

RESOLUTION

OF

THE BOARD OF ESTIMATES OF BALTIMORE CITY

RELATING TO NON ARCHITECTURAL OR ENGINEERING PROFESSIONAL SERVICES

WHEREAS, Article VI, § 11(d) of the Charter of Baltimore City, 2016 edition, as amended (herein after referred to as “Charter”), provides that “all professional services contracted for by the City shall be engaged in the manner prescribed by resolution of the Board of Estimates”; thereby superseding all ordinances, regulations, policies, and other public local laws to the contrary; and

WHEREAS, in a Resolution adopted by the Board of Estimates on June 29, 1994, the Board of Estimates reconstituted the Architectural Commission as the Architectural and Engineering Awards Commission (“AEAC”) and tasked the AEAC with considering “whether the requested A & E [architectural and engineering] services should be procured through (a) performance in-house, (b) competitive negotiations, (c) competitive pricing, or (d) design competition”; and

WHEREAS, professional services entail a wide variety of services, the professional nature of which is determined by the manner of work performed; and

WHEREAS, besides the Resolution adopted June 29, 1994, the Board of Estimates has adopted no other resolution prescribing the manner in which professional services are procured; and

WHEREAS, except for architectural and engineering services, professional services contracts are generally not competitively bid; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ESTIMATES OF BALTIMORE CITY, that on this _____ day of _____, 2019, the following Resolution is adopted:

I. Definitions. For the purpose of this resolution, the following terms have the meaning indicated.

A. Board. Board means the Board of Estimates.

B. Committee. Committee means the Professional Services Review Committee.

C. Emergency Procurement. An emergency procurement means a procurement in response to a dangerous condition of such a nature that public welfare would be adversely affected by awaiting the approval of the Board of Estimates.

D. Procurement.

1. Procurement means purchasing, leasing, or otherwise acquiring any supplies, materials, equipment, services, or public works including all functions that pertain to the obtaining of any supplies, materials, equipment, services, or public works, including the descriptions of requirements, selection and solicitation of sources, evaluation of responders, preparation and award of contract, claim resolution, and all phases of contract administration.

2. A grant is not a procurement.

E. Professional Services.

1. Professional services are services that are predominantly mental or intellectual, rather than physical or manual, and require the application of special knowledge, technical skill, as well as the experience that comes from instruction, training, and the exercise of mental facilities.

2. Professional services include the services of attorneys, physicians, architects, engineers, consultants, and other recognized professional individuals, associations, corporations, and groups whose services are customarily negotiated instead of competitively procured because of the individuality of those services and level of expertise involved.

II. Professional Services Review Committee: Established. There is a Professional Services Review Committee, the purpose of which is to determine whether services other than architectural, engineering, or legal should be considered as professional services. Nothing in this resolution is intended to supersede or limit the role or responsibility of the Board.

III. Committee Composition. The Committee shall consist of one representative from each of the members of the Board of Estimates, as established in the Baltimore City Charter.

IV. Committee Powers and Responsibilities.

A. The Committee shall review all procurements for professional services other than architectural, engineering, or legal services and consider whether the recommended method of contracting is appropriate.

B. The Committee may:

1. Concur with the recommended method of contracting;

2. Not concur with the recommended method of contracting and offer an alternative method;

3. Request additional information; or

4. Offer no advice on the recommended method of contracting.

C. All Committee recommendations shall be submitted to the Board for review and consideration. No decision is final until the Board makes a determination about the Committee's recommendation.

V. Review Process.

A. The Committee shall hold regularly scheduled meetings, which comply with the Maryland Open Meetings Act.

1. All meetings shall be publicized and open to the public.

2. There shall be minutes kept for each meeting of the Committee.

B. Three of the five members of the Committee constitute a quorum for conducting business.

C. A majority of members of the quorum present can take an action for the Committee.

D. The Committee may review the submissions in a manner of its choosing.

E. The Committee may request representatives of agencies or departments provide testimony and answer questions on submissions.

F. The Committee shall develop and publicize submission procedures to ensure timely review.

VI. Standards and Guidance. The Committee shall develop standards and guidelines for evaluating whether:

A. The requested service should be considered a professional service;

B. Competition exists for a requested service;

C. If competition exists, whether competitively bidding or soliciting the service would be advantageous to the City; and

D. The cost(s) of the services are reasonable.

VII. Approval List. The Committee may create a list of approved services or professions that are automatically considered professional in nature. The Committee may update the list from time to time.

VIII. Administrative Support and Technical Assistance.

A. The Mayor's office shall provide staff and administrative support for the Committee.

B. The Law Department shall provide legal advice to the Committee, upon request.

C. The Committee may request assistance and additional support from City agencies, departments, or outside entities as needed or requested.

IX. Emergencies and Urgent Needs.

A. Emergencies. This Committee shall not be involved in the review and approval of emergency procurements.

B. Urgent Needs. For urgently needed procurements, which may not be considered an emergency, the Committee may make determinations electronically or by telephone.

X. Effective Date. This resolution shall take effect upon adoption by the Board of Estimates.

Approved as to form and legal sufficiency
this 27th day of November, 2018

Adopted by the Board of Estimates:

[signed version on file]
Chief Solicitor

Clerk Date