

Department of Legislative Services
Maryland General Assembly
2019 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 478

(Delegate Kelly)

Health and Government Operations

Education, Health, and Environmental Affairs

Procurement - Qualification Based Selection - Land Surveying Services

This bill authorizes the Department of General Services (DGS) and Maryland Department of Transportation (MDOT) to use the qualification-based selection (QBS) method to procure land surveying services by integrating the procurement of land surveying services into existing law governing the use of QBS for architectural and engineering (A&E) services.

Fiscal Summary

State Effect: None. The bill generally conforms statute to existing practice.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Chapters 588 and 589 of 2017 authorized the use of QBS for the procurement of A&E services by DGS and MDOT if the procurement is made on a competitive basis, includes an evaluation of the technical proposals of at least two persons, and the services cannot be provided feasibly and economically with existing in-house resources. The procedures and conditions to be followed and the factors to be considered by DGS and MDOT when engaging in QBS for A&E services were specified. Chapters 588 and 589 also provided for expedited procurement of A&E services when (1) the services cannot be defined completely or are available only from a single source; (2) the Governor declares an emergency; (3) a natural disaster has occurred; or (4) extraordinary

circumstances exist. Finally, the penalty that had applied to a violation of the Architectural and Engineering Services Act was reestablished.

Under current law, QBS may be used only to procure A&E services, but the bill explicitly incorporates land surveying services into that existing restriction.

Background: According to the National Institute for Governmental Purchasing, QBS is a procurement process in which selection is based on qualifications such as knowledge, skill, experience, and other related factors, rather than on fees. Fees are negotiated with the top-ranked firm selected through a competitive process for an agreed-upon scope of work. QBS is used primarily for the procurement of A&E services.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Environmental Service; National Institute for Governmental Purchasing; Department of General Services; Board of Public Works; University System of Maryland; Maryland Department of Transportation; Department of Legislative Services

Fiscal Note History: First Reader - February 17, 2019
mag/ljm Third Reader - March 12, 2019

Analysis by: Michael C. Rubenstein

Direct Inquiries to:
(410) 946-5510
(301) 970-5510