sustained. Suffice it to say, this procurement has been plagued with significant issues stemming from the manner by which DGS has chosen to re-procure these services. Accordingly, as detailed below, there is no immediate need for the State to act and FEI urges the Board of Public Works to allow its protest – and that of the other eight non-awardees – to be heard before performance commences on any of the stayed awards.

As reflected below, if the other eight pending protests are in any way similar to FEI’s protest, the grounds currently being raised directly relate to the manner in which DGS failed to properly account for cost and pricing in rendering its award decisions. Instead of being good stewards of Maryland and federal tax dollars in making its award decisions, DGS appears to have largely ignored the Solicitation’s cost and pricing evaluative requirements. Moreover, FEI also understands that it is DGS’ belief that if it does not garner the necessary State approvals immediately through award of these improperly evaluated contracts and over the nine (9) pending protests, it would lose access to the federal matching funds provided under the Federal Financial Participation program (“FFP”), 45 C.F.R. 95.611. This is patently not true. On February 21, 2025, Patrick McLoughlin, Executive Director of MDTHINK advised all current vendors on the contract that MDTHINK has received federal funding to extend the current

MDTHINK Agile Resources contract until the end of current federal fiscal year (9/30/2025). Rushing the approval of this procurement while allegations of the State failing to adhere to procurement rules and fiscal mismanagement are pending injects unnecessary risks to Maryland and this procurement. In applying for and using FFP funds, federal regulations require Maryland to adhere to certain conditions regarding administrative requirements and cost principles and demonstrate that costs incurred in an FFP arrangement are reasonable and allowable under controlling law and regulation. See 45 CFR 304.10. and 45 CFR 75.404. In light of the substantial protest activity presently underway – not to mention increased federal oversight -- it will be difficult for Maryland to ensure that the nature and amount of the costs to be matched “does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost.” 45 CFR 75.404.

The basis for FEI’s protest appeal to the MSBCA is that the Agency’s decision to not select FEI for award was contrary to law and regulation and was based on a flawed evaluation of FEI’s proposal that was irrational, inconsistent with the terms of the Solicitation, and was otherwise arbitrary and capricious. For example, DGS improperly evaluated FEI’s technical proposal under each evaluation criterion; improperly ranked FEI and other offerors without considering price; improperly evaluated FEI’s proposal after making awards to other offerors; and improperly evaluated FEI’s Staffing Management Plan and Qualifications and Capabilities, including failing to check any of the offerors’ references requested in the Solicitation.

In pertinent part, FEI also alleges that DGS improperly ranked it and other offerors without considering price. In its Protests, FEI noted that DGS failed to give the technical factors a greater weight over financial factors and instead DGS disregarded Price altogether. This is best reflected in the manner by which DGS evaluated offers under Functional Area 3, where DGS revealed in its IT-30 Agenda request that evaluated Prices had no bearing on offerors’ Overall Ranking. In fact, upon review of the charts provided for the February 26<sup>th</sup> hearing, the offeror with the first place Technical Rating was given the first place Overall Ranking, despite the fact that its Price was ranked **20<sup>th</sup>** out of 36 offerors. Similarly, the offeror with the second place Technical Rating was given the second place Overall Ranking, despite the fact that its Price was ranked **33<sup>rd</sup>** out of 36 offerors. And the offeror with the twelfth place Technical Rating was given the twelfth place Overall Rating, despite the fact that its Price was ranked 5<sup>th</sup>. This defies basic logic and FEI is sure that the Agency Record will confirm that price had no impact whatsoever on the Overall Ranking of FEI and the other offerors for Functional Area 2, as reflected in the awards, for example, to Nava (Washington, DC) at \$227,449,835 (34<sup>th</sup> in price), Salem Infotech (Virginia) at \$169,054,331 (27<sup>th</sup> in price), and Ad Hoc LLC (Washington, DC) at \$165,869,885 (26<sup>th</sup> in price).

Notably, FEI submitted its proposal for Functional Area 2, but tellingly, did not receive a list showing its Overall Ranking with its December 23, 2024 Non-Award Notification Letter. It was not until the Debriefing that DGS confirmed that – contrary to the terms of the RFP – it did not consider Price or perform *any* sort of reasonable cost-benefit analysis in ranking proposals. DGS ranked FEI’s Technical Proposal as 31<sup>st</sup>, a ranking which, for the reasons stated above and in the Protest, was entirely arbitrary and capricious. However, FEI had the 13<sup>th</sup> lowest price, and therefore its Financial Proposal was ranked 13<sup>th</sup>. Nonetheless, DGS somehow ranked FEI 30<sup>th</sup> overall, using FEI’s Financial Ranking only to break a tie with another offeror whose Technical Rating was purportedly the same as FEI’s. This “tie breaking” use of price is contrary to the terms of the RFP, the financial interests of the State, and controlling federal law.

Indeed, as reflected above, despite receiving assurances of FFP funding through the end of fiscal year 2025 to support the current MDTHINK Agile Resources Contract, DGS' insistence that the pending protests be disregarded risks the continuity of the very funding it purports to need. Under 45 CFR § 205.38, FFP will provide a percentage match of "expenditures incurred for planning, design, development or installation of a statewide automated application processing and information retrieval system which are consistent with an approved ADP [Advanced Planning Document]." In order to receive federal funding for an Automatic Data Processing system, a state must submit an advanced planning document to the agency for approval. 45 C.F.R. 205.36. However, cost and pricing – the very issues raised in FEI's protest (and likely in the others) – is paramount to receipt and retention of those federal dollars. In exchange for FFP matching funds, States must submit that the "[m]ethods and procedures for properly charging the cost of all systems whether acquired from public or private sources shall be in accordance with Federal regulations in part 74 of this title and the applicable ACF title IV-A (AFDC) Automated Application Processing and Information Retrieval System Guide." § 205.38(b)(5)(ii). Specifically, Maryland must ensure that it meets the Office of Management and Budget's significant requirements in order to control costs. Per 45 CFR 75.404, the key elements of these requirements include:

(a) Whether the cost is of a type generally recognized as ordinary and necessary for the operation of the non-Federal entity or the proper and efficient performance of the Federal award.

***(b) The restraints or requirements imposed by such factors as: Sound business practices; arm's-length bargaining; Federal, state, local, tribal, and other laws and regulations; and terms and conditions of the Federal award.***

***(c) Market prices for comparable goods or services for the geographic area.***

***(d) Whether the individuals concerned acted with prudence in the circumstances considering their responsibilities to the non-Federal entity, its employees, where applicable its students or membership, the public at large, and the Federal Government.***

***(e) Whether the non-Federal entity significantly deviates from its established practices and policies regarding the incurrence of costs, which may unjustifiably increase the Federal award's cost."***

(emphasis added). Simply stated, with nine (9) pending protests, and at least one of them contesting cost and pricing, can the State seriously justify deviating "from its established practices and policies regarding the incurrence of costs" to needlessly obtain and spend federal funds? And should they do that when the State has been granted an affirmative extension for at least the next seven months? FEI suggests that such an action would be contrary to the requirements of law and regulation and run afoul of existing federal requirements.

FEI also respectfully notes that, in advance of its pending MSBCA appeal, FEI submitted two post-award protests to DGS contesting its non-award. In each protest, FEI requested documents necessary to understand or reveal the manner in which DGS evaluated offerors and made its awards.



Tellingly, DGS summarily denied FEI's requests without providing any responsive documents directly addressing the grounds of protest. This material, however, will eventually come to light this Friday, February 28, 2025, as FEI is poised to receive DGS's Agency Records describing the manner in which evaluations and awards were made per its pending MSBCA appeal. Presently, DGS is committed to keeping the entire manner in which it evaluated and awarded the MDTHINK contracts secret despite reasonable requests to the contrary. If the Board permits the contract awards are permitted to proceed without allowing the protests to proceed, DGS will succeed. We do not believe the Board should reward this covert behavior and risk impacting the entirety of the program.

Ultimately, FEI, as a company that has done business in Maryland for more than 25 years, is concerned not only with the manner in which Maryland chose to spend State and federal dollars in its award decisions, but the risk associated with needlessly rushing forward without permitting the MSBCA to do its job. The Federal government has provided DGS the time necessary for its award decision to be properly vetted by the MSBCA and Maryland law has guaranteed such due process. We believe the protest process and procedures should be allowed to operate in their right, normal, and timely course.

Respectfully submitted,

DocuSigned by:  
*Scott Morrow*  
55768AC8EA40491...

Scott Morrow  
General Counsel





February 25, 2025

Honorable Wes Moore  
100 State Circle  
Annapolis, MD 21401

Honorable Derek Davis  
Goldstein Treasury Building  
80 Calvert Street  
Annapolis, MD 21404

Honorable Brooke Lierman  
Goldstein Treasury Building  
80 Calvert Street  
Annapolis, MD 21404

**RE: Action Agenda Item 30-IT – Statewide Agile Resources & Teams 2024**

Dear Governor Moore, Treasurer Davis, and Comptroller Lierman:

I am the President of AGovX, LLC (“AGovX”), a certified economically-disadvantaged, woman-owned small business headquartered here in the State of Maryland. As indicated on Action Agenda Item 30-IT, AGovX’s technical proposal was ranked **first** and AGovX was ranked **second** overall under Functional Area 1.

**You may be asking: Why isn’t the Department of General Services (“DGS”) recommending an award to AGovX?**

On January 6, 2025, after discovering an inaccuracy on our MBE forms, DGS’s procurement officer expressly allowed us to cure it:

<b>From:</b>	Emmanuel Smith -DGS- [REDACTED]
<b>Sent:</b>	Monday, January 6, 2025 4:34 PM
<b>To:</b>	Jessica Jones
<b>Cc:</b>	Supreet Kaur
<b>Subject:</b>	Re: Rescission of Intent to Award Notice – Functional Area 1 - Please review our request!

Hi Jessica,

Upon internal review, we will move forward with the award process and allow you to correct your D-1A form to match your D-3A form that you submitted.

The 2019 amendments to COMAR were intended to grant procurement officers the precise discretion that was exercised here by DGS.

On January 8, 2025, DGS sent us the proposed contract for signature, and we promptly signed it. The next day, DGS’s procurement officer told us the “matter has been resolved.”

<b>From:</b>	Emmanuel Smith -DGS- [REDACTED]
<b>Sent:</b>	Thursday, January 9, 2025 7:58 AM
<b>To:</b>	Supreet Kaur
<b>Cc:</b>	Jessica Jones
<b>Subject:</b>	Re: Rescission of Intent to Award Notice – Functional Area 1 - Please review our request!

Greetings,

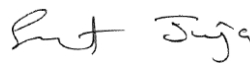
Just to let you know that per our previous conversations, and email this matter has been resolved.

Twenty days later, we received a letter from DGS’s procurement officer stating that his decisions to allow us to cure the inaccuracy on the D-1A form, and to tell us the “matter has been resolved” were “done in error.” We protested that decision and have an appeal pending before the Maryland State Board of Contract Appeals.

DGS appropriately exercised discretion and allowed us to cure a minor irregularity on our MBE forms. Its decision to reverse itself is inconsistent with the 2019 amendments to COMAR, and will deprive the State and its taxpayers of the services of a local, woman-owned small business whose technical proposal was ranked first.

We strongly urge DGS and the Board of Public Works to consider AGovX for the 15th award under Functional Area 1. Thank you for your attention to this matter.

Sincerely,



Supreet Kaur  
President  
AGovX, LLC

cc: Department of General Services

# O'Malley, Miles, Nysten & Gilmore, P.A.

## Attorneys & Counselors at Law

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Peter F. O'Malley  
(1939-2011)

John R. Miles  
(1935-2017)

Edward W. Nysten  
(1922-2010)

John D. Gilmore, Jr.  
(1921-1999)

Nancy L. Slepicka  
(1949-2023)

February 24, 2025

The Honorable Wes Moore  
State House  
100 State Circle  
Annapolis, Maryland 21401

The Honorable Brooke Lierman  
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80 Calvert Street, 1<sup>st</sup> Floor  
Annapolis, Maryland 21401

The Honorable Derek Davis  
Goldstein Treasury Bldg  
80 Calvert Street, 1<sup>st</sup> Floor  
Annapolis, Maryland 21401

### **Approving DGS Item 30-IT (2/26/25) is risky for the State. Postponing approval for complete review is not.**

**(1) The Board should not approve the award of this contract in the face of the many unresolved protests and protest appeals.**

- If a protest or appeal has been filed, the Board may approve award of the contract only if the Board “finds that execution of the contract without delay is necessary to protect substantial State interests,” COMAR 21.10.02.11A(1).
- DGS’s statement, that “without the award of this contract, the State would be unable to deliver a range of essential services,” is simply untrue. The services are being delivered now and will continue to be delivered through the existing contract vehicles that currently undergird those essential services.

- The sheer number of protests leads to the conclusion that this is an extraordinary Agenda Item; seasoned Board observers find it unique. Nineteen protests were received; five are pending, two are sustained, and at least two are under appeal to the MSBCA. The protests raise concerns about flaws in the evaluation process; failure to follow RFP criteria; and discrepancies in the award process. Several protestors allege unclear evaluation standards, particularly regarding undefined terms like "best value" and improper consideration of partnerships or experience. Additionally, protestors argue that the lack of opportunity for oral discussions prevented them from clarifying misunderstandings or addressing minor issues. To approve DGS's Item is to rely solely on DGS's assurances that it has reviewed its own actions and is satisfied.
- Please note that the Procurement Officer states in the denial of Attain's protest that, due to a *page limitation*, "DGS could not comprehensively evaluate Attain's staffers." PO Decision at 5 (1/29/25). This for a half-a-billion dollar ten-year exclusive contract
- DGS belies its own position when it acknowledges that no work orders can issue under the proposed awards until Federal approval is obtained. The current grave uncertainty concerning "preapproval for any contracts receiving Federal Financial Participation" should convince the Board that a rush to award new contracts is fraught with unknowns.

**(2) The enormous decision DGS asks the Board to make here requires certainty and not conjecture.**

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- Not only will all State agencies use these contracts for the next decade but local governments and nonprofits will access these services relying on the State's contracting vehicle.
- DGS describes a method of awarding work orders under these master contracts that is both inappropriate for information technology contracting and not designed to achieve the best value for the State: "The State will rotate work assignments among the awarded contractors by issuing work order requests in the order of highest to lowest overall ranked Contractor. This sequence will repeat as necessary throughout the life the Contract." Instead of competing

among master contractors for specific projects, the using agency will simply “go to the next on the list” even if the next on the list is the lowest ranked Contractor.

- The magnitude of the decision DGS requests – long-term (one decade) exclusive commitment – and the breadth of the consequences – State agencies, local governments, nonprofits all relying on these contract vehicles – overwhelms DGS’s cavalier assurances to trust that “all is well” with this procurement.

(3) **The procurement evaluation process was fatally flawed.**

- DGS did not follow the evaluation process it laid out in the Request for Proposals. DGS is wrong when it states in Item 30-IT “that the evaluations were conducted in strict adherence to the RFP requirements and that all proposals were assessed based on the established RFP criteria.” DGS never contacted or checked any references for offerors’ past experiences with similar projects.

The RFP states:

*“The following experience is preferred **and will be evaluated as part of the Technical Proposal (see the Offeror experience, capability and references evaluation factor).** RFP, Section 3.10.1.*

*“The Offeror shall include information on past experience with similar projects and services including information in support of the Offeror Experience criteria.” RFP, Section 5.3.2G.*

*“At least three (3) references are requested from customers who are capable of documenting the Offeror’s ability to provide the goods and services specified in this RFP.” Section 5.3.2H.*

After requiring references in order to determine “Offeror experience, capability,” DGS then ignored its own edict and did not do any external or third-party validation of offeror qualifications as the RFP required.

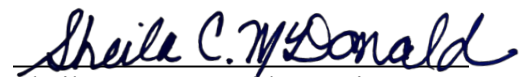
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**In Sum:**

- We agree with DGS that it is paramount to “ensure the uninterrupted delivery of these essential services that millions of Maryland residents rely on.”
  
- Approving DGS Item 30-IT (2/26/25), however, does not achieve that goal.

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