


FROM	NAME & TITLE	The Honorable Bill Henry <i>Bill H</i>	CITY OF BALTIMORE MEMO 
	AGENCY NAME & ADDRESS	Office of the Comptroller City Hall, Room 204	
	SUBJECT	Board of Estimates Resolution Relating to Receiving and Opening of Bids	

TO

Honorable President and Members
of the Board of Estimates

DATE:

February 1, 2022

Dear President and Members:

ACTION REQUESTED OF B/E:

The Board is requested to approve a Resolution Relating to the Receiving and Opening of Bids.

AMOUNT OF MONEY AND SOURCE OF FUNDS

N/A

BACKGROUND/EXPLANATION:

This Resolution suspends and changes certain provisions of the Board of Estimates' Procurement Regulations to implement a transition to an electronic process for receiving and opening of bids.

Adoption of the Resolution is urgent because of the need to conduct the City's business efficiently and safely during a public health emergency.

The Resolution requires that submissions for bids (IFBs) and proposals (RFPs) be submitted electronically, with certain exceptions. It also requires the Comptroller's Office to record bidders' names and bid prices electronically and post that information on the Comptroller's website on the day bids are due, thereby eliminating the need for a noon bid opening session during the period the Resolution is in effect. Because the Resolution modifies certain provisions of the Procurement Regulations on an emergency basis, it is effective upon adoption for 90 days, through May 3, 2022.

MBE/WBE PARTICIPATION:

N/A

APPROVED BY BOARD OF ESTIMATES

MAmato

By Celeste.Amato at 9:13:50 AM, 2/2/2022

DATE

CLERK

RESOLUTION
OF
THE BOARD OF ESTIMATES OF BALTIMORE CITY
RELATING TO RECEIVING AND OPENING OF BIDS

WHEREAS, the City Charter, Article VI, Section 2, provides that the Board of Estimates (the "Board") may promulgate rules and regulations to exercise its powers and perform its duties;

WHEREAS, the City Charter, Article VI, Section 11(h) specifies that all bids made to the City in response to formal advertising procedures contained in the Charter shall be opened by the Board;

WHEREAS, the Board adopted Regulations on Procurement, Protests, Minority and Women-owned Business Enterprise, and Debarment/Suspension (the "Procurement Regulations") effective July 1, 2019 that in part addresses the process for submitting and opening bids;

WHEREAS, an outbreak of disease (COVID-19) caused by the novel coronavirus has been detected in the United States with cases in Baltimore, Maryland;

WHEREAS, The World Health Organization and the Centers for Disease Control have declared the COVID-19 outbreak a public health emergency of international concern; the Secretary of the U.S. Department of Health and Human Services declared COVID-19 a public health emergency; and Maryland Governor Lawrence Hogan and Baltimore Mayor Brandon Scott declared COVID-19 a public health emergency;

WHEREAS, in response to the ongoing threat to public health and safety posed by the COVID-19 pandemic, Baltimore City government including the Board has implemented comprehensive and legally sufficient processes for holding public meetings virtually through the use of videoconferencing technology;

WHEREAS, in response to the ongoing threat to public health and safety posed by the COVID-19 pandemic, Baltimore City government including the Board has implemented comprehensive processes for submitting, reviewing, and approving documents electronically; and

WHEREAS, the Board's current practice of requiring bidders to submit hard copies of their bids and proposals which are then manually handled by three Board members at bid opening sessions where the Board members physically sit in close proximity to one another is inefficient, not in accordance with current best practices, and unsafe given the highly communicable nature of the COVID-19 virus.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY, that on this _____ day of _____, 2022 the following Resolution is adopted:

1. The Board will receive bid and proposal submissions exclusively by electronic transmission except for any paper or hard copy documents required under the law or terms or specifications of any solicitation.
2. Any paper or hard copy documents required under the law or terms or specifications of any solicitation will be forwarded by the Board to the Bureau of Procurement or the appropriate City agency that issued the solicitation for processing and evaluation.

3. Bidders shall identify any item in their bid or proposal they believe to be confidential as "confidential" or it may be disclosed under Maryland Public Information Act.
4. The following provisions of the Procurement Regulations are hereby modified during the term of this Resolution:
 - a. Section I.D. "Generally, responses to solicitations are available for public inspection at the Board, located in Room 204 of City Hall, after the bid has been opened by the Board." is replaced with "Generally, responses to solicitations are available for public inspection on the Board's website after the bid has been received by the Board."
 - b. Section I.G.4.b.iii. "Bids shall be submitted in the form and manner indicated by the solicitation document and solicitation forms." is replaced with "Bids shall be submitted in the form and manner indicated by this Resolution."
 - c. Section I.G.4.b.iv. "Bidders shall submit bids by 11:00 a.m. on the date indicated in the document to the Board, located in Room 204 of City Hall, or at any other time or location determined by the Board." is replaced with "Bidders shall submit bids by 11:00 a.m. on the date indicated in the document to the Board, or at any other time or location determined by the Board."
 - d. Footnote 18 "At 10:45 a.m. on Wednesdays, staff of the Board are located at the front of City Hall to accept bids." is suspended.
 - e. Section I.G.4.b.v. "The Board shall time-stamp each bid when received in Room 204. Bids received after 11:00 a.m. shall not be accepted." is replaced with "The time-stamp for each bid shall be the date and time that the electronic transmission is received by the Board. Bids received after 11:00 a.m. or after a submission time and date determined by the Board shall not be accepted."
 - f. Section I.G.4.b.vi. "The Board publicly opens bids at 12 noon on Wednesdays. The Board: (1) publicly opens all timely bids received at that time; (2) at the Board's option, reads the bids aloud to the persons present; and (3) leaves a copy of the IFB and the bids in the Office of the Board for review by interested persons for a reasonable period of time or makes arrangements for the furnishing of copies of these documents to interested persons, as further described in § 4 of the Procurement Regulations. In the event of unusual circumstances, the Board will determine the opening date, time, and location." is replaced with "On days when a regular meeting of the Board is scheduled, in lieu of a physical meeting to open bids, the names and bid amounts for solicitations due on that day will be recorded electronically at 12:00 p.m. by the Office of the Comptroller and posted on the Board's website for review by the public. The Board: (1) records electronically the bids received at that time; and (2) posts a copy of the IFB and the bids on the Board's website for review by interested persons for a reasonable period of time. In the event of unusual circumstances, the Board will determine the opening date, time, and location."
 - g. Section I.G.5.b.ii. "Technical responses to RFPs are publicly opened by the Board and forwarded to the Procuring Agency for review, consideration, and scoring. At the request of the Procuring Agency, price proposals are publicly opened by the Board and forwarded to the Procuring Agency." is replaced with "Technical responses to RFPs are recorded electronically by the Board and made available to the Procuring Agency for review, consideration, and scoring. At the request of the Procuring Agency, price proposals are recorded electronically by the Board and made available to the Procuring Agency. Any paper or hard copy documents required under the law or terms or specifications of any solicitation will be


forwarded by the Board to the Procuring Agency that issued the solicitation for processing and evaluation.”

h. Section I.G.8.a.ii.cc. “All signatures should be by hand and not an imprint or typed name.” is replaced with “All signatures shall be in electronic format except as required under the law.”

5. This Resolution supersedes any prior resolutions of the Board related to receiving and opening bids.

This Resolution shall take effect immediately and shall expire ninety (90) days thereafter on May 3, 2022.

Approved as to form and legal sufficiency
this 1st day of February, 2022


Solicitor

Adopted by the Board of Estimates:


By Celeste Amato at 9:14:33 AM, 2/2/2022
CLERK DATE