

7. PROCUREMENT, CONTRACTS, AND GRANTS

7.2.1 JUDICIARY MEMORANDUM OF UNDERSTANDING PROCEDURES MANUAL

GLOSSARY OF TERMS

AOC: Administrative Office of the Courts

DPCGA: Department of Procurement, Contract, and Grant Administration

GEARS: Judiciary's financial management system

MOU: Memorandum of Understanding

SOW: Scope of Work; a document describing the work to be done

MOU Partner: Key service delivery partner which can include executive, legislative, or judicial agencies, departments, boards, commissions, authorities, institutions, or instrumentalities of the State, federal government, counties, municipalities, or other political subdivisions

MOU Manager: The Judiciary employee who works in the using unit department of the Judiciary and acts as the point-of-contact with the MOU Partner

DPCGA MOU Coordinator: The Procurement Officer Associate who facilitates management of all MOUs for the Judiciary

(a) Memorandum of Understanding Overview

A Memorandum of Understanding (MOU) is a non-binding agreement between two or more government agencies that describes how they will collaborate to achieve a shared goal. It formalizes the relationship between the Administrative Office of the Courts (AOC) and a key service delivery partner (Partner). The MOU defines mutual roles and responsibilities and fosters a strong partnership that benefits both parties. In the Judiciary, these Partners can include executive, legislative, or judicial agencies, departments, boards, commissions, authorities, institutions, or instrumentalities of the State, federal government, counties, municipalities, or other political subdivisions.

An MOU may or may not involve the transfer of funds.

All Courts, Judicial Units, and departments within the Maryland Judiciary are required to submit written agreements, such as MOUs, to the Department of Procurement, Contract & Grant Administration (DPCGA) for review. The MOU must be approved by the Director of DPCGA, or designee; and, as required by established MOU procedures, the State Court Administrator, the Chief Judge of the District Court of Maryland, or the Chief Justice of the Supreme Court of Maryland, or their designees. The Managing Legal Counsel within the Administrative Office of the Courts, or designee, must approve the MOU for legal form and sufficiency. Approvals are required prior to the execution of the MOU.

(1) MOU Templates

The following list of templates provides guidance for developing MOUs:

(A) Administrative Office of the Courts:

- i. Remote Access to Case Records
 1. General – *grants access to public case records, excluding marriage licenses*
 2. Enhanced – *grants access to non-public case records*
- ii. JIS
 1. Fiber Optic Cabling – *services and materials for installing fiber optic cabling to connect sites with networkMaryland™*
 2. Judicial Data Exchange – *grants access to information on attorney-obligors in arrears on child support payments*
 3. Judicial Data Exchange II – *shares data from judicial electronic records*
 4. MDEC Interface – *allows contract with a third-party vendor for case management services access to MDEC*
 5. Electrical & Data Wiring – *video conferencing system electrical and data wiring related goods and services, based upon funding amounts*
 - a. Up to \$100,000
 - b. Over \$100,000 and Up to \$500,000
 - c. Over \$500,000
 - d. Remote Hearing Equipment (No Dollar Value)
- iii. Security Equipment – *security-related goods and services, based upon funding amounts*
 1. Up to \$100,000
 2. Over \$100,000 and Up to \$500,000
 3. Over \$500,000
 4. Anne Arundel County
- iv. AOC Templates – *goods and services, based upon funding amounts*
 1. Up to \$100,000
 2. Over \$100,000 and Up to \$500,000

3. Over \$500,000
 4. No Dollar Value
- (B) **District Court of Maryland**
- i. District Court Commissioner Access to Records – *access to a password-protected site on the Judiciary website to obtain forms approved by District Court*
 - ii. eCitation General User – *submission of citation data and related information electronically to JIS*
 - iii. Mental Health Access to Forms – *access to a password-protected site on the Judiciary website to obtain Mental Health forms approved by District Court*
 - iv. Video Bail Review – *implementation of video bail review*
 - v. Space Allocation – *utilization of District Court space*
 1. To Circuit Court
 2. To Supreme Court/Appellate Court Only
 3. To Other
 - vi. District Court Templates – *goods and services, based upon funding amounts*
 1. Up to \$100,000
 2. Over \$100,000 and Up to \$500,000
 3. Over \$500,000
 4. No Dollar Value
- (C) **Mutual Aid Agreement – Continuity of Operations Plan (COOP)** – *provides for the sharing of aid in the event of a local disaster or other emergency.*

(2) Maintaining the Uniformity of MOU Templates

- (A) MOU templates are reviewed and updated as appropriate by the AOC Office of Legal Affairs & Fair Practices Department in conjunction with the Department of Procurement, Contract & Grants Administration. The templates are available on the DPCGA website: <http://courtnet/procurement/index.html>.
- (B) The templates provide a framework and include important elements of the MOU. While some of the elements may not be relevant to the current partnership, additional ones may be required.
- (C) Additional signatures may be required depending upon the partnership and/or the scope of work.

(b) MOU Preparations

When Courts, Judicial Units, and departments within the Maryland Judiciary (Judiciary) formalize a partnership, the initial steps include determining the scope of work, roles and responsibilities of the parties, and the amount of funding required for the project.

- (1) Scope of Work: The Judiciary Manager (MOU Manager) creates a scope of work and, if appropriate, a requisition in GEARS, attaching the scope of work. The requisition is then forwarded to the DPCGA MOU Coordinator. Zero dollar value MOUs do not require a requisition.
- (2) MOU Template: The MOU Manager downloads and completes the appropriate MOU template, including the scope of work under Exhibit A.

(c) Review Draft MOU

Once the draft MOU has been created, it should be emailed as a Word document to the DPCGA MOU Coordinator to be recorded and reviewed. After review, a number will be assigned for tracking, which will be used as the contract and purchase order (PO) number (if appropriate) in GEARS.

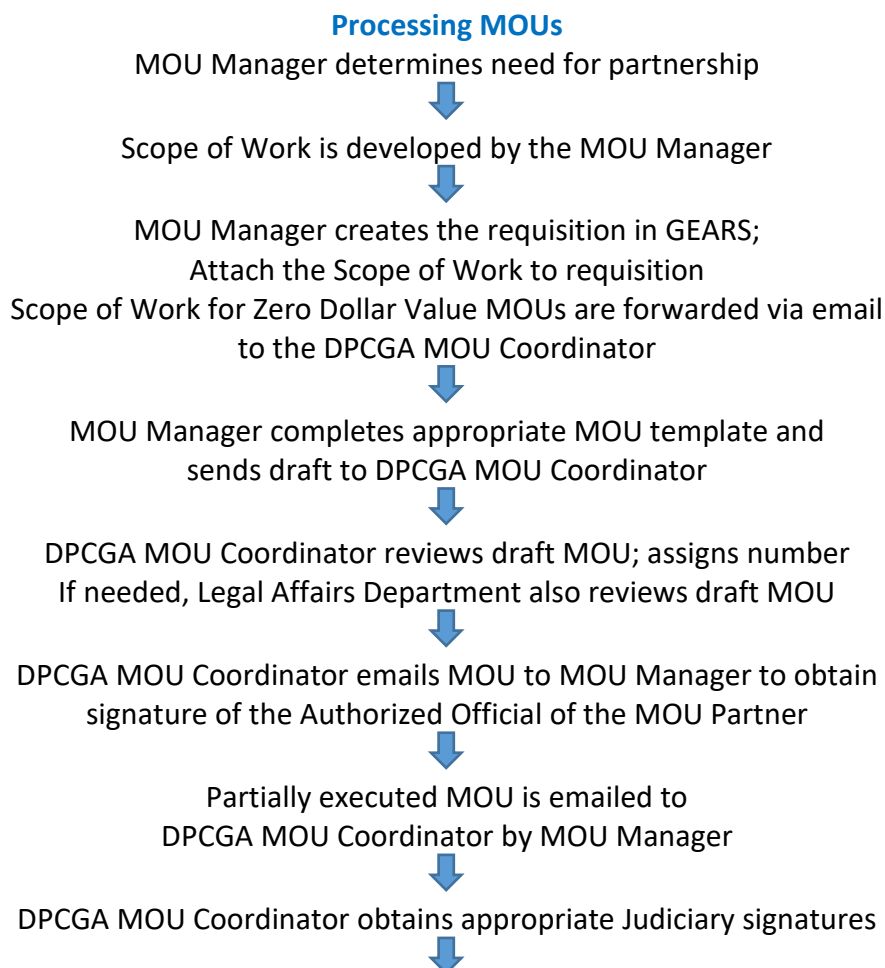
(d) MOU Signatures

The numbered MOU will be returned to the MOU Manager in PDF form. The MOU Manager will forward the MOU to the MOU Partner for signature by the Authorized Official of the MOU Partner. Once signed by the Authorized Official, the MOU Manager will email the partially executed MOU to the DPCGA MOU Coordinator.

The DPCGA MOU Coordinator will obtain signatures from the appropriate Judiciary parties, such as the Director of DPCGA, Legal Counsel, the State Court Administrator, the Chief Justice, the Chief Judge, or other designated officials (as required).

(e) Create Purchase Order

The fully executed MOU is returned to the DPCGA MOU Coordinator. A PO (if required) is created and dispatched based upon the requisition and Supplier ID provided by the MOU Manager. The DPCGA MOU Coordinator forwards the dispatched PO and fully executed MOU to the MOU Manager for distribution as appropriate. Fully executed Zero Dollar Value MOUs will be forwarded to the MOU Manager without a PO. The fully executed MOUs are attached to the contract in GEARS.



PO created with fully executed MOU
POs are not created for Zero Dollar Value MOUs



Fully executed MOU, along with PO (if appropriate),
is returned to the MOU Manager for distribution

(f) Modifying the MOU

The MOU Manager will submit proposed modifications to the Scope of Work, the Not To Exceed (NTE) Amount, extension to the term of the MOU, or other material changes to the agreement in writing to the DPCGA MOU Coordinator. A change in employee personnel on the side of the Judiciary or the MOU Partner does not require an MOU modification.

The proposed modification request will be reviewed, and, if appropriate, a modification to the MOU will be created by the DPCGA MOU Coordinator. The modification will be forwarded to the MOU Manager for distribution to the MOU Partner for review and signature.

Depending upon the modification, an updated PO may be issued by DPCGA.

(g) Renewing the MOU

As the MOU nears its expiration date, the DPCGA MOU Coordinator will review the MOU for renewal options. If there are remaining renewal options in the MOU terms, the DPCGA MOU Coordinator will contact the MOU Manager to inquire if a renewal is needed. If renewal is needed, the DPCGA MOU Coordinator will execute an option letter for the MOU Manager to send to the MOU Partner with the terms of the renewal. The DPCGA MOU Coordinator will also update the MOU contract in GEARS accordingly. If no options to extend remain, and the MOU Manager continues to see a need for the MOU, then a new MOU must be executed.

DISCLAIMER

This manual is intended to be a procedures manual to assist Judiciary personnel in the management of Memorandum of Understanding, but it is not intended to be a complete list of all rules, regulations, or laws relating to Memorandum of Understanding. It is a supplement to 7.2 Policy on Memorandum of Understanding.