

Agenda Item #2D  
January 12, 2010

Action

MEMORANDUM

January 8, 2010

TO: Montgomery County Council

FROM: Dr. Costis Toregas, Council IT Adviser 

SUBJECT: **Action:** Resolution to approve Executive Regulation No. 20-09 to revise Formal Solicitation Copy Fees

On December 10, 2009 the County Executive transmitted to the Council Executive Regulation No. 20-09 to revise formal solicitation fees. This regulation revises the formal solicitation copy fees to: 1) eliminate the minimum copy fee for electronic copies of non-construction solicitations; and 2) substitute references to the Department of General Services for current references to the Office of Procurement. Since these revisions are not substantial, the Council President agreed to present them to the full Council for approval without going through the Transportation, Infrastructure, Energy and Environment Committee.

©1 is a draft resolution approving Executive Regulation 20-09; ©2-4 and ©5-7 are the marked-up and fully edited versions of the Executive Regulation; ©8 is the transmittal memorandum from the Executive; and ©9-10 is a memorandum from OMB stating that there is no fiscal impact on County expenditures as a result of the proposed regulations. There will be a minor revenue loss of \$3,210 with the elimination of the on-line subscription fee, a loss that should be more than offset through the convenience to business owners wanting to do business with the County who will be able to readily obtain County solicitations with no fee impediments.

Staff recommends approval.

Note: Executive Regulation 20-09 is a "Method 1" regulation, which means that it is not adopted until the Council approves it; there is no deadline for Council action. Its approval is done by resolution, and the Council cannot amend it, but only approve or disapprove, or ask the issuer to amend. If approved, the regulation would take effect upon approval.

Resolution No.: \_\_\_\_\_  
Introduced: January 12, 2010  
Adopted: \_\_\_\_\_

COUNTY COUNCIL  
FOR MONTGOMERY COUNTY, MARYLAND

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By: County Council

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Subject: Executive Regulation 20-09, Formal Solicitation Copy Fees

**Background**

1. Executive Regulation 20-09 would modify the County's formal solicitation copy fees by:
  - (a) eliminating the minimum copy fee for electronic copies of non-construction solicitations; and
  - (b) substituting references to the Department of General Services for current references to the Office of Procurement.
2. On December 10, 2009 the County Council received Executive Regulation 20-09, Formal Solicitation Copy Fees, from the County Executive.
3. The Council reviewed the regulation under Method (1) of §2A-15 of the County Code. Under Method (1), a regulation is not adopted until the Council approves it. The regulation takes effect upon adoption of the resolution approving it or on a later date specified in the resolution.

**Action**

*The County Council for Montgomery County, Maryland, approves the following resolution:*

Executive Regulation 20-09, Formal Solicitation Copy Fees, is approved.

This is a correct copy of Council action.

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Linda M. Lauer, Clerk of the Council



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

Montgomery County regulation on:

## FORMAL SOLICITATION COPY FEES

Issued by: County Executive

Regulation No. 20-09

Authority: Chapter 11B, Montgomery County Code

Supersedes: Regulation 23-03

Council Review: Method (1) under Code Section 2A-15  
Register Vol. 26, Issue 10

Comment deadline: October 31, 2009

Sunset Date: None.

**Summary:** This regulation establishes the circumstances in which a fee is imposed for copies of solicitation materials under the procurement process.

**Address for comments:** Karen L. Federman Henry  
Executive Office Building  
Third Floor  
101 Monroe Street  
Rockville, Maryland 20850

**Staff contact:** Karen L. Federman Henry  
(204) 777-6700  
Karen.Federman-Henry@montgomerycountymd.gov

**Background Information:** This regulation implements Chapter 11B, Montgomery County Code.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

## A. Formal Solicitation Copy Fees

### 1. Minimum Copy Fee

A minimum copy fee of \$10.00 is required for paper copies of each formal solicitation, which includes any amendments. There is no minimum copy fee for electronic copies of formal non-construction solicitations issued by the County, which includes any amendments.

### 2. Variable Copy Fee

A variable copy fee is required for construction plans and specifications, which includes the minimum copy fee. The variable copy fee will be certified by the using agency or department to the Department of General Services, Office of Procurement, based upon the costs associated with preparing and printing of construction plans and specifications for each procurement.

## B. Formal Solicitation Amendments

### 1. No fee.

## C. General

### 1. Payment

All required copy fees must be paid in full before a copy of the formal solicitation is released to the person requesting the solicitation material. Each request for a new formal solicitation must be accompanied by the full applicable [minimum copy fee or variable] copy fee.

### 2. Refunds

Minimum and variable copy fees are not refundable under any circumstances, including cancellation of a solicitation.

### 3. Transfers

Minimum and variable copy fees are not transferable.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

4. Waiver of Fees

The Director, Department of General Services, or the Division Chief of the Office of Procurement may waive the minimum and variable formal solicitation copy [fee] fees under the following conditions:

- a. competition would be unduly restricted;
- b. undue hardship would be caused to minority owned businesses as defined in the Montgomery County Code; or
- c. when it is in the best interest of the County.

**D. Severability**

If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

  
 \_\_\_\_\_  
 Isiah Leggett  
 County Executive

Approved as to form and legality:

Karen R. Federman Steury 9/13/09  
 Office of the County Attorney/Date



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

Montgomery County regulation on:

## FORMAL SOLICITATION COPY FEES

Issued by: County Executive

Regulation No. 20-09

Authority: Chapter 11B, Montgomery County Code

Supersedes: Regulation 23-03

Council Review: Method (1) under Code Section 2A-15

Register Vol. 26, Issue 10

Comment deadline: October 31, 2009

Sunset Date: None.

**Summary:** This regulation establishes the circumstances in which a fee is imposed for copies of solicitation materials under the procurement process.

**Address for comments:** Karen L. Federman Henry  
Executive Office Building  
Third Floor  
101 Monroe Street  
Rockville, Maryland 20850

**Staff contact:** Karen L. Federman Henry  
(204) 777-6700  
Karen.Federman-Henry@montgomerycountymd.gov

**Background Information:** This regulation implements Chapter 11B, Montgomery County Code.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

## A. Formal Solicitation Copy Fees

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### 2. Variable Copy Fee

A variable copy fee is required for construction plans and specifications, which includes the minimum copy fee. The variable copy fee will be certified by the using agency or department to the Department of General Services, Office of Procurement, based upon the costs associated with preparing and printing of construction plans and specifications for each procurement.

## B. Formal Solicitation Amendments

### 1. No fee.

## C. General

### 1. Payment

All required copy fees must be paid in full before a copy of the formal solicitation is released to the person requesting the solicitation material. Each request for a new formal solicitation must be accompanied by the full applicable copy fee.

### 2. Refunds

Minimum and variable copy fees are not refundable under any circumstances, including cancellation of a solicitation.

### 3. Transfers

Minimum and variable copy fees are not transferable.



# MONTGOMERY COUNTY EXECUTIVE REGULATION

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|   |                        |
|---|------------------------|
| <b>Subject</b><br>Formal Solicitation Copy Fees                 | <b>Number</b><br>20-09 |
| <b>Originating Department</b><br>Department of General Services | <b>Effective Date</b>  |

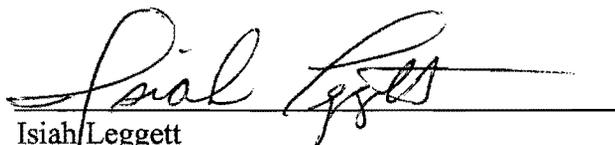
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The Director, Department of General Services, or the Division Chief of the Office of Procurement may waive the minimum and variable formal solicitation copy fees under the following conditions:

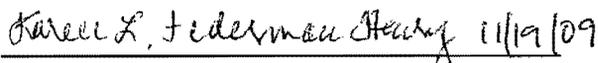
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- b. undue hardship would be caused to minority owned businesses as defined in the Montgomery County Code; or
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If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.

  
 \_\_\_\_\_  
 Isiah Leggett  
 County Executive

Approved as to form and legality:

  
 \_\_\_\_\_  
 Office of the County Attorney/Date

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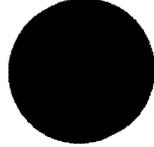
Isiah Leggett  
County Executive

OFFICE OF THE COUNTY EXECUTIVE  
ROCKVILLE, MARYLAND 20850

Method 1

**MEMORANDUM**

December 10, 2009



TO: Nancy Floreen, President  
Montgomery County Council

FROM: Isiah Leggett, County Executive 

RE: Executive Regulation No. 20-09 to Revise Formal Solicitation Copy Fees

I am forwarding for Council approval an executive regulation that revises the formal solicitation copy fees. Notice of this regulation was published in the October 2009 Montgomery County Register and no comments were received.

*Summary of Proposed Revisions:*

The proposed regulation revises the formal solicitation copy fees to eliminate the minimum copy fee for electronic copies of non-construction solicitations and to substitute references to the Department of General Services for current references to the Office of Procurement. This is mostly a housekeeping revision.

I would appreciate your approval of this regulation at your earliest convenience. If you have any questions or require additional information, please do not hesitate to contact David Dise, Director, Department of General Services, at 240-777-6191, or Karen L. Federman Henry, Division Chief, Office of the County Attorney, at 240-777-6761.

Enclosures: (2)

IL:JQ



OFFICE OF MANAGEMENT AND BUDGET

Isiah Leggett  
County Executive

Joseph F. Beach  
Director

**MEMORANDUM**

September 17, 2009

**TO:** Joseph F. Beach, Director  
Office of Management and Budget

**VIA:** Beryl Feinberg, Management and Budget Manager

**FROM:** Bruce R. Meier, Senior Management and Budget Specialist

**SUBJECT:** Executive Regulation 19-09, Procurement Regulations  
Executive Regulation 20-09, Formal Solicitation Copy Fees  
Executive Regulation 21-09, On-Line Subscription Fee

**Regulation Summary**

These regulations amend the policies and procedures for regulating the County procurement process. The Procurement Regulations include rules regarding the solicitation process, source selection, contract types, using department responsibilities, contractor qualifications, payments, claims, solicitation protests, contract disputes, ethics in public contracting, and the minority-owned business purchasing program. Specific changes include raising the dollar threshold for various types of solicitations and including the County within the disputes process.

The Formal Solicitation Copy Fees Regulation is being revised to eliminate the fee for certain copies. And the On-Line Subscription Fee Regulation is being repealed in its entirety as it is no longer needed due to the current status of technological services.

**Fiscal Summary**

There will be no fiscal impact on County expenditures as a result of the proposed regulations. This is because no additional staff or other resources are required to implement these regulations. In addition, there is no additional administrative burden anticipated from these changes and, in fact, it should expedite the procurement process. There will be a loss of \$3,210 with the elimination of the On-Line Subscription Fee.

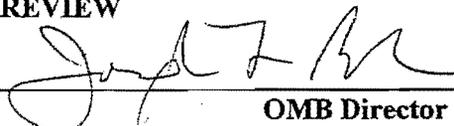
BM/BF/sa

c: Kathleen Boucher, Assistant Chief Administrative Officer  
Karen Federman-Henry, Office of the County Attorney  
David Dise, Director, Department of General Services  
Pam Jones, Department of General Services  
John Cuff, Office of Management and Budget

Office of the Director

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**OMB REVIEW**

Fiscal Impact Statement approved  \_\_\_\_\_  
**OMB Director**

Fiscal Impact Statement not approved, OMB will contact department to remedy.