Maryland Department of Health (MDH) Partnership Initiative with Historically Black Colleges & Universities (HBCUs)

New Inter-Agency Agreement (IA) HBCU Process

Please Note: The IA process should be planned to require a minimum of 6-8 months.

Explanation of New IA Process Modifications

Beginning in June 2018 under direction and guidance from the Department of Budget and Management (DBM), MDH began the development of certain process reforms intended to encourage and enlarge the participation of HBCUs in the award of IAs. The new process was launched in January 2019. Since then, at the inception of IA development, MDH programs have been required to conduct outreach to all four (4) Maryland HBCUs to notify them of IA opportunities, including the possibility of subcontracting for a portion of work included in any IA for which an HBCU is not the primary contractor. Unfortunately, but not surprisingly, adequate HBCU participation in the IA process has not yet been achieved, in part because programs may naturally opt to recycle old Scopes of Work (SOW) when identifying the deliverables required by IA, and as a result, non-HBCU incumbents have had a natural advantage over HBCUs in selection for IA award. This new policy is effective September 2019 to redouble MDH efforts to include HBCUs in the IA process.

<u>STEPS</u>

- 1. MDH Program begins development of a preliminary Scope of Work (SOW) for an Inter-Agency Agreement (IA). Note that this should be done by the MDH Program, not the prior IA awardee who has a motive to draft the SOW in a fashion favorable to itself and therefore adverse to participation by HBCUs.
- 2. Upon completion of a preliminary SOW, the MDH HBCU Program Procurement Staff Designee for HBCU outreach solicits interest from HBCUs in the prospective IA SOW. Documentation for this outreach should be shared with the OPASS HBCU Program Manager. The preliminary SOW shall contain all substantive information vital to requested goods or services and how deliverables are envisioned. Upon review of the preliminary SOW, interested parties may inquire about or propose changes in the SOW without being disqualified from offering a proposal. Each MDH Program will afford each HBCU <u>five (5) business days to</u> notify the MDH HBCU Program Procurement Staff Designee by e-mail whether that HBCU may have an interest in that IA.
- 3. The Program is responsible for reaching out to the HBCUs and creating a formal method of acknowledging notice of acceptance or decline from the HBCUs to participate in IA Contract opportunities. All forms available on OPASS page.
- 4. Once it is determined whether and which prospective HBCU may be interested in a given IA, key program staff and OPASS Staff confer to discuss the SOW with each potentially interested

HBCU, and also with interested non-HBCUs. Any party interested in the IA opportunity shall have <u>20 business days</u> from that initial discussion to submit a proposal based on the SOW and any other information garnered.

- 5. Upon receipt of proposals, the MDH HBCU Program Procurement Staff designee, OPASS Staff, and other program representatives shall have <u>10 business days</u> to discuss proposals and perform an evaluation of submissions. Within 10 business days, Program Staff and the MDH HBCU Program Staff Designee shall formulate questions regarding parts of proposals warranting explanation, clarification, or comment regarding those sections of a proposal that are regarded as having deficiencies or weaknesses that could be cured. Any clarification or curing questions to HBCUs shall be in writing and shared with the OPASS HBCU Program Manager.
- 6. In the event that the recommended prime contractor is not an HBCU, the MDH HBCU Program Procurement Designee shall examine the possibility of HBCU participation as a subcontractor. HBCUs may also inquire about subcontracting opportunities. If the proposed prime contractor is hesitant or declines to select an HBCU as a subcontractor, the MDH HBCU Program Procurement Designee shall review the SOW to remove obstacles to HBCU participation, if possible, or consider the desirability of dividing the SOW into separate IAs as may be necessary to extend opportunities to HBCUs to perform a portion of the initial SOW.
- 7. If the prime contractor has an established subcontractor for the contract, the Program shall request that that subcontractor and any HBCU also interested in the IA submit proposals for the subcontractable portion of the contract. The Program, in consultation with the OPASS HBCU Project Manager, shall then determine which subcontractor presents best value to the state and advise the prime contractor of that determination. If the proposed prime contractor is hesitant or declines to select as a subcontractor an HBCU determined to present best value to the state, the MDH HBCU Program Procurement Designee, in consultation with the OPASS HBCU Project Manager, shall consider all potential options to engage the selected HBCU as a subcontractor, including, if necessary, awarding the IA to a different prime contractor. Justification for best value should accompany the completed IA checklist.
- 8. Once a contractor is selected, the Program completes an IA Report and an IA checklist, attaching all HBCU documentation, and sends that documentation to the Program's respective Deputy Secretary for signature.
- 9. After Deputy Secretary has signed, the checklist is delivered to OPASS. Upon OPASS review and comment, the checklist will be submitted to the 5th floor for IA Panel Review.
- **10.** When the checklist has been approved and signed, OPASS will email the Program with instructions to proceed with the IA.

Definitions

"Business day" shall mean any day when the Maryland Department of Health is open for business.

"MDH HBCU Program Procurement Designee " shall mean the person selected by the MDH program as the principal contact for the MDH division

"OPASS HBCU Project Manager" shall mean the person selected from the MDH Office of Procurement and Support Services to oversee the MDH Partnership Initiative with HBCUs.

New Contacts

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