

Proposal for Joint MAASTO Procurement of Consultant Services

Concept: Establish a master contract with work orders.

- Two-year contract.
- May have Master Contract with more than 1 contractor.
- Contains all of the general negotiated terms and provisions between the parties, including a statement that no work is guaranteed.
- MAASTO can request task-specific work orders and deliverables on a shorter timeline.
 - Examples could include, but are not limited to, developing joint applications for discretionary federal programs such as TIGER grants, like MAASTO's current Truck Parking Study. In general, the consultant would provide MAASTO the technical resources, flexibility, and quickness to respond to federal programs that benefit the MAASTO member states.
- Funding will already be secured. Work Orders will take a portion out of the total based on scope of work and project specific needs.
- Benefits – saves time, primary terms already set, funding secured, work orders can be “cut” in shorter timeframe, relationship with contractor already established.

Contracting Authority and Oversight

- A member state will procure and administer the contract for two years.
 - Iowa has expressed interest to administer the contract for the first two years.
 - This would require payment to the administrating state or an agreement for reimbursement from MAASTO as the contract is used for General Contracting Services projects.
- Contracting authority rotates among the MAASTO states every ~ two years.
- Initial fund for a procurement contract will be \$75,000.
- Funds will be provided by MAASTO budget, into which states would likely need to contribute.
- Establish responsibility to the Planning Committee within thy Bylaws.
 - The Planning Committee currently oversees the MAFC contract. This would allow the Planning Committee to utilize the full scope of work available to MAASTO through the MAFC agreement, and to coordinate the work requested under both contracts.
- Planning Committee would provide contract oversight. Committee would also oversee specific work orders, deliverables, and assisting the volunteer state with contractual issues and/or receiving funding from MAASTO.

General Contracting - Authority

- Authority to “transact general business”:
 - The MAASTO Constitution (Article VI) allows the Board to **initiate and transact general business** and to **establish policy** as long as a there is a quorum (in this case, six members is a quorum)
- Note: Authority to enter into contracts- specific, default designations:
 1. Bylaws (Section V) President and Vice President (or designees) from Host State have power to enter contractual relations **for purpose of conducting meetings**

- a. Unless specifically given a different path, contracts fall into the category of “transact[ing] general business” rather than contractual relations for purpose of conducting meetings

Contract Structure

Preferred Option: Master Contract with Work Order Contracts

- Master Contract
 - Contains all of the general negotiated terms between the parties
 - Is not for any particular project or task
 - May have master contracts with multiple organizations
 - Provisions
 - Summary of possible tasks
 - A statement that no work is guaranteed
- Work Orders
 - Task specific
 - Contains a dollar amount
 - Funding has already been secured- this will just take a portion out of total
 - Contains project specifics/deliverables
- Benefits
 - Saves time
 - Only need to negotiate primary terms one time instead of for each project.
 - Total funding secured by master contract, do not have to establish a new funding source each time there is a project.
 - Work orders can be “cut” in a short timeframe because they have fewer terms to work out.
 - Provides Certainty
 - Eliminates the potential for an organization to be selected but then unable to do the work because contract terms cannot be agreed upon.
 - You will already have an established relationship with the organization when you have project needs (established through Master contract negotiations).

General Discussion Questions:

- How can services be procured efficiently despite a leadership change every year?
- How can contracts be administered?

Board Action Requested: Provide direction to Planning Committee on what additional information is needed before final action on this proposal is taken at the Annual MAASTO Conference BOD meeting in July.