

IAC MEETING AGENDA

Thursday, August 30, 2018

Maryland State Department of Education Building
 State Board of Education Meeting Room, 7th Floor
 9:00 a.m.– 12:00 p.m.

Live and archived streams of IAC meetings are available at www.pscp.state.md.us

Introduction

- Meeting called to order
- Roll Call
- Revisions to Agenda

Public Comment

Please sign-in using the sign-in sheet outside the meeting room at least 10 minutes prior to the meeting. Remarks should be limited to three minutes each. Speakers are heard at the discretion of the IAC.

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*Action Item

Item I. A. Approval of May 31, 2018 Minutes

Motion:

To approve the minutes of the May 31, 2018 Interagency Committee on School Construction meeting.



State of Maryland
Interagency Committee on School Construction

UNOFFICIAL Meeting Minutes
May 31, 2018

Meeting called to order: 1:00 pm

A meeting of the Interagency Committee on School Construction was held on May 31, 2018.

Attendees

- Dr. Karen Salmon – State Superintendent – Chair
Mr. Robert McCord – Acting Secretary of MD Department of Planning – Member
Mr. Ellington Churchill – Secretary of Maryland Department of General Services

Members Not in Attendance

- Ms. Barbara Hoffman – Appointee of the President of the Senate, Public Member
VACANT – Appointee of the Speaker of the House, Public Member

Dr. Karen Salmon, Chair, called the meeting to order.

Regular IAC Business

- I. Consent Agenda
A. Approval of February 26, 2018 Minutes..... MOTION CARRIED

Table with 6 columns: Name, Approved, Disapproved, Deferred, Abstain, Recuse. Rows include Dr. Karen Salmon, Mr. Robert McCord, Mr. Ellington Churchill, Jr, Ms. Barbara Hoffman, and Speaker's Appointee.

- B. Concurrence with Previously Approved Memorandum.....MOTION CARRIED
(3/9/18, 3/16/18, 3/28/18,4/26/18, 5/18/18)

Table with 6 columns: Name, Approved, Disapproved, Deferred, Abstain, Recuse. Rows include Dr. Karen Salmon, Mr. Robert McCord, Mr. Ellington Churchill, Jr, Ms. Barbara Hoffman, and Speaker's Appointee.

C. Prior Meeting Agenda Revisions.....MOTION CARRIED

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

D. Approval of Contracts.....MOTION CARRIED

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

E. Baltimore City #247 Cross Country Elementary/Middle School.....MOTION CARRIED

MOTION: TO APPROVE THE CROSS COUNTRY ELEMENTARY/MIDDLE SCHOOL AS A 10- YEAR PLAN (21st CENTURY BUILDING PROGRAM) PROJECT AND; TO APPROVE THE EAP IN ACCORDANCE WITH THE MOU SO THAT THE PROJECT MAY PROCEED INTO DESIGN AS A RENOVATION/ ADDITION PROJECT FOR PROJECTED CAPACITY OF 680 STUDENTS IN GRADES PRE-K THROUGH EIGHT WITH A PROPOSED MAXIMUM AREA OF 90,220 GROSS SQUARE FEET.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

II. FY 2019 100% CIP Approval..... MOTION CARRIED

MOTION: THE INTERAGENCY COMMITTEE APPROVES THE FISCAL YEAR 2019 CAPITAL IMPROVEMENT PROGRAM ALLOCATIONS AND PLANNING PROJECTS AS SPECIFIED FOR EACH SCHOOL SYSTEM IN THE ATTACHED DOCUMENTS DATED MAY 31, 2018 IN THE TOTAL AMOUNT OF \$379.284 MILLION, CONSISTING OF APPROXIMATELY \$313.900 MILLION IN NEW BOND

AUTHORIZATION IN ACCORDANCE WITH THE MARYLAND CONSOLIDATED CAPITAL BOND LOAN OF 2018, \$17.861 MILLION IN RESERVED FUNDS, \$0.126 MILLION IN UNRESERVED FUNDS, AND \$65.397 MILLION IN SUPPLEMENTAL EGRC FUNDS, AND AUTHORIZES THE DESIGNEES TO MAKE MINOR ADJUSTMENTS IN ALLOCATIONS PER WORKSHEET CALCULATIONS TO AVOID OVERFUNDING OF ANY PROJECT.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Informational Items

III. Correspondence

Additional IAC Action Items

IV. Sufficiency Standards.....MOTION CARRIED

MOTION: TO APPROVE ADOPTION OF THE PROPOSED EDUCATIONAL FACILITY SUFFICIENCY STANDARDS TO ESTABLISH UNIFORM STANDARDS FOR THE ASSESSMENT OF PHYSICAL ATTRIBUTES, CAPACITY, AND EDUCATIONAL SUITABILITY OF PUBLIC SCHOOL FACILITIES IN MARYLAND AS REQUIRED BY HOUSE BILL 1783 (2018 LAWS OF MD. CHAP. 14). THE EDUCATIONAL FACILITIES SUFFICIENCY STANDARDS WILL BE UTILIZED TO COMPLETE AN INITIAL STATEWIDE FACILITIES ASSESSMENT PURSUANT TO HOUSE BILL 1783 TO BE COMPLETED ON OR BEFORE JULY 1, 2019.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V. Baltimore City Property Transfers

A. #163 Patapsco Elementary/Middle School.....MOTION CARRIED

MOTION: TO APPROVE THE TRANSFER OF THE DEDICATED USE OF THE PATAPSCO MIDDLE/ELEMENTARY SCHOOL #163, LOCATED AT 844 ROUNDVIEW ROAD, BALTIMORE, MD 21225, BY THE BALTIMORE CITY BOARD OF COMMISSIONERS (BOC) TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, IN ACCORDANCE WITH THE BUILDING A PORTFOLIO OF SCHOOLS 2017-18 REVIEW AND RECOMMENDATIONS, APPROVED BY THE BOC DECEMBER 19, 2017, AND IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING FOR THE CONSTRUCTION AND REVITALIZATION OF BALTIMORE CITY PUBLIC SCHOOLS DATED DECEMBER 2016, WITH

THE AGREEMENT THAT THE CITY GOVERNMENT WILL REIMBURSE THE STATE THE OUTSTANDING BOND DEBT SERVICE IN THE AMOUNT OF \$315,265.20, BY THE SCHEDULED DATES PROVIDED BY THE STATE TREASURER'S OFFICE. THE BALTIMORE CITY GOVERNMENT SHALL OBTAIN APPROVAL OF THE INTERAGENCY COMMISSION BEFORE TRANSFERRING ANY RIGHT, TITLE, OR INTEREST TO ANY PORTION OF THE PROPERTY.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. #89 Rognel Heights Elementary/Middle School.....MOTION CARRIED

MOTION: TO APPROVE THE TRANSFER OF THE DEDCIATED USE OF #89 ROGNEL HEIGHTS MIDDLE/ELEMENTARY SCHOOL, LOCATED AT 4300 SIDEHILL ROAD, BALTIMORE, MD 21229, BY THE BALTIMORE CITY BOARD OF COMMISSIONERS (BOC) TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, IN ACCORDANCE WITH THE BUILDING A PORTFOLIO OF SCHOOLS 2017-18 REVIEW AND RECOMMENDATIONS, APPROVED BY THE BOC DECEMBER 19, 2017, AND IN ACCORDANCE WITH THE MEMORANDUM OF UNDERSTANDING FOR THE CONSTRUCTION AND REVITALIZATION OF BALTIMORE CITY PUBLIC SCHOOLS DATED DECEMBER 2016, WITH THE AGREEMENT THAT THE CITY GOVERNMENT WILL REIMBURSE THE STATE THE OUTSTANDING BOND DEBT SERVICE IN THE AMOUNT OF \$460,266.88, BY THE SCHEDULED DATES PROVIDED BY THE STATE TREASURER'S OFFICE. THE BALTIMORE CITY GOVERNMENT SHALL OBTAIN APPROVAL OF THE INTERAGENCY COMMISSION BEFORE TRANSFERRING ANY RIGHT, TITLE, OR INTEREST TO ANY PORTION OF THE PROPERTY.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C. #24 Westside Elementary School.....MOTION CARRIED

MOTION: TO APPROVE THE TRANSFER OF THE DEDICATED USE OF THE #24 WESTSIDE ELEMENTARY SCHOOL, LOCATED AT 2235 NORTH FULTON AVENUE, BALTIMORE, MD 21227, BY THE BALTIMORE CITY BOARD OF COMMISSIONERS (BOC) TO THE MAYOR AND CITY COUNCIL OF BALTIMORE, IN ACCORDANCE WITH THE BUILDING A PORTFOLIO OF SCHOOLS 2017-18 REVIEW AND RECOMMENDATIONS, APPROVED BY

THE BOC DECEMBER 19, 2017, AND THE MEMORANDUM OF UNDERSTANDING FOR THE CONSTRUCTION AND REVITALIZATION OF BALTIMORE CITY PUBLIC SCHOOLS DATED DECEMBER 2016, WITH THE AGREEMENT THAT THE CITY GOVERNMENT WILL REIMBURSE THE STATE THE OUTSTANDING BOND DEBT SERVICE IN THE AMOUNT OF \$954,915.85, BY THE SCHEDULED DATES PROVIDED BY THE STATE TREASURER'S OFFICE. THE BALTIMORE CITY GOVERNMENT SHALL OBTAIN APPROVAL OF THE INTERAGENCY COMMISSION BEFORE TRANSFERRING ANY RIGHT, TITLE, OR INTEREST TO ANY PORTION OF THE PROPERTY.

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VI. Approval of Contracts.....MOTION CARRIED

IAC ACTION: THE ABOVE REFERENCED ITEMS WERE:					
	Approved	Disapproved	Deferred	Abstain	Recuse
Dr. Karen Salmon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Robert McCord	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Ellington Churchill, Jr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. Barbara Hoffman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Speaker's Appointee	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Time Meeting Adjourned: 1:28 pm

Shauntia Gray
Recording Secretary

May 31, 2018
Date of approval

Item I. B. - SUMMARY OF CONTRACT AWARDS

Motion: To approve contract procurement as noted below.

The IAC staff has reviewed the contract procurement for the following State approved projects and recommends IAC approval.

		<u>Total Contract</u>	<u>State Funds</u>	<u>Local Funds</u>
<u>Anne Arundel County</u>				
1.	Broadneck Elementary PSC #02.023.19 SR Systemic Renovation - Roof Replacement 2 - Northstar Contracting Group	\$49,640 \$49,640	\$24,820	\$24,820
2.	Arundel Middle PSC #02.057.19 SR Systemic Renovation - Roof Replacement 2 - Northstar Contracting Group 1 - Vatica Contracting, Inc.	\$3,207,428 \$25,428 \$3,182,000	\$1,603,714	\$1,603,714
3.	Bodkin Elementary PSC #02.062.19 SR Systemic Renovation - HVAC/Window Replacement 2 - Electrical Automation Services, Inc. (EASI) 1 - Towson Mechanical, Inc.	\$4,293,000 \$396,000 \$3,897,000	\$2,146,500	\$2,146,500
4.	Solley Elementary PSC #02.067.19 LPC Addition - Contract #1 (1 contract) Towson Mechanical, Inc.	\$2,342,100 \$2,342,100	\$798,000	\$1,544,100
5.	Marley Elementary PSC #02.079.18/19 LPC Addition - Contract #3 (1 contract) 3 - Cunningham Associates, Inc. (Gametime)	\$59,420 \$59,420	\$21,348	\$38,072
6.	Maryland City Elementary PSC #02.082.19 LPC K Addition - Contract #1 (1 contract) William F. Klingensmith, Inc.	\$3,331,000 \$3,331,000	\$1,514,000	\$1,817,000
7.	Riviera Beach Elementary PSC #02.097.19/19EGRC LPC K Addition - Contract #1 (1 contract) 1 - North Point Builders of Maryland, LLC 2 - Electrical Automation Services, Inc. (EASI)	\$2,589,080 \$2,513,180 \$75,900	\$1,281,000	\$1,308,080
8.	Crofton Area High PSC #02.135.18 LP New - Contract #2 (2 contracts) Astro Turf Corporation Electrical Automation Services, Inc. (EASI)	\$3,290,746 \$1,631,711 \$1,659,035	\$0	\$3,290,746

Item I. B. - SUMMARY OF CONTRACT AWARDS - Cont'd

		<u>Total Contract</u>	<u>State Funds</u>	<u>Local Funds</u>
<u>Baltimore County</u>				
9.	Dundalk Elementary PSC #03.052.19 LP Replacement - Contract #1 (1 contract) North Point Builders of Maryland, LLC	\$32,506,300 \$32,506,300	\$0	\$32,506,300
<u>Carroll County</u>				
10.	Westminster High PSC #06.042.19 SR Systemic Renovation - Electrical BoMark Electric	\$1,864,650 \$1,864,650	\$1,100,144	\$764,506
<u>Frederick County</u>				
11.	Catoctin High PSC #10.051.17/19 SR Systemic Renovation - HVAC Replacement Daikin Applied Americas, Inc.	\$4,032,000 \$4,032,000	\$2,123,328	\$1,908,672
<u>Garrett County</u>				
12.	Southern Middle PSC #11.008.18 SR Systemic Renovation - Fire Safety S & S Electric, Inc.	\$192,319 \$192,319	\$96,160	\$96,159
<u>Montgomery County</u>				
13.	Silver Spring International Middle PSC #15.002.18 SR Systemic Renovation - HVAC Replacement Phase II W. L. Gary Company, Inc.	\$2,931,835 \$2,931,835	\$730,027	\$2,201,808
14.	Germantown Elementary PSC #15.013.18 SR Systemic Renovation - Roof Replacement Orndorff & Spaid, Inc.	\$848,319 \$848,319	\$211,231	\$637,088
15.	Fox Chapel Elementary PSC #15.100.18 SR Systemic Renovation - Roof Replacement Interstate Corporation	\$1,280,000 \$1,280,000	\$269,000	\$1,011,000
16.	Highland View Elementary PSC #15.101.18 SR Systemic Renovation - Roof Replacement Interstate Corporation	\$1,350,000 \$1,350,000	\$191,000	\$1,159,000
17.	Poolesville Elementary PSC #15.137.18 SR Systemic Renovation - Roof Replacement Interstate Corporation	\$945,000 \$945,000	\$235,305	\$709,695

Item I. B. - SUMMARY OF CONTRACT AWARDS - Cont'd

		<u>Total Contract</u>	<u>State Funds</u>	<u>Local Funds</u>
Montgomery County - Cont'd				
18.	S. Christa McAuliffe Elementary PSC #15.151.19 LP Addition - Contract #1 (1 contract) Keller Brothers, Inc.	\$8,446,000 \$8,446,000	\$0	\$8,446,000
19.	Springbrook High PSC #15.186.18 SR Systemic Renovation - Roof Replacement Cole Roofing Company, Inc.	\$1,445,325 \$1,445,325	\$359,886	\$1,085,439
20.	Greenwood Elementary PSC #15.192.19 ASP ASP - Ceiling & Lighting Replacement Unisource Services, LLC	\$179,291 \$179,291	\$179,291	\$0
21.	Greenwood Elementary PSC #15.192.18 SR Systemic Renovation - Roof Replacement Orndorff & Spaid, Inc.	\$768,600 \$768,600	\$191,381	\$577,219
22.	Westland Middle PSC #15.215.19 ASP ASP - Asphalt Replacement 1 - Colossal Contractors, Inc. 2 - Finley Asphalt & Sealing, Inc.	\$130,727 \$6,760 \$123,967	\$130,727	\$0
Prince George's County				
23.	H. Winship Wheatley Early Childhood Center PSC #16.017.16EGRC SR Systemic Renovation - Window Replacement Micon Construction, Inc.	\$912,300 \$912,300	\$552,699	\$359,601
24.	Benjamin Tasker Middle PSC #16.185.17 SR Systemic Renovation - Piping Replacement Adrian L. Merton, Inc.	\$916,776 \$916,776	\$517,398	\$399,378
25.	Duval High PSC #16.194.17 SR Systemic Renovation - Window Replacement Micon Construction, Inc.	\$2,445,000 \$2,445,000	\$1,292,000	\$1,153,000
26.	Longfields Elementary PSC #16.242.16EGRC/17 SR Systemic Renovation - Window/Door Replacement A & S Unlimited Construction, LLC	\$580,680 \$580,680	\$340,628	\$240,052

St. Mary's County

Item X. X. - SUMMARY OF CONTRACT AWARDS - Cont'd

		<u>Total Contract</u>	<u>State Funds</u>	<u>Local Funds</u>
<u>St. Mary's County - Cont'd</u>				
27.	Leonardtown High PSC #18.004.17 REL State Owned Relocatable - Contract #1 (1 contract) Hash Construction, Inc.	\$230,000 \$230,000	\$133,400	\$96,600
<u>Washington County</u>				
28.	Urban Educational Campus PSC #21.058.15/19 LPC New - Contract #1 (1 contract) Callas Contractors, Inc.	\$18,677,201 \$18,677,201	\$5,531,115	\$13,146,086
<u>Worcester County</u>				
29.	Showell Elementary PSC #23.001.19 LPC Replacement - Contract #1 (15 contracts) 2A - Reynolds Excavating, Inc. 4A - Diamond State Masonry, Inc. 5A - Crystal Steel Fabricators, Inc. 6A - KB Coldiron, Inc. 7A - Cole Roofing Company, Inc. 8A - Charles Brown Glass Company 9A - Leonard A. Kraus Company, Inc. 9B - Churchville Tile & Marble 9D - Value Carpet One 9E - Jamestown Painting & Decorating 11A - 11400, Inc. 11B - TJ Distributors, Inc. 15A - Joseph M. Zimmer, Inc. 16A - Nickle Electrical Companies 3A - Harkins Concrete Construction, Inc.	\$39,045,266 \$4,215,000 \$3,690,000 \$2,548,000 \$3,114,370 \$4,867,532 \$1,575,385 \$3,181,700 \$188,000 \$359,329 \$235,000 \$318,000 \$31,350 \$6,609,600 \$6,787,000 \$1,325,000	\$4,336,000	\$34,709,266
<u>Baltimore City</u>				
30.	#047 Hampstead Hill Academy PK-8 PSC #30.025.17/18 SR Systemic Renovation - Roof Replacement Cole Roofing, Inc.	\$451,121 \$451,121	\$419,543	\$31,578
31.	#087 Windsor Hills PK-8 PSC #30.045.17 SR Systemic Renovation - Elevator Replacement Chilmar Corporation	\$247,396 \$247,396	\$208,000	\$39,396
32.	#261 Lockerman-Bundy Elementary PSC #30.067.17 SR Systemic Renovation - Window Replacement E. Pikounis Construction Company, Inc.	\$594,800 \$594,800	\$366,000	\$228,800

Item I. B. - SUMMARY OF CONTRACT AWARDS - Cont'd

		<u>Total Contract</u>	<u>State Funds</u>	<u>Local Funds</u>
Baltimore City - Cont'd				
33.	#301 William S. Baer Special Education PSC #30.108.17 SR Systemic Renovation - Elevator Replacement Nichols Contracting, Inc.	\$262,690 \$262,690	\$244,302	\$18,388
34.	#076 Francis Scott Key Elementary/Middle PSC #30.181.17 SR Systemic Renovation - Window Replacement E. Pikounis Construction Company, Inc.	\$742,400 \$742,400	\$280,000	\$462,400
35.	#400A Edmondson High PSC #30.246.16 SR Systemic Renovation - Vertical Packaged Classroom Air Conditioning Units J. F. Fischer, Inc.	\$1,707,200 \$1,707,200	\$477,000	\$1,230,200
36.	#011 Eutaw-Marshburn Elementary PSC #30.267.17 SR Systemic Renovation - Elevator Replacement Chilmar Corporation	\$296,396 \$296,396	\$268,000	\$28,396
37.	#221 Mt. Washington School PSC #30.268.17/18 SR Systemic Renovation - Fire Safety Chilmar Corporation	\$1,117,792 \$1,117,792	\$1,039,547	\$78,245
38.	#086 Lakewood Early Learning Center PSC #30.269.17/18 SR Systemic Renovation - Roof Replacement Cole Roofing Company, Inc.	\$454,130 \$454,130	\$333,000	\$121,130
Summary Totals				
Total Projects: 38	Total Contracts: 57	\$144,763,928	\$29,545,494	\$115,218,434

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.023.19 SR

Project Name: Broadneck Elementary

Bid Opening: 2/16/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: proposal dated 2/16/18 utilizing contract #17SC-099

Basis of Funding: 50% of eligible proposal

Local Funds: \$24,820

State Funds: \$24,820

Total Contract: \$49,640

State Contingency for Change Orders: \$621

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
2	Northstar Contracting Group	<u>\$49,640</u>
		<u>\$49,640</u>

Notes: 1) Replacement of the 61,942 sf 2000/2001 built-up roof.
2) Prevailing wage rates apply to this contract.

IAC Approval Date:

17-011

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS
2017-2018 REQUIREMENTS CONTRACT
Bid # 017SC-099
Northstar Contracting Group, Inc.

SCHOOL: Broadneck ES – Transite & Caulking	W.O.# 7812
2018 & 2019	P.O.#

ITEM #	DESCRIPTION	QUANTITY/ UNIT	UNIT PRICE	TOTAL PRICE
1	Furnish & Install Barrier 2018 (Plywood/Sheetrock to include 2"x4" framing on 18" centers with a plate and header) 2019	450 S.F. 460 S.F.	\$3.00	\$1,350.00 \$1,380.00
2	Remove asbestos insulation up to 4" thickness on surfaces (breaching, board, etc.) with scaffolding if needed.	S.F.	\$5.00	\$
3	Remove asbestos insulation, up to 3" thickness on structural support I beams and decking (Spray-Applied) - I Beams are estimated to be 15" to 18" in height – with scaffolding if needed	S.F.	\$4.15	\$
4	Remove asbestos containing and/or asbestos contaminated ceiling tiles (2' X 2' and 2' X 4') & cleaning grid- with scaffolding if needed	S.F.	\$1.00	\$
5	Remove asbestos containing and/or asbestos contaminated ceiling systems with (2' X 2' and 2' X 4') ceiling tiles, including grid work and hangers – with scaffolding if needed	S.F.	\$1.00	\$
6	Remove asbestos containing and/or asbestos contaminated ceiling systems with (1' X 1') ceiling tiles including glue spots, backer board and black iron – with scaffolding if needed	S.F.	\$1.50	\$
7	Remove asbestos containing floor tile with mastic	S.F.	\$0.75	\$
8	Remove asbestos contaminated carpeting with mastic	S.F.	\$0.75	\$
9	Remove asbestos contaminated carpeting with floor tile & mastic	S.F.	\$1.00	\$
10	Remove asbestos containing transite (interior & exterior) – with scaffolding if needed 2018	450 S.F.	\$1.00	\$450.00
	2019	460 S.F.		\$460.00

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS
2017-2018 REQUIREMENTS CONTRACT
Bid # 0175C-099
Northstar Contracting Group, Inc.

SCHOOL: Broadneck ES – Transite & Caulking
2018 & 2019

W.O.# 7812
P.O.#

ITEM #	DESCRIPTION	QUANTITY/ UNIT	UNIT PRICE	TOTAL PRICE
11	Remove asbestos containing materials from piping - with scaffolding if needed			
	Up to 2"	L.F.	\$3.00	\$
	2" to 5"	L.F.	\$4.00	\$
	6" to 12"	L.F.	\$5.00	\$
12	Remove asbestos containing materials from Elbows, Fittings, Valves & Tees - with scaffolding if needed			
	Up to 2"	L.F.	\$5.00	\$
	2" to 5"	L.F.	\$10.00	\$
	6" to 12"	L.F.	\$15.00	\$
13	Cut & Wrap - Remove asbestos containing materials from Elbows, Fittings, Valves & Tees - with scaffolding if needed			
	Up to 5"	L.F.	\$10.00	\$
	Over 5"	L.F.	\$20.00	\$
14	Remove black boards, bulletin boards, sound panels and the associated asbestos containing glue/mastic dots (no residue remains after the glue/mastic dot removal)	S.F.	\$2.50	\$
15	Remove exterior asbestos containing roofing membrane and/or flashing in association with roof replacement projects	S.F.	\$3.00	\$
16	Remove asbestos containing fire doors	S.F.	\$4.00	\$
17	Remove caulking around door frames, windows & along base on exterior brick wall		\$5.00	
		2018 2019	400 L.F. 1,200 L.F.	\$2,000.00 \$6,000.00
18	Remove exterior window glazing	L.F.	\$5.00	\$
19	Glove Bag removal of piping & fittings	L.F.	\$12.00	\$
20	Set-Up (to include pre-cleaning as described in specification 2.2.19)		\$0.80	
		2018 2019	13,500 S.F. 34,000 S.F.	\$10,800.00 \$27,200.00
21	Emergency Call-In			
	Straight Time	Hours	\$10.00	\$
	Overtime (Over scheduled hours)	Hours	\$20.00	\$
	Holiday	Hours	\$40.00	\$

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

2017-2018 REQUIREMENTS CONTRACT

Bid # 017SC-099

Northstar Contracting Group, Inc.

SCHOOL: Broadneck ES – Transite & Caulking 2018 & 2019		W.O.# 7812 P.O.#		
ITEM #	DESCRIPTION	QUANTITY /UNIT	UNIT PRICE	TOTAL PRICE
22	Remove contaminated earth in Crawl Space and debris – 1” to 3” (2 ½. feet on each side of the contamination and/or debris	S.F.	\$1.00	\$
23	Decontamination of area (small contaminated area fiber release episode)	S.F.	\$0.50	\$
24	Decontamination of area (large contaminated area fiber release episode)	S.F.	\$1.00	\$
25	Remove, furnish and replace flex connectors on AHU’s - with scaffolding if needed	L.F.	\$30.00	\$
26	Remove, furnish and replace rope gasketing on boilers – with scaffolding if needed	L.F.	\$30.00	\$
27	Decontamination of AHU duct work – with scaffolding if needed	S.F.	\$2.00	\$
28	Florescent light tubes 48 tubes per case	Boxes	\$80.00	\$
29	PCB Ballasts	Ballasts	\$6.00	\$
31	Insulate breaching, board, etc. 4” – up to 4” – with scaffolding if necessary	S.F.	\$7.00	\$
32	Insulate AHU’s and duct work with ¾” ARMAFLEX insulation) – with scaffolding if necessary	S.F.	\$7.00	\$
33	Insulate Hot & Cold Water piping (with 1” thick insulation and mudded canvas) – with scaffolding if needed			
	Up to 1 ½”	L.F.	\$14.00	\$
	2” to 4”	L.F.	\$15.50	\$
	4” to 6”	L.F.	\$18.00	\$
34	Insulate Chilled Water and Dual Temperature supply & return lines with – self-drying, polymer-jacketed molded fibrous-glass insulation w/ an integral, factory-applied wicking fabric as described in Section 2.4.2 of the specification – with scaffolding if needed			
	Up to 1 ½”	L.F.	\$15.00	\$
	2” to 4”	L.F.	\$15.50	\$
	4” to 6”	L.F.	\$19.00	\$
35	Insulate Steam Piping (with 1” thick insulation and mudded canvas) – with scaffolding if needed			
	Up to 1 ½”	L.F.	\$14.00	\$
	2” to 5”	L.F.	\$16.00	\$
	6” to 12”	L.F.	\$20.00	\$

ANNE ARUNDEL COUNTY PUBLIC SCHOOLS

2017-2018 REQUIREMENTS CONTRACT

Bid # 0175C-099

Northstar Contracting Group, Inc.

**SCHOOL: Broadneck ES – Transite & Caulking
2018 & 2019**

W.O.# 7812

P.O.#

ITEM #	DESCRIPTION	QUANTITY /UNIT	UNIT PRICE	TOTAL PRICE
36	Insulate Piping (with ¾" thick ARMAFLEX insulation) – with scaffolding if needed			
	Up to 1 ½"	L.F.	\$17.00	\$
	2" to 5"	L.F.	\$24.00	\$
	6" to 12"	L.F.	\$30.00	\$
37	Insulate Elbows, Fittings & Tees (with insulation and Zeston Fittings) – with scaffolding if needed			
	Up to 1 ½"	L.F.	\$15.00	\$
	2" to 5"	L.F.	\$21.00	\$
	6" to 12"	L.F.	\$24.00	\$
38	Insulate Elbows, Fittings, Valves & Tees on Chilled Water and Dual Temperature supply & return lines with – self-drying, polymer-jacketed molded fibrous-glass insulation w/ an integral, factory-applied wicking fabric as described in 2.4 of the specification – scaffolding if needed			
	Up to 1 ½"	L.F.	\$20.00	\$
	2" to 5"	L.F.	\$25.00	\$
	6" to 12"	L.F.	\$28.00	\$
39	Insulate Valves (with 1" thick insulation and mudded canvas) – with scaffolding if needed			
	Up to 1 ½"	L.F.	\$18.00	\$
	2" to 5"	L.F.	\$18.00	\$
	6" to 12"	L.F.	\$20.00	\$
40	Cover – Insulation on Piping with 20 mil. Zeston – with scaffolding if needed			
	Up to 1 ½"	L.F.	\$9.00	\$
	2" to 5"	L.F.	\$10.00	\$
	6" to 12"	L.F.	\$12.00	\$
41	Furnish & Install Ceiling Tiles 2' x 2' and 2' x 4' (without grid) – with scaffolding if needed	S.F.	\$2.50	\$
42	Furnish & Install Ceiling Systems 2' x 2' and 2' x 4' (with tile & grid) – with scaffolding if needed	S.F.	\$5.00	\$
43	Insulate spray-applied insulation as per specification – structural support I beams, I Beams are estimated to be 15" to 18" in height – with scaffolding if needed	L.F.	\$11.00	\$
44	Asbestos Storage Trailer – Refer to Item 2.1.21 of the Specifications	EA	\$3,050.00	\$
45	GRAND TOTAL -- (SUM LINES 1 through 44)		2018	\$14,600.00
			2019	\$35,040.00
				\$49,640.00

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.057.19 SR

Project Name: Arundel Middle

Bid Opening: 4/24/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid and proposal dated 4/5/18 utilizing contract #17SC-099

Basis of Funding: 50% of eligible base bid and proposal

Local Funds: \$1,603,714

State Funds: \$1,603,714

Total Contract: \$3,207,428

State Contingency for Change Orders: \$40,093

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>02.057.2019</u>	<u>\$46,193</u>
Increase Contingency Amount:	<u>40.000.2019</u>	<u>\$46,193</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
2	Northstar Contracting Group	\$25,428
1	Vatica Contracting, Inc.	\$3,182,000
		<u><u>\$3,207,428</u></u>

Notes: 1) Replacement of the 105,000 sf 1992 built-up roof.
 2) Prevailing wage rates apply to this contract.
 3) Low bidder (Ruff Roofing & Sheet Metal) withdrew bid because they did not include all pricing.

IAC Approval Date:

Withdrawn

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.062.19 SR

Project Name: Bodkin Elementary

Bid Opening: 5/17/18

Project Type: Systemic Renovation

Scope of Work: HVAC/Window Replacement

Basis for Award of Contract: base bid plus alts. 1 & 2; proposal dated 5/30/18 utilizing AACPS 15CN-090

Basis of Funding: 50% of eligible base bid plus alts. 1 & 2 and proposal

Local Funds: \$2,146,500

State Funds: \$2,146,500

Total Contract: \$4,293,000

State Contingency for Change Orders: \$53,663

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>02.062.2019</u>	<u>\$413,837</u>
Increase Contingency Amount:	<u>40.000.2019</u>	<u>\$413,837</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
2	Electrical Automation Services, Inc. (EASI)	\$396,000
1	Towson Mechanical, Inc.	\$3,897,000
		<u>\$4,293,000</u>

Notes: 1) Replacement of the entire 2001 HVAC system and 1970 windows. HVAC replacement includes ventilators, RTUs, exhaust fans, chiller, two (2) boilers and supporting electrical work. Work includes a 1,100 sf boiler room addition.
2) Prevailing wage rates apply to this contract.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.067.19 LPC

Project Name: Solley Elementary

Bid Opening: 5/10/18

Project Type: Addition

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid plus alts. 1 - 4

Basis of Funding: 50% of eligible base bid plus alts. 1 - 4 up to the amount of maximum allocation

Local Funds: \$1,544,100

State Funds: \$798,000

Total Contract: \$2,342,100

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Towson Mechanical, Inc.	<u>\$2,342,100</u>
		<u>\$2,342,100</u>

Notes: 1) Addition of 7,242 sf for six (6) classrooms, for a total enrollment of 773 students.
2) Prevailing wage rates apply to this contract.

IAC Approval Date:

18CN-164 Classroom Addition at Solley Elementary School

Contractor	Towson Mechanical, Inc.	Mullan Contracting, Co.	Tuckman-Barbee Construction Co., Inc.	Brawner Builders, Inc.
Base Bid Amount	\$2,278,000	\$2,280,422	\$2,315,000	\$2,428,000
Alternate No. 1	\$3,800	\$5,896	\$14,500	\$3,261
Alternate No. 2	\$9,400	\$16,649	\$10,000	\$16,000
Alternate No. 3	\$10,900	\$11,519	\$16,000	\$16,000
Alternate No. 4	\$40,000	\$34,039	\$35,000	\$35,000
Total Bid Amount	\$2,342,100	\$2,348,525	\$2,390,500	\$2,498,261
Contractor	D&A Contractors, Inc.	J.A. Scheibel, Inc.	Nastos Construction, Inc.	Dynamic Contracting, Inc.
Base Bid Amount	\$2,450,000	\$2,599,000	\$2,599,750	\$2,665,044
Alternate No. 1	\$5,276	\$6,000	\$17,021	\$4,843
Alternate No. 2	\$28,516	\$10,000	\$35,360	\$14,400
Alternate No. 3	\$17,418	\$15,000	\$21,847	\$25,320
Alternate No. 4	\$36,018	\$32,000	\$68,000	\$49,355
Total Bid Amount	\$2,537,228	\$2,662,000	\$2,741,978	\$2,758,962
Contractor	Mid-Atlantic General Contractors, Inc.	<i>Boulevard Contractors Corp.</i>		
Base Bid Amount	\$2,757,477	<i>\$3,271,200</i>		
Alternate No. 1	\$12,000	<i>\$23,045</i>		
Alternate No. 2	\$8,000	<i>\$36,207</i>		
Alternate No. 3	\$14,500	<i>\$24,145</i>		
Alternate No. 4	\$32,500	<i>\$36,988</i>		
Total Bid Amount	\$2,824,477.00	<i>\$3,391,585.00</i>		

Bold indicates awardee, italics indicates Minority Business Enterprise

Alternate No. 1: Grasses affected by construction. Solid area affected by construction.

Alternate No. 2: Countertops (excludes teacher's desk). Solid surface for countertops.

Alternate No. 3: Floor Finish (VCT). VCT on all Classroom (Resources Room) and Corridor Floors.

Alternate No. 4: Floor Finish (Quartz Tile). Quartz Tile on all Classroom (Resources Room) and Corridor Floors.

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.079.18/19 LPC

Project Name: Marley Elementary

Bid Opening: 11/27/17

Project Type: Addition

Scope of Work: Contract #3 (1 contract)

Basis for Award of Contract: proposal dated 11/27/17 utilizing AACPS contract #18-083

Basis of Funding: 50% of eligible proposal up to the amount of maximum allocation

Local Funds: \$38,072

State Funds: \$21,348

Total Contract: \$59,420

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
3	Cunningham Associates, Inc. (Gametime)	<u>\$59,420</u>
		<u>\$59,420</u>

Notes: 1) Addition of 4,967 sf for 816 students.
2) Prevailing wage rates apply to this contract.

IAC Approval Date:



Playcore Wisconsin Inc. dba
 GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

QUOTE
 #128034

11/27/2017

AACPS: Marley ES - Build New K-Area Enclosure and Re-Install Equipment

Anne Arundel County Public Schools
 Attn: Erik Schuster
 2644 Riva Road
 Annapolis, MD 21401
 Phone: 410-439-8011
 eschuster@aacps.org

Project #: P90967
 Ship To Zip: 20794

Quantity	Part #	Description	Unit Price	Amount
1	INSTALL	CPS - Excavate 4" Depth of Earth & Spread on Site	\$4,450.00	\$4,450.00
1	INSTALL	CPS - Supply and Install 16 inch Wide x 18 inch deep concrete curbing, (178) Linear Feet	\$13,565.00	\$13,565.00
1	INSTALL	CPS - Supply and Install new concrete access walk with transition area into EWF surfacing.	\$1,475.00	\$1,475.00
1	INSTALL	CPS - Supply and Install New Fence Posts & Install existing Gates & Fence fabric	\$9,670.00	\$9,670.00
1	INSTALL	CPS - Supply and Install 24" Wide x 24" Deep x 49' Long Stone collection Trench.	\$7,960.00	\$7,960.00
1	INSTALL	CPS - Backfill to top of all sidewalks and create earth ramp access at double gate with excavation spoils. Seed & Straw disturbed areas	\$2,375.00	\$2,375.00
1	INSTALL	CPS - Re-Install all existing GameTime playground equipment previously removed and stored on site. - <ul style="list-style-type: none"> • Play Structure • Balance Beam • Activity Panel Cluster 	\$7,635.00	\$7,635.00
70	USC-EWF-MD	GT-Impax - Engineered Wood Fiber (Cubic Yard) - <ul style="list-style-type: none"> • Area: 1,660 Square Feet • Depth: 9 Inches • Volume: 70 Cubic Yards • Critical Height: 8 Feet • Pricing Per USC Contract: <ul style="list-style-type: none"> ◦ List Price: \$28.70 ◦ USC Contract Price (18% Disc.): \$23.53 ◦ Freight Charge Per 100 CY Load: \$670.00 	\$23.53	\$1,647.10
2	161294	GameTime - Terraflow Drain 150' Roll	\$350.96	\$701.92
1	INSTALL	CPS - Supply and Install Single Layer of Geotextile Fabric	\$1,850.00	\$1,850.00



Playcore Wisconsin Inc. dba
 GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

QUOTE
 #128034

11/27/2017

AACPS: Marley ES - Build New K-Area Enclosure and Re-Install Equipment

Quantity	Part #	Description	Unit Price	Amount
1660	INSTALL	CPS - Install Wood Fiber Surfacing (<2,000 SF), Drains & (2) Wear Mats	\$0.67	\$1,112.20

Contract: USC

SubTotal: \$52,441.22
 Tax: \$0.00
 Estimated Freight: \$733.80
Total Amount: \$53,175.02

INSTALLATION CONDITIONS:

- **ACCESS:** Site should be clear, level and allow for unrestricted access of trucks and machinery.
- **STORAGE:** Customer is responsible for providing a secure location to off-load and store the equipment during the installation process. Once equipment has delivered to the site, the owner is responsible should theft or vandalism occur unless other arrangements are made and noted on the quotation.
- **FOOTER EXCAVATION:** Installation pricing is based on footer excavation through earth/soil only. Customer shall be responsible for unknown conditions such as buried utilities (public & private), tree stumps, rock, or any concealed materials or conditions that may result in additional labor or materials cost.
- **UTILITIES:** Installer will contact Miss Utility to locate all public utilities prior to layout and excavation of any footer holes. Owner is responsible for locating any private utilities.
- **ADDITIONAL COSTS:** Price includes ONLY what is stated in this quotation. If additional site work or specialized equipment is required, pricing is subject to change.



Playcore Wisconsin Inc. dba
 GameTime c/o Cunningham Recreation
 PO Box 240981
 Charlotte, NC 28224
 800.438.2780
 704.525.7356 FAX

QUOTE
 #127791

11/14/2017

AACPS: Marley Elementary School - Kindergarten Play Equipment Removal

Anne Arundel County Public Schools
 Attn: Matt Bohn
 9034 Fort Smallwood Road
 Pasadena, MD 21122
 Phone: 443-875-3788
 mbohn@aacps.org

Project #: P85209
 Ship To Zip: 20794

Qty	Part #	Description	List \$	% Disc.	Selling \$	Ext. Selling \$
1	INSTALL	CPS - Remove from site all existing Playground Equipment in Kindergarten Play Area. - <ul style="list-style-type: none"> • Remove (1) Play Structure, (1) Balance Beam, (1) Activity Panel Cluster and (2) rubber wear mats, fence fabric & fence gates. • Preserve all equipment and package hardware for re-installation. • Stockpile all materials on site and enclose in orange construction fencing. • GC or Owner is responsible for removing all concrete curbs, fence posts, and safety surfacing. • GC or Owner is responsible for filling and compacting all resulting hole from concrete footers. 			\$6,245.00	\$6,245.00

Contract: USC

SubTotal: \$6,245.00
 Tax: \$0.00
Total Amount: \$6,245.00

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.082.19 LPC

Project Name: Maryland City Elementary

Bid Opening: 4/3/18

Project Type: K Addition

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid

Basis of Funding: 50% of eligible base bid up to the amount of maximum allocation

Local Funds: \$1,817,000

State Funds: \$1,514,000

Total Contract: \$3,331,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	William F. Klingensmith, Inc.	<u>\$3,331,000</u>
		<u>\$3,331,000</u>

Notes: 1) Addition of 8,217 sf for five (5) kindergarten classrooms.
2) Prevailing wage rates apply to this contract.

IAC Approval Date:

18CN-098 Kindergarten Addition at Maryland City Elementary School

CONTRACTOR	William F. Klingensmith, Inc.	Tech Contracting Co., Inc.	Mullan Contracting Co.	Tuckman-Barbee Construction Co., Inc.	Rainbow Construction Corp. of Waldorf
Addendum	Yes	Yes	Yes	Yes	Yes
TOTAL BID AMOUNT	\$3,331,000	\$3,356,000	\$3,414,437	\$3,446,000	\$3,496,000

CONTRACTOR	<i>Dynamic Contracting, Inc.</i>	H&H Contracting, Inc.	D&A Contracting, Inc.	<i>Nastos Construction, Inc.</i>	Brawner Builders, Inc.
Addendum	Yes	Yes		Yes	Yes
TOTAL BID AMOUNT	<i>\$3,690,000</i>	\$3,755,300	\$3,854,000	\$3,861,337	\$3,863,783

Bold indicates awardee, italics indicates Minority Business Enterprise

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.097.19/19EGRC LPC

Project Name: Riviera Beach Elementary

Bid Opening: 5/7/18

Project Type: K Addition

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid plus alts. 1 - 5 and proposal dated 4/25/18 utilizing contract #15CN-060

Basis of Funding: 50% of eligible base bid plus alts. 1 - 5 and proposal up to the amount of maximum allocation

Local Funds: \$1,308,080

State Funds: \$1,281,000

Total Contract: \$2,589,080

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
1	North Point Builders of Maryland, LLC	\$2,513,180
2	Electrical Automation Services, Inc. (EASI)	\$75,900
		<u><u>\$2,589,080</u></u>

Notes: 1) Addition of 6,951 sf for four (4) kindergarten classrooms.

2) Prevailing wage rates apply to this contract.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Anne Arundel County

PSC No 02.135.18 LP

Project Name: Crofton Area High

Bid Opening: 9/4/17

Project Type: New

Scope of Work: Contract #2 (2 contracts)

Basis for Award of Contract: proposals dated 9/4/17 and 5/2/18 utilizing contracts #15CN-060 and #18-030

Basis of Funding: 50% of eligible proposals

Local Funds: \$3,290,746

State Funds: \$0

Total Contract: \$3,290,746

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Astro Turf Corporation	\$1,631,711
	Electrical Automation Services, Inc. (EASI)	\$1,659,035
		<u>\$3,290,746</u>

- Notes: 1) New school consisting of 267,060 sf, including cooperative use space.
2) Prevailing wage rates apply to this contract.
3) Project eligible for State funding in a future fiscal year.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Baltimore County

PSC No 03.052.19 LP

Project Name: Dundalk Elementary

Bid Opening: 1/16/18

Project Type: Replacement

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid plus alts. 1 - 7, 10 & 11

Basis of Funding: 56% of eligible base bid plus alts. 1 - 7, 10 & 11

Local Funds: \$32,506,300

State Funds: \$0

Total Contract: \$32,506,300

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	North Point Builders of Maryland, LLC	<u>\$32,506,300</u>
		<u>\$32,506,300</u>

- Notes: 1) Replacement school consisting of 100,952 sf new construction and demolition of the existing 74,835 sf facility.
2) Prevailing wage rates apply to this contract.
3) Project eligible for funding in a future fiscal year.

IAC Approval Date:

Contract Name: Replacement of Dundalk Elementary School

Contract #: LKO-408-18

	<i>Bidders</i>			
	North Point Builders of Maryland, LLC	Dustin Construction	James W. Ancel, Inc.	Mullan Contracting Company
Base Bid:	\$31,928,300	\$32,480,000	\$32,474,000	\$32,716,000
Alternate No. 1 ADD: Provide sod at softball field infields	\$3,000	\$2,000	\$5,000	\$4,200
Alternate No. 2 ADD: Provide photovoltaic panels and supports, and an electronic dashboard connected to solar panels	\$70,000	\$35,000	\$35,000	\$22,400
Alternate No. 3 ADD: Provide rain barrel with setting block and downspout diverter at green roof terrace	\$3,000	\$9,000	\$5,000	\$3,300
Alternate No. 4 ADD: Provide rooftop equipment screens	\$216,000	\$260,000	\$240,000	\$29,600
Alternate No. 5 ADD: Provide digital and masonry site sign	\$38,000	\$25,000	\$30,000	\$280,000
Alternate No. 6 ADD: Provide reinforced concrete storm drain pipe	\$6,000	\$19,000	\$20,000	\$6,300
Alternate No. 7 ADD: Provide high performance vinyl composition tile	\$180,000	\$183,000	\$170,000	\$23,800
Alternate No. 10 ADD: Provide colored concrete at locations indicated on the drawings	\$7,000	\$12,000	\$10,000	\$8,000
Alternate No. 11 ADD: Provide new cast stone entrance element and metal letters to match existing cast stone entrance element and letters at existing building	\$55,000	(\$30,000)	\$54,000	(\$32,600)
Total	\$32,506,300	\$32,995,000	\$33,043,000	\$33,061,000

Contract Name: Replacement of Dundalk Elementary School
 Contract #: LKO-408-18

	<i>Bidders</i>		
	Tuckman-Barbee Construction Co., Inc.	Huntington Hopkins, Inc.	Hess Construction & Engineering Services, Inc.
Base Bid:	\$33,700,000	\$34,700,000	\$35,534,000
Alternate No. 1 ADD: Provide sod at softball field infields	\$10,000	\$4,800	\$2,852
Alternate No. 2 ADD: Provide photovoltaic panels and supports, and an electronic dashboard connected to solar panels	\$33,000	\$48,000	\$30,367
Alternate No. 3 ADD: Provide rain barrel with settling block and downspout diverter at green roof terrace	\$5,000	\$12,000	\$4,534
Alternate No. 4 ADD: Provide rooftop equipment screens	\$80,000	\$321,000	\$250,169
Alternate No. 5 ADD: Provide digital and masonry site sign	\$45,000	\$81,000	\$40,535
Alternate No. 6 ADD: Provide reinforced concrete storm drain pipe	\$20,000	\$7,300	\$0
Alternate No. 7 ADD: Provide high performance vinyl composition tile	\$25,000	\$234,000	\$185,577
Alternate No. 10 ADD: Provide colored concrete at locations indicated on the drawings	\$20,000	\$21,000	\$6,386
Alternate No. 11 ADD: Provide new cast stone entrance element and metal letters to match existing cast stone entrance element and letters at existing building	\$50,000	(\$241,000)	\$18,000
Total	\$33,988,000	\$35,188,100	\$36,072,420

APPROVAL OF CONTRACTS

LEA: Carroll County

PSC No 06.042.19 SR

Project Name: Westminster High

Bid Opening: 4/23/18

Project Type: Systemic Renovation

Scope of Work: Electrical

Basis for Award of Contract: base bid plus alt. 1

Basis of Funding: 59% of eligible base bid plus alt. 1

Local Funds: \$764,506

State Funds: \$1,100,144

Total Contract: \$1,864,650

State Contingency for Change Orders: \$27,504

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>06.042.2019</u>	<u>\$52,352</u>
Increase Contingency Amount:	<u>40.000.2019</u>	<u>\$52,352</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	BoMark Electric	<u>\$1,864,650</u>
		<u>\$1,864,650</u>

Notes: 1) Replacement of the 1970 main distribution board, sub-main board and branch panel boards as well as the emergency generator
2) Prevailing wage rates apply to this contract.

IAC Approval Date:

Bid Tabulation

Bid:18-008N Westminster High School Elec. Bid

	BoMark Electric	TEI Electrical Solutions	Action Electric
Base Bid	\$1,837,000.00	\$2,506,000.00	\$3,730,000.00
Alternate No. 1	\$27,650.00	\$28,610.00	\$29,500.00
Base Bid and Alternate No. 1	\$1,864,650.00	\$2,534,610.00	\$3,759,500.00
Addendum No. 1	x	x	x
Addendum No. 2	x	x	x
Bid Bond	x	x	x
MBE Affidavit	x	x	x
MBE Participation Schedule	x	x	x
Bidder's Affidavit	x	x	x

APPROVAL OF CONTRACTS

LEA: Frederick County

PSC No 10.051.17/19 SR

Project Name: Catoctin High

Bid Opening: 6/25/18

Project Type: Systemic Renovation

Scope of Work: HVAC Replacement

Basis for Award of Contract: proposal dated 6/25/18 utilizing The Cooperative Purchasing Network (TCPN) Contract R150505-MD

Basis of Funding: 64% of eligible proposal up to the amount of maximum allocation

Local Funds: \$1,908,672

State Funds: \$2,123,328

Total Contract: \$4,032,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Daikin Applied Americas, Inc.	<u>\$4,032,000</u>
		<u>\$4,032,000</u>

Notes: 1) Phase I - Replacement of the 1969 HVAC system, including 11 condensing units, 11 AHUs, controls, ductwork and piping.

2) Prevailing wage rates apply to this contract.

IAC Approval Date:

Executive Summary

Frederick County Purchasing Department, Thank you for providing Daikin Applied Americas Inc. ("Daikin Applied") with the opportunity to propose an equipment replacement solution for your HVAC system at Catoclin High School. The existing system has passed its ASHRAE standard useful life and is a maintenance and repair concern that could jeopardize school comfort and achievement.

HVAC Replacement:

Daikin Applied recommends replacing the following units in Phase I – RTU-2, RTU-4, RTU-5, RTU-6, RTU-7, RTU-8 and (2) small Trane/Carrier units (New Daikin Maverick II units and new Daikin Rebel rooftop units will be supplied with Daikin Microtech III DDC controls with communications cards to integrate to the JCI campus enterprise control system).

Anticipated MBE Participation:

Daikin Applied anticipates achievement of 10% minority business participation for the base bid and any alternates performed.

Performance Bond:

Daikin Applied will provide a bond upon award of the project within 30 days.

SCOPE OF WORK and PRICING:

HVAC Replacement: Demo rooftop equipment in rooftop well area A, B & F plus associated AHU equipment located in the mezzanine under Areas A, B & F. Provide and install (8) Daikin rooftop units to replace the demoed units. Intercept branch ducts to the classrooms and install VAV terminal units for individual space control. Units will be equipped with JCI controls.

Daikin will provide complete installation including, electrical, mechanical, rigging, test and balancing, and local controls to complete a fully functional HVAC system.

Engineering: Daikin Applied is relying on the professional engineering services from Alban Engineering, LLC for all engineering services related to MEP. Frederick County Public Schools has employed Adtek Engineering for structural engineering services due to relocation of the indoor equipment to new outdoor rooftop locations. All work will be performed in accordance with Alban Engineering signed stamped drawings PN 18002 dated 5-1-18 and Adtek Engineering drawings 1822.002 dated 5-1-18.

Rigging: Daikin Applied will provide and install the following within our scope of services:

- Crane and rigging to remove the existing equipment and will haul away and dispose of the old in accordance with current regulations for disposal of such material.
- Crane and rigging to receive the new equipment and will set and assemble the new equipment on new structural steel for large units or curb adapters for the two small units.

Mechanical Installation:

- Removal and replacement of necessary duct, piping, insulation and accessories.
- Installation of new duct, duct insulation, piping and accessories.
- Testing and balancing to be completed after equipment startup.
- Provide and install new supply and return registers for (6) classrooms.

Electrical: Daikin Applied will provide and install the following electrical items:

- Provide necessary labor and materials to disconnect and reconnect power supplies to the new RTU's.
- Provide new gear, circuit breakers, branch feeders and final connections to HVAC equipment and gear.
- Provide necessary labor and materials for local controls.
- Provide (72) new LED 2x4 recessed flat panels to replace demoed lights in (6) classrooms.

Fire Alarm System: Daikin Applied will provide and install the following items through the Edwards representative - Life Safety Solutions Integrators.

- Connection of sixteen (16) new fire-alarm duct detectors, relays and associated equipment to the existing system as provided in your email and drawings of 05-01-2018.
- Exception is taken to reuse of the existing EST-2 FACP (control panel – see note 3).
- This proposal includes a one-year warranty.
- The existing fire alarm system is an EST-2. The EST-2 entered obsolescence in 2011 and new parts are NOT available.
- The existing loop capacity is sufficient for this work, however, the currently manufactured duct detectors are NOT compatible with the panel due to installed firmware revision (updates unavailable). The cost of a panel upgrade
- (EST-3X) is provided as a part of this quote. All other existing parts are compatible and are to “remain in place”.
- Wage Scale was provided, so costs are predicated on that provided via email.
- LSSI will complete the headend swap portion of this project on a turnkey basis. All installation of the duct detectors and associated labor and materials are “by others”.
- Equipment and Devices as per provided drawings (16 duct detectors and relays)
- New EST-3X FACP and components
- Engineering, Shop Drawings, and Submittals
- System Installation, Start-up, Programming, and Testing
- On-site System Training (Videotaping of training sessions is excluded.)

Controls: Supply project, management, controls, parts & labor to install Metasys controls to include Phase 1 RTUs & VAVs and tie into FCPS Building Automation Server.

Supply & install one NAE5500 network controller in factory wired panel with associated devices.

Supply 42 VAV boxes with factory mounted controls, to be installed by others

- I. (3) Model TSS-WC Single Zone VAV Box w/ Electric Reheat Coil
 - Items Included
 - 22 Gauge Galvanized Steel Casing
 - Electric Heating Coils
 - 1/2" Fiberglass Insulation
 - Low Thermal Conducting Composite Damper Shaft
 - Hanger Brackets
 - Control Enclosure
 - Factory Provided/Installed Controller
 - Control Enclosure
 - 18-Month Parts Only Warranty from date of shipment
 - Standard Freight Allowed

- o Fused, Door Interlocking Electric Heat Disconnect Switch
- o Control Transformer-460 Volt-50VA
- o 0-10VDC Modulating Heat control

Supply & install & wire 32 temp/humidity net-stats

Install the following as per engineering drawings

- (1) New Johnson cabinet for LAN and integration
- LAN, DSD interlock, 2/3 pressure, Space pressure, and space MWU sensor for (5) Packaged RTU's.
- LAN and Stat for (32) Electric heat Vav's.
- Wire mold will be used on block walls or walls that cannot be fished down.
- All cabling in the attic and ceilings will be plenum rated cable using j-hooks and a neat cabling system.
- Supply & install 24v control power. Tie into JCI BACnet Comm.

Map in control points and program NAE with approved scheduling, trending, Alarms & Snow Button and tie into FCPS Server.

Test and verify proper operation with the facility personnel.

Generate & populate graphics with all applicable data as per FCPS Graphics standards.

Time Frame for Completion Project is scheduled to begin upon receipt of an FCPS PO or official NTP. Daikin Applied will order equipment and be mobilized on site ready for installation in June. Work will impact areas of the school during normal daytime work hours. Work is to be substantially complete by September 3, 1018.

Warranty: 2 Year Parts and labor on new equipment.

Start-up Services: Daikin applied to provide Start-Up Services on all new equipment.

Base Project Pricing: Total for Scope and Terms, including equipment, labor, materials, and freight as per above scope: **\$4,032,000.00 (Four Million Thirty Two Thousand Dollars)**

Requested Payment Terms: AIA Schedule of Values

This proposal is valid for a period of 60 days.

Thank you again for your interest in working with Daikin Applied.

Sincerely,

Thomas Mayhew
 Sales Manager, Service & Contracting
 Mobile: (240) 495-3927
 Office: (301) 805-9800
 E-Mail: Thomas.Mayhew@daikinapplied.com

APPROVAL OF CONTRACTS

LEA: Garrett County

PSC No 11.008.18 SR

Project Name: Southern Middle

Bid Opening: 4/4/17

Project Type: Systemic Renovation

Scope of Work: Fire Safety

Basis for Award of Contract: base bid

Basis of Funding: 50% of eligible base bid

Local Funds: \$96,159

State Funds: \$96,160

Total Contract: \$192,319

State Contingency for Change Orders: \$2,404

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>11.008.2018</u>	<u>\$94,436</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$94,436</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	S & S Electric, Inc.	<u>\$192,319</u>
		<u>\$192,319</u>

Notes: 1) Replacement of the 1977 fire alarm system.

IAC Approval Date:



BID TABULATION

Garrett County Board of Education
 40 South Second Street
 Oakland, Maryland 21550

Addenda Issued:
 Add. No. 1: 3/29/17

BFM Project #16089 / GCPS Bid #SX0708-2282
 Southern Middle School - Fire Alarm Replacement

Bid Opening: April 4, 2017 @ 1:30 PM

BIDDER	A. BASE BID	B. UNIT PRICES						Bid Bond	MBE (5%)	Ack. Addenda
		UP-1	UP-2	UP-3	UP-4	UP-5	UP-6			
Atease Security										
Freestate Elec.	\$301,983.00	\$1,008.00 <i>each</i>	\$1287.00 <i>each</i>	\$1,296.00 <i>each</i>	\$1,254.00 <i>each</i>	\$1,776.00 <i>each</i>	\$1,596.00 <i>each</i>	✓	✓	✓
Pillar-Innovations										
S&S Electric	✓ \$192,319.00	\$576/ea	\$546/ea	\$1,830/ea	\$1,800/ea	\$2,430/ea	\$2,130/ea	✓	✓	✓

Present:
 Bill Swift
 Cassie Marsh

Chris Bennett
 Matt Streitback

Cassie Marsh

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.002.18 SR

Project Name: Silver Spring International Middle

Bid Opening: 1/3/18

Project Type: Systemic Renovation

Scope of Work: HVAC Replacement Phase II

Basis for Award of Contract: base bid plus alt. 1

Basis of Funding: 24.9% of eligible base bid plus alt. 1

Local Funds: \$2,201,808

State Funds: \$730,027

Total Contract: \$2,931,835

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>15.002.2018</u>	<u>\$39,973</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$39,973</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	W. L. Gary Company, Inc.	<u>\$2,931,835</u>
		<u>\$2,931,835</u>

- Notes:** 1) Replacement of the 1980 HVAC equipment including air handling units serving the media center, music suite, and administration suite, 26 terminal units serving area D, 18 terminal units serving area E, and terminal and air handling equipment serving the six (6) science classrooms and prep areas.
2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.
3) Contingency removed per LEA request.

IAC Approval Date:

SILVER SPRING INTERNATIONAL MIDDLE SCHOOL
 HVAC EQUIPMENT REPLACEMENT
 PHASE 2

JANUARY 3, 2018
 2PM
 REVIEW AREA 2

	American Combustion Industries, Inc.	Denver Elek, Inc.	EMJAY Engineering & Construction Co.	Mallick Mechanical Contractors	M&M Welding & Fabricators, Inc.	Paramount Mechanical	Salco	Shapiro & Duncan, Inc.	Towson Mechanical, Inc.	Welch & Rushe, Inc.	W.L. Gary Company, Incorporated
Base Bid	0	\$3,235,000	no bid	no bid	no bid	\$3,355,000	no bid	\$3,230,000	no bid	no bid	2,920,800
Add Air 1 Duct Cleaning		\$18,000				\$10,900		\$28,700			11,035
Bid Bond		X				X		X			X
MBE		X				X		X			X
Addenda #1-3 acknowledged		X				X		X			X

\$2,931,835 ✓

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.013.18 SR

Project Name: Germantown Elementary

Bid Opening: 2/15/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 24.9% of eligible base bid

Local Funds: \$637,088

State Funds: \$211,231

Total Contract: \$848,319

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>15.013.2018</u>	<u>\$39,769</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$39,769</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Orndorff & Spaid, Inc.	<u>\$848,319</u>
		<u>\$848,319</u>

- Notes: 1) Replacement of the entire 51,500 sf 1991/1995 built-up roof.
2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.
3) Contingency removed per LEA request.

IAC Approval Date:

**GERMANTOWN ELEMENTARY SCHOOL
ROOFING REPLACEMENT PROJECT**

FEBRUARY 15, 2018
2:00 pm
REVIEW AREA 2

BIDDERS	CITIROOF CORPORATION	COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.
Base Bid	\$1,080,000	\$996,775	\$925,000	/ \$848,319	\$1,088,000
LIGHTWEIGHT CONCRETE	\$24.00	\$28.50	\$30.00	\$26.00	\$25.00
METAL DECK	\$8.50	\$9.75	\$12.00	\$9.00	\$8.00
WOOD DECK	\$8.50	\$7.50	\$10.00	\$7.00	\$7.00
TECTUM DECK	\$35.00	\$24.50	\$30.00	\$26.00	\$24.00
MBE Forms A & B	X	X	X	X	X
Bid Bond Included	X	X	X	X	X
ADDENDUM 1 ACKNOWLEDGED	X	X	X	X	X

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.100.18 SR

Project Name: Fox Chapel Elementary

Bid Opening: 3/27/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 50% of eligible base bid up to the amount of maximum allocation

Local Funds: \$1,011,000

State Funds: \$269,000

Total Contract: \$1,280,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Interstate Corporation	<u>\$1,280,000</u>
		<u>\$1,280,000</u>

Notes: 1) Replacement of 40,000 sf of 1995 built-up roof and 14,000 sf of 1974 metal roof on the 1974 building.

2) Prevailing wage rates do not apply to this contract; actual State allocation is less than 25% of the total contract.

IAC Approval Date:

DEPARTMENT OF FACILITIES MANAGEMENT **FOX CHAPEL ELEMENTARY SCHOOL**
ROOF REPLACEMENT

MARCH 27, 2018
 2PM
 REVIEW AREA 2

BIDDERS	CITIROOF CORPORATION	COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.
Base Bid	no bid	no bid	✓ \$1,280,000	\$1,438,064	no bid
Lightweight Concrete			\$30	\$26	
Metal Deck			\$10	\$8	
Wood Deck			\$8	\$7	
Tectum Deck			\$35	\$26	
MBE Forms A & B			X	X	
Bid Bond Included			X	X	
Addenda 1, 2 & 3			X	X	

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.101.18 SR

Project Name: Highland View Elementary

Bid Opening: 4/3/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 50% of eligible base bid up to the amount of maximum allocation

Local Funds: \$1,159,000

State Funds: \$191,000

Total Contract: \$1,350,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Interstate Corporation	<u>\$1,350,000</u>
		<u>\$1,350,000</u>

Notes: 1) Replacement of the entire 38,479 sf 1994/1997 built-up roof.
2) Prevailing wage rates do not apply to this contract; actual State allocation is less than 25% of the total contract.

IAC Approval Date: _____

**Highland View ES
Roof Replacement**

BIDDERS	CITIROOF CORPORATION	COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.
Base Bid	no bid	no bid	✓ \$1,350,000	\$1,469,325	no bid
Lightweight Concrete			\$30	\$27	
Metal Deck			\$10	\$9	
Wood Deck			\$8	\$7	
Tectum Deck			\$35	\$27	
MBE Forms A & B			X	X	
Bid Bond Included			X	X	
Addenda 1-4			X	X	

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.137.18 SR

Project Name: Poolesville Elementary

Bid Opening: 2/7/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 24.9% of eligible base bid

Local Funds: \$709,695

State Funds: \$235,305

Total Contract: \$945,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>15.137.2018</u>	<u>\$75,695</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$75,695</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Interstate Corporation	<u>\$945,000</u>
		<u>\$945,000</u>

- Notes:** 1) Replacement of the entire 64,000 sf 1995 built-up roof.
 2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.
 3) Contingency removed per LEA request.

IAC Approval Date:

**POOLESVILLE ELEMENTARY SCHOOL
REROOFING PROJECT**

BIDDERS	COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.		
Base Bid	\$989,409	\$945,000	\$1,124,268	\$1,202,000		
LIGHTWEIGHT CONCRETE	\$28.50	\$30.00	\$24.00	\$25.00		
METAL DECK	\$9.75	\$12.00	\$8.00	\$8.00		
WOOD DECK	\$7.50	\$10.00	\$6.00	\$7.00		
TECTUM DECK	\$26.25	\$30.00	\$25.00	\$24.00		
MBE Forms A & B	X	X	X	X		
Bid Bond Included	X	X	X	X		
ADDENDA 1-2 ACKNOWLEDGED	X	X	X	X		

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.151.19 LP

Project Name: S. Christa McAuliffe Elementary

Bid Opening: 2/28/18

Project Type: Addition

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid plus alts. 3 - 6

Basis of Funding: 50% of eligible base bid plus alts. 3 - 6

Local Funds: \$8,446,000

State Funds: \$0

Total Contract: \$8,446,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Keller Brothers, Inc.	<u>\$8,446,000</u>
		<u>\$8,446,000</u>

- Notes: 1) Addition of 25,142 sf.
2) Prevailing wage rates do not apply to this contract; actual State allocation is less than 25% of the total contract.
3) Project eligible for funding in a future fiscal year.

IAC Approval Date:

**S. Christa McAuliffe ES
Addition**

February 28, 2018
4pm
Redwood Conferenceroom

BIDDERS	R.J. Crowley Inc.	Dustin Construction	Henley Construction	Keller Brothers	W.F. Klingensmith	Lewis Contractors	Meridian Construction	Schiebel Construction	Tuckman Barbee
Base Bid	NO BID	NO BID	\$9,524,000	\$8,338,000	\$8,602,000	NO BID	NO BID	NO BID	NO BID
Add Alt 1 Ceramic wall tile			\$26,914	\$19,500	\$20,000				
Add Alt 2 Sunshades			\$86,100	\$64,300	\$102,000				
Add Alt 3 MC cable			\$18,900	✓ (\$18,900)	(\$12,000)				
Add Alt 4 New partitions			\$22,975	✓ \$22,300	\$12,000				
Add Alt 5 Demolition, repair, cons. Fire hydrant			\$54,789	✓ \$85,400	\$142,000				
Add Alt 6 Asphalt play area			\$18,600	✓ \$19,800	\$23,000				
Base Bid & Alternates 3 -6			\$9,639,264	✓ \$8,446,600	\$8,767,000				
MBE Forms A & B			x	x	x				
Bid Bond Included			x	x	x				
Addenda 1-6 acknowledged			1-5X	x	x				

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.186.18 SR

Project Name: Springbrook High

Bid Opening: 2/9/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 24.9% of eligible base bid

Local Funds: \$1,085,439

State Funds: \$359,886

Total Contract: \$1,445,325

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>15.186.2018</u>	<u>\$159,114</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$159,114</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Cole Roofing Company, Inc.	<u>\$1,445,325</u>
		<u>\$1,445,325</u>

- Notes: 1) Phase I - Replacement of 103,896 sf of 1995 built-up roof and 20 skylights (427 sf).
2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.
3) Contingency removed per LEA request.

IAC Approval Date:

SPRINGBROOK HIGH SCHOOL
REROOFING PROJECT

BIDDERS	✓ COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.		
Base Bid	✓ \$1,445,325	\$1,825,000	\$2,177,891	\$2,173,000		
LIGHTWEIGHT CONCRETE	\$28.50	\$30.00	\$26.00	\$25.00		
METAL DECK	\$9.75	\$12.00	\$9.50	\$8.00		
WOOD DECK	\$7.50	\$10.00	\$8.00	\$7.00		
TECTUM DECK	\$24.50	\$30.00	\$26.00	\$24.00		
REMOVE REPLACE UNSUITABLE GYPSUM BOARD	\$2.25	\$5.00	\$3.25	\$3.50		
MBE Forms A & B	X	X	X	X		
Bid Bond Included	X	X	X	X		
ADDENDA 1-5 ACKNOWLEDGED	X	X	X	X		

APPROVAL OF CONTRACTS

LEA: Montgomery County PSC No 15.192.19 ASP
 Project Name: Greenwood Elementary Bid Opening: 2/27/18
 Project Type: ASP
 Scope of Work: Ceiling & Lighting Replacement
 Basis for Award of Contract: proposal dated 2/27/18 utilizing Bid #9620.4
 Basis of Funding: ASP

Local Funds: \$0
 State Funds: \$179,291
 Total Contract: \$179,291

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Unisource Services, LLC	<u>\$179,291</u>
		<u>\$179,291</u>

Notes: 1) Replacement of the original acoustical ceiling system and light fixtures.
 2) Eligible for funding available within FY 2019 ASP allocation for LEA at time of reimbursement request.

IAC Approval Date: _____

UNISOURCE SERVICES, LLC
 2211 Spencerville Rd. Suite D
 Spencerville, MD 20868
 Ph: 240.342.2415
 Fax: 240.342.2479

PROPOSAL

Montgomery County Schools
 45 West Gude Dr
 Rockville, MD 20850

Attn: Curt Bosley
 CCC Job #
 Bid# 9620.4
 Proposal Date: 02/27/2018

Mr. Bosley,

We respectfully submit this proposal for the above referenced project. Our quotation is based on the following scope of work and unit prices at Regular Rate:

Areas: Classrooms, IMC and main office School Name: Greenwood ES
 Location: 3336 Gold Mine, Brookeville, MD 20833

Bid Item #	Description	Quantity	Unit Price	Total
1	Remove non-asbestos ceiling tile	32671	\$0.24	\$7,841.04
2	Remove non-asbestos Ceiling Grid	32671	\$0.15	\$4,900.65
3	Install New Ceiling Tile	32671	\$1.35	\$44,105.85
4	Installation of New Ceiling Tile (Moisture Resistant)	0	\$4.48	\$0.00
5	Install New Ceiling Grid	32671	\$1.11	\$36,264.81
6	Installation of New Ceiling Grid System (Moisture Resistant)	0	\$1.47	\$0.00
7	Provide and Install 2'x4' drop-in light fixtures w/prismatic lens, 2 lamp as specified herein. 2TG8232-12-UNV	81	\$148.94	\$12,064.14
8	Provide and Install 2'x4' drop-in light fixtures w/prismatic lens, 3 lamp as specified herein. 2TG8332-12-UNV	265	\$148.94	\$39,469.10
9	Provide and Install 2'x4' drop-in light fixtures w/prismatic lens, 4 lamp as specified herein. 2TG8432-12-UNV	0	\$148.94	\$0.00
10	Provide and Install 2'x4' drop-in light fixtures w/parabolic lens, 2 lamp as specified herein. 2LP3GS23226AI-UNV	0	\$128.00	\$0.00
11	Provide and Install 2'x4' drop-in light fixtures w/parabolic lens, 3 lamp as specified herein. 2LP3GS33236AI-UNV	0	\$128.00	\$0.00
12	Provide and Install 1'x4' drop-in light fixtures w/prismatic lens, 2 lamp as specified herein. 1TG8232-12-UNV	0	\$134.43	\$0.00
13	Provide and Install 2'x4' surface mounted light fixtures w/prismatic lens, 3 lamp as specified herein. 2SMR332UNV	19	\$220.80	\$4,195.20
14	Provide and Install low profile wraparound, 15 3/8"x48" w/prismatic lens, 3 lamp as specified herein. CAW332UNV	0	\$145.93	\$0.00
15	Disconnect, remove, and disposal of all light fixtures	588	\$3.50	\$2,058.00
16	Removal and re-installation of ceiling mounted Exit light fixture as specified herein	0	\$45.00	\$0.00
17	Removal of existing and installation of new ceiling mounted Exit light fixture as specified herein "connect to existing circuit"	14	\$110.00	\$1,540.00
18	Disconnect and reconnect Fire Alarm System Devices	61	\$85.00	\$5,185.00
19	Disconnect and Reconnect P.A. System Speakers	13	\$45.00	\$585.00
20	Disconnect and Reconnect Security System Devices	59	\$40.00	\$2,360.00
21	Provide and install MC Cable 12/2	4380	\$1.68	\$7,358.40
22	Hourly rate for Carpenter	0	\$23.00	\$0.00
23	Hourly rate for Carpenter Helper	0	\$16.55	\$0.00

UNISOURCE SERVICES, LLC
 2211 Spencerville Rd. Suite D
 Spencerville, MD 20868
 Ph: 240.342.2415
 Fax: 240.342.2479

24	Hourly rate for Unskilled Labor	0	\$16.55	\$0.00
25	Hourly rate for Licensed Journeyman Electrician*	16	\$65.00	\$1,040.00
26	Hourly rate for Electrician Helper	16	\$24.00	\$384.00
27	HVAC diffusers clean, sand, prep, and paint as specified herein	284	\$35.00	\$9,940.00

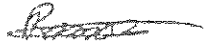
Total \$179,291.19

* Remove and reinstall spot lights and replace surface mounted light fixtures.

The dates for this project will be from June 15 to August 20, 2018

I trust that this meets your immediate needs. Please contact me if you require additional information.

Sincerely,



Jose A. Ramos
 President
 Unisource Services, LLC

Accepted by: _____
 Title: _____
 Date: _____

Richard C Boerly 3-29-18
 ASP 19 w/o # 18-1028217




APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.192.18 SR

Project Name: Greenwood Elementary

Bid Opening: 2/15/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 24.9% of eligible base bid

Local Funds: \$577,219

State Funds: \$191,381

Total Contract: \$768,600

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>15.192.2018</u>	<u>\$49,619</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$49,619</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Orndorff & Spaid, Inc.	<u>\$768,600</u>
		<u>\$768,600</u>

- Notes:** 1) Replacement of 49,365 sf of 1994 built-up roof and 108 sf of 1994 shingle roof on the 1970 building.
 2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.
 3) Contingency removed per LEA request.

IAC Approval Date:

GREENWOOD ELEMENTARY SCHOOL
ROOF REPLACEMENT PROJECT

BIDDERS	CITIROOF CORPORATION	COLE ROOFING COMPANY, INC	INTERSTATE CORPORATION	ORNDORFF & SPAID INC.	VATICA CONTRACTING, INC.
Base Bid	\$968,000	\$845,325	\$850,000	\$768,600	no bid
LIGHTWEIGHT CONCRETE	\$24.00	\$28.50	\$30.00	\$26.00	
METAL DECK	\$8.50	\$9.75	\$12.00	\$8.00	
WOOD DECK	\$8.50	\$7.50	\$10.00	\$7.00	
TECTUM DECK	\$35.00	\$24.50	\$30.00	\$26.00	
REMOVE REPLACE UNSUITABLE GYPSUM BOARD					
MBE Forms A & B	X	X	X	X	
Bid Bond Included	X	X	X	X	
ADDENDA 1-2 ACKNOWLEDGED	X	X	X	X	

APPROVAL OF CONTRACTS

LEA: Montgomery County

PSC No 15.215.19 ASP

Project Name: Westland Middle

Bid Opening: 4/27/18; 5/4/18

Project Type: ASP

Scope of Work: Asphalt Replacement

Basis for Award of Contract: proposals dated 4/27/18 & 5/4/18 utilizing Bids #9364.6 & #9340.5

Basis of Funding: ASP

Local Funds: \$0

State Funds: \$130,727

Total Contract: \$130,727

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
1	Colossal Contractors, Inc.	\$6,760
2	Finley Asphalt & Sealing, Inc.	\$123,967
		<u><u>\$130,727</u></u>

Notes: 1) Resurface cracked and broken up asphalt areas.
2) Eligible for funding available within FY 2019 ASP allocation for LEA at time of reimbursement request.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Prince George's County

PSC No 16.017.16EGRC SR

Project Name: H. Winship Wheatley Early Childhood Center

Bid Opening: 5/8/18

Project Type: Systemic Renovation

Scope of Work: Window Replacement

Basis for Award of Contract: base bid plus alt. 1

Basis of Funding: 63% of eligible base bid plus alt. 1

Local Funds: \$359,601

State Funds: \$552,699

Total Contract: \$912,300

State Contingency for Change Orders: \$13,817

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>16.017.2016</u>	<u>\$725,484</u>
Increase Contingency Amount:	<u>40.013.2016</u>	<u>\$725,484</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Micon Construction, Inc.	<u>\$912,300</u>
		<u>\$912,300</u>

- Notes: 1) Replacement of 89 1970 windows and metal panels on the north section of the school.
 2) Prevailing wage rates apply to this contract.
 3) Ineligible Contingency Allowance (\$35,000).

IAC Approval Date:



BID TABULATION: IFB #DCP18-04 H. Winship Wheatley ECC Windows Replacement

Due Date: May 8, 2018 Due Time: 2:00 PM	Micon Construction, Inc.	Tuckman Barbee	Bidder 3	Bidder 4	Bidder 5
# Bids Received: < >	1	2	3	4	5
Total Base Bid Project Cost for All General Construction	\$422,300.00	\$632,000.00			
Alternate Bid No. 1 - Replacement of Windows and Storefronts at Right Section of Building/ Replacement of windows and storefronts at right section of building. (see sketch SK-1)	\$490,000.00	\$330,000.00			
Total Base Bid	\$912,300.00	\$962,000.00	\$0.00	\$0.00	\$0.00
Verify Bid Attachments "X"					
1. Two (2) Original Bid Forms	X	X			
2. Two (2) Bid Security	X	X			
3. Two (2) Anti-Bribery Affidavit	X	X			
4. Two (2) Copies of valid Business License	*	X			
5. Two (2) Attachment A – Certified Minority Business Enterprise Utilization and Fair Solicitation Affidavit	X	X			
6. Two (2) Attachment B – MBE Participation Schedule	X	X			

Micon Construction: Failed to provide current State of Maryland Business License. License provided expired 4/30/18.

APPROVAL OF CONTRACTS

LEA: Prince George's County

PSC No 16.185.17 SR

Project Name: Benjamin Tasker Middle

Bid Opening: 3/29/18

Project Type: Systemic Renovation

Scope of Work: Piping Replacement

Basis for Award of Contract: base bid utilizing IFB #060-15 Pre-Qualified JOC Contractors

Basis of Funding: 63% of eligible base bid

Local Funds: \$399,378

State Funds: \$517,398

Total Contract: \$916,776

State Contingency for Change Orders: \$12,935

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>16.185.2017</u>	<u>\$50,667</u>
Increase Contingency Amount:	<u>40.000.2017</u>	<u>\$50,667</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Adrian L. Merton, Inc.	<u>\$916,776</u>
		<u>\$916,776</u>

Notes: 1) Replacement of 1970 heating and cooling piping.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$50,000) and A/E and FF & E Fees (\$45,510).
4) The project delivery method is Design-Build utilizing IFB 060-15 Pre-Approved JOC Contractors. Bidder selected by technical evaluation and price proposal. State reimbursement is contingent upon DGS review of the design before LEA proceeds to the next stage of design or begins construction. If the design is found to be inadequate to State standards and is not corrected at local expense then funding for this project may be cancelled. Final adjustment of the State's participation shall be made at project closeout.

IAC Approval Date:

Bid Tabulation

April 17, 2018 010-17M: Piping, Insulation Replacement Benjamin Tasker Middle School	TO	Adrian L. Merino, Inc.
DESCRIPTION	JOC Contractor	
Base Bid Fee Proposal	\$916,775.54	
Owner's Contingency Allowance (included in base bid)	\$50,000.00	
Cost of Builder's all Risk Insurance (included in base bid)	\$9,167.76	
Architectural and Engineering Services (included in base bid)	\$45,510.00	
Construction Cost incl. Equipment (included in base bid)	\$812,097.78	
Total Base Bid	\$916,775.54	



APPROVAL OF CONTRACTS

LEA: Prince George's County

PSC No 16.194.17 SR

Project Name: Duval High

Bid Opening: 5/7/18

Project Type: Systemic Renovation

Scope of Work: Window Replacement

Basis for Award of Contract: base bid plus alt. 1

Basis of Funding: 63% of eligible base bid plus alt. 1 up to the amount of maximum allocation

Local Funds: \$1,153,000

State Funds: \$1,292,000

Total Contract: \$2,445,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Micon Construction, Inc.	<u>\$2,445,000</u>
		<u>\$2,445,000</u>

- Notes: 1) Replacement of 655 1960/1961/1967 windows.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$70,000).

IAC Approval Date:



BID TABULATION: IFB #DCP18-03 Duval HS Windows Replacement

Due Date: May 7, 2018 Due Time: 2:00 PM	Micon Construction, Inc. (202) 636-3930	Nastos Construction	Clyde McHenry, Inc.
# Bids Received: 3	1	2	3
Total Base Bid Project Cost for All General Construction	\$2,400,000.00	\$2,530,700.00	\$3,177,879.00
Alternate Bid No. 1: Remove existing fin tube radiator & support bracket and reinstall on new offset support brackets. New storefront is to be installed on the existing tube steel sill.	# 45000 \$48,000.00 \$2,445,000.00	\$25,161.00	\$84,645.00
Total Base Bid	\$2,448,000.00	\$2,555,861.00	\$3,262,524.00
Verify Bid Attachments "X"			
1. Two (2) Original Bid Forms	X	X	X
2. Two (2) Bid Security	X	X	X
3. Two (2) Anti-Bribery Affidavit	X	X	X
4. Two (2) Copies of valid Business License	X	X	X
5. Two (2) Attachment A – Certified Minority Business Enterprise Utilization and Fair Solicitation Affidavit	X	X	X
6. Two (2) Attachment B – MBE Participation Schedule	X	X	X

APPROVAL OF CONTRACTS

LEA: Prince George's County
Project Name: Longfields Elementary
Project Type: Systemic Renovation
Scope of Work: Window/Door Replacement
Basis for Award of Contract: base bid
Basis of Funding: 63% of eligible base bid

PSC No 16.242.16EGRC/17 SR
Bid Opening: 5/9/18

Local Funds: \$240,052
State Funds: \$340,628
Total Contract: \$580,680

State Contingency for Change Orders: \$8,516

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>16.242.2017</u>	<u>\$942,856</u>
Increase Contingency Amount:	<u>40.000.2017</u>	<u>\$942,856</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	A & S Unlimited Construction, LLC	<u>\$580,680</u>
		<u>\$580,680</u>

Notes: 1) Replacement of 70 windows, 23 exterior doors, and 30 tech fab panels, installed in 1969.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$40,000).

IAC Approval Date:



BID TABULATION: IFB #DCP18-05 Longfield ES Windows Replacement

Due Date: May 9, 2018 Due Time: 2:00 PM	ANS Unlimited Construction LLC	Micon Construction Inc.	E. Pikounis Construction Inc.	Nastos Construction	Clyde McHenry Inc.	Tuckman-Barbee Construction
# Bids Received: 6	1	2	3	4	5	6
Total Base Bid Project Cost for All General Construction	\$580,680.00	\$775,000.00	\$710,000.00	\$745,300.00	\$627,357.00	\$672,000.00
Alternates - Not Applicable	n/a	n/a	n/a	n/a	n/a	n/a
Total Base Bid	\$580,680.00	\$775,000.00	\$710,000.00	\$745,300.00	\$627,357.00	\$672,000.00
Verify Bid Attachments "X"						
1. Two (2) Original Bid Forms	X	X	X	X	X	X
2. Two (2) Bid Security	X	X	X	X	X	X
3. Two (2) Anti-Bribery Affidavit	X	X	X	X	X	X
4. Two (2) Copies of valid Business License	*	*	X	X	X	X
5. Two (2) Attachment A – Certified Minority Business Enterprise Utilization and Fair Solicitation Affidavit	X	X	*	X	X	X
6. Two (2) Attachment B – MBE Participation Schedule	X	X	X	X	X	X

A&S Unlimited Construction: Failed to provide copies of State of Maryland Business License.

Micon Construction: Failed to provide current copy of State of Maryland Business License. Business License provided expired April 30, 2018.

E. Pikounis Construction: Failed to insert Project Name/PSC number on MBE Attachment A form.

APPROVAL OF CONTRACTS

LEA: St. Mary's County

PSC No 18.004.17 REL

Project Name: Leonardtown High

Bid Opening: 5/1/18

Project Type: State Owned Relocatable

Scope of Work: Contract #1 (1 contract)

Basis for Award of Contract: base bid

Basis of Funding: 58% of eligible base bid

Local Funds: \$96,600

State Funds: \$133,400

Total Contract: \$230,000

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>18.004.2017</u>	<u>\$104,600</u>
Increase Contingency Amount:	<u>40.000.2017</u>	<u>\$104,600</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Hash Construction, Inc.	<u>\$230,000</u>
		<u>\$230,000</u>

Notes: 1) Relocation of one (1) State owned unit (#533-22) from Spring Ridge Middle to Fairlead Academy II at Leonardtown High.
 2) Contingency removed per LEA request.

IAC Approval Date: 6/29/18

BID TABULATION
RELOCATION AND INSTALLATION OF A 60' x 60' RELOCATABLE CLASSROOM BUILDING

SMCPS-2018-07-DSS-DC

MAY 11, 2018 @ 1:00 P.M.

<i>Time Received:</i>			
Bidder	Hash Construction, Inc.	US Modular Group East	
Contractor's Statement of Experience submitted with BID	YES	N/A	
Attended Mandatory Site Visit - Date	1-May-18	2-May-18	
Bid Proposal Form (Section D)	YES	N/A	
Addenda Acknowledgement (Addendum #1 05/07- #2 05/09)	YES	N/A	
Affidavit (00350)	YES	N/A	
Sex Offender Certification (00360)	YES	N/A	
Bid Security/Bond (00410)	YES	N/A	
Letter of Surety	YES	N/A	
TOTAL BASE BID	\$230,000.00 ✓	NO BID	

Bid Start: 01:00 p.m.

Bid Stop: 1:04 p.m.

Bid packages read by: Todd Whitlock, *Project Management Coordinator I*

Bid packages recorded by: Jessica Young, *Administrative Assistant to the Assistant Superintendent of Supporting Services*

APPROVAL OF CONTRACTS

LEA: Washington County
Project Name: Urban Educational Campus
Project Type: New
Scope of Work: Contract #1 (1 contract)
Basis for Award of Contract: GMP
Basis of Funding: 71% of eligible GMP
Local Funds: \$13,146,086
State Funds: \$5,531,115
Total Contract: \$18,677,201

PSC No 21.058.15/19 LPC
Bid Opening: 4/25/18

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Callas Contractors, Inc.	<u>\$18,677,201</u>
		<u>\$18,677,201</u>

- Notes: 1) New school consisting of 53,995 sf.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency, Allowances, Fees, etc. totaling \$4,256,951.
4) Project eligible for additional funding in a future fiscal year.

IAC Approval Date:

BID TABULATION

URBAN EDUCATIONAL CAMPUS - BOE COMPONENT

	CALLAS CONTRACTORS, LLC	MORGAN-KELLER CONSTRUCTION
BASE BID	\$ 12,953,000	\$ 15,405,900
ALTERNATE No. 1	\$ 97,000	\$ 95,000
<i>TOTAL</i>	\$ 13,050,000	\$ 15,500,900

Washington County Public Schools
Urban Educational Campus - BOE Component
Guaranteed Maximum Price

Category	Eligible Cost	Ineligible Cost	Total Cost
Construction Bid	\$ 13,050,000.00		\$ 13,050,000.00
Design-Builder Construction Mgmt. Fee (8%)	\$ 1,044,000.00		\$ 1,044,000.00
Base Construction Contingency (2.5%)	\$ 326,250.00		\$ 326,250.00
Additional Construction Contingency		\$ 1,631,250.00	\$ 1,631,250.00
Allowances (Utilities, Reimbursibles)	\$ -	\$ 238,500.00	\$ 238,500.00
Other (Insurance, Testing)	\$ -	\$ 213,876.13	\$ 213,876.13
Design-Builder Fee (Non-Construction)	\$ -	\$ 245,642.23	\$ 245,642.23
A/E Design and Construction Admin Services		\$ 1,027,683.00	\$ 1,027,683.00
Land Transfer	\$ -	\$ 900,000.00	\$ 900,000.00
GUARANTEED MAXIMUM PRICE	\$ 14,420,250.00	\$ 4,256,951.36	\$ 18,677,201.36

APPROVAL OF CONTRACTS

LEA: Worcester County

PSC No 23.001.19 LPC

Project Name: Showell Elementary

Bid Opening: 6/13/18

Project Type: Replacement

Scope of Work: Contract #1 (15 contracts)

Basis for Award of Contract: base bid plus alt. 6, 11, 14 - 16 & 18

Basis of Funding: 24.9% of base bid plus alt. 6, 11, 14 - 16 & 18

Local Funds: \$34,709,266

State Funds: \$4,336,000

Total Contract: \$39,045,266

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
2A	Reynolds Excavating, Inc.	\$4,215,000
4A	Diamond State Masonry, Inc.	\$3,690,000
5A	Crystal Steel Fabricators, Inc.	\$2,548,000
6A	KB Coldiron, Inc.	\$3,114,370
7A	Cole Roofing Company, Inc.	\$4,867,532
8A	Charles Brown Glass Company	\$1,575,385
9A	Leonard A. Kraus Company, Inc.	\$3,181,700
9B	Churchville Tile & Marble	\$188,000
9D	Value Carpet One	\$359,329
9E	Jamestown Painting & Decorating	\$235,000
11A	11400, Inc.	\$318,000
11B	TJ Distributors, Inc.	\$31,350
15A	Joseph M. Zimmer, Inc.	\$6,609,600
16A	Nickle Electrical Companies	\$6,787,000
3A	Harkins Concrete Construction, Inc.	\$1,325,000
		<u><u>\$39,045,266</u></u>

Notes: 1) Replacement school consisting of 96,582 sf new construction and demolition of the existing 52,610 sf facility.

2) Prevailing wage rates required; project bid with non-prevailing wage rates therefore State participation in this contract is calculated at 24.9%.

3) Ineligible work per Informational Pricing Sheet \$1,440,402.

4) Project eligible for additional funding in a future fiscal year.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.025.17/18 SR

Project Name: #047 Hampstead Hill Academy PK-8

Bid Opening: 3/26/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid

Local Funds: \$31,578

State Funds: \$419,543

Total Contract: \$451,121

State Contingency for Change Orders: \$10,489

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>30.025.2018</u>	<u>\$428,968</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$428,968</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Cole Roofing, Inc.	<u>\$451,121</u>
		<u>\$451,121</u>

Notes: 1) Replacement of the entire 38,200 sf 1991 built-up roof, including gravity vents, exhaust fans, roof hatches, and boiler and heater stacks.

2) Low bidder Ruff Roofers, Inc. withdrew bid and Tecta America East, LLC deemed non-responsive for failure to comply with MBE requirements.

IAC Approval Date:

APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.045.17 SR

Project Name: #087 Windsor Hills PK-8

Bid Opening: 3/23/18

Project Type: Systemic Renovation

Scope of Work: Elevator Replacement

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid up to the amount of maximum allocation

Local Funds: \$39,396

State Funds: \$208,000

Total Contract: \$247,396

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Chilmar Corporation	<u>\$247,396</u>
		<u>\$247,396</u>

Notes: 1) Upgrade of the 1989 elevator and machine room.

IAC Approval Date:



Basis Purchasing

Organization Administrator

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March 01, 2018 9:35:23 AM EDT

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Quote History - Bid # MDBCS31037551

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Header Information

Bid Number:	MDBCS31037551	Description:	Windsor Hill Pre-K-8 School 87 Elevator Replacement	Bid Opening Date:	03/27/2018 11:00:00 AM
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Quote History

<u>Quote #</u>	<u>Vendor ID</u>	<u>Vendor Name</u>	<u>Date Submitted</u>	<u>Total Cost</u>
<input type="checkbox"/> 00038059	248406	Nichols Contracting	03/27/2018 09:17:14 AM	\$289,755.00
<input checked="" type="checkbox"/> 00038464	211609	Chilmar Corporation	03/26/2018 11:37:42 AM	✓ \$247,396.00

Exit

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APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.067.17 SR

Project Name: #261 Lockerman-Bundy Elementary

Bid Opening: 3/26/18

Project Type: Systemic Renovation

Scope of Work: Window Replacement

Basis for Award of Contract: base bid plus alt. 6

Basis of Funding: 93% of eligible base bid plus alt. 6 up to the amount of maximum allocation

Local Funds: \$228,800

State Funds: \$366,000

Total Contract: \$594,800

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	E. Pikounis Construction Company, Inc.	<u>\$594,800</u>
		<u>\$594,800</u>

- Notes: 1) Replacement of all 104 1978 windows, and installation of ground level security screening.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$44,000).

IAC Approval Date:

IFB-18047 Window Replacement @ Lockerman-Bundy #261

Bid Due Date: March 27, 2018

Bidder	BASE	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Alternate 5	Alternate 6	Base plus Alternates
Micon Construction	\$707,509.00	\$23,634.00	\$28,548.00	\$6,556.68	\$4,563.00	\$15,000.00	\$5,733.00	\$791,543.68
✓ E. Pikounis Construction	✓ \$534,000.00	\$20,000.00	\$23,000.00	\$8,800.00	\$10,800.00	\$8,300.00	✓ \$16,800.00	\$621,700.00

APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.108.17 SR

Project Name: #301 William S. Baer Special Education

Bid Opening: 4/19/18

Project Type: Systemic Renovation

Scope of Work: Elevator Replacement

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid

Local Funds: \$18,388

State Funds: \$244,302

Total Contract: \$262,690

State Contingency for Change Orders: \$6,108

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>30.108.2017</u>	<u>\$29,590</u>
Increase Contingency Amount:	<u>40.000.2017</u>	<u>\$29,590</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Nichols Contracting, Inc.	<u>\$262,690</u>
		<u>\$262,690</u>

Notes: 1) Upgrade of the 1954 elevator and machine room.

IAC Approval Date:



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Quote History - Bid # MDBCS31037092 [Back to Bid](#)

Header Information

Bid Number: MDBCS31037092
 Description: Solicitation IFB-18040 Elevator Replacement Services at William S. Baer School #301
 Bid Opening Date: 03/01/2018 11:00:00 AM

Quote History

<u>Quote #</u>	<u>Vendor ID</u>	<u>Vendor Name</u>	<u>Date Submitted</u>	<u>Total Cost</u>
00037915	248406	Nichols Contracting	03/01/2018 09:37:38 AM	\$262,690.00
00037962	211609	Chilmar Corporation	03/01/2018 09:10:32 AM	\$329,000.00

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APPROVAL OF CONTRACTS

LEA: Baltimore City PSC No 30.181.17 SR

Project Name: #076 Francis Scott Key Elementary/Middle Bid Opening: 3/20/18

Project Type: Systemic Renovation

Scope of Work: Window Replacement

Basis for Award of Contract: base bid plus alt. 3

Basis of Funding: 93% of eligible base bid plus alt. 3 up to the amount of maximum allocation

Local Funds: \$462,400

State Funds: \$280,000

Total Contract: \$742,400

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	E. Pikounis Construction Company, Inc.	<u>\$742,400</u>
		<u>\$742,400</u>

- Notes: 1) Replacement of all 5,254 sf of windows, including security screening at ground level, and all 21 exterior doors, installed in 1989.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$55,000).

IAC Approval Date:

IFB-18046 Window Replacement Services at Francis Scott Key #076
Bid Tabulation Sheet
Bid Due Date: March 20, 2018

Bidder	BASE	Alternate 1	Alternate 2	Alternate 3	Alternate 4	Alternate 5
Clyde McHenry Inc	\$650,432.00	\$17,628.00	\$8,450.00	\$53,425.00	\$43,400.00	\$32,500.00
E. Pikounis Construction ✓	\$626,000.00	\$18,500.00	\$14,800.00	\$61,400.00	\$102,000.00	\$47,500.00
HomeRite of Baltimore	\$648,681.00	\$31,817.00	\$9,889.00	\$39,800.00	\$68,000.00	\$39,000.00

APPROVAL OF CONTRACTS

LEA: Baltimore City **PSC No** 30.246.16 SR

Project Name: #400A Edmondson High **Bid Opening:** 7/12/18

Project Type: Systemic Renovation

Scope of Work: Vertical Packaged Classroom Air Conditioning Units

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid up to the amount of maximum allocation

Local Funds: \$1,230,200

State Funds: \$477,000

Total Contract: \$1,707,200

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

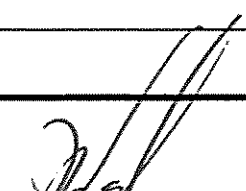
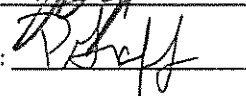
<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	J. F. Fischer, Inc.	<u>\$1,707,200</u>
		<u>\$1,707,200</u>

- Notes:** 1) Installation of window air conditioning units in 31 classrooms, including associated electrical service, ventilation requirements, and security screening.
2) Prevailing wage rates apply to this contract.
3) Ineligible Contingency Allowance (\$155,200).
4) IAC approval contingent upon Board of Commissioners approval 8/28/2018.

IAC Approval Date:

BALTIMORE CITY PUBLIC SCHOOLS
 IFB-18071
 HVAC Replacement at Edmondson High School #400
 BID DUE DATE: July 12, 2018 - 11:00 A.M. LOCAL TIME

	Responding Vendor	Grand Total	
1	Denver-Elek	\$ 1,696,000.-	
2	J.F. Fischer	\$ 1,552,000.-	✓
3	Chilmar	\$ 1,637,396.-	
4			
5			
6			
7			
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9			
10			
11			
12			
13			
14			
15			

Bids Opened By: 
 Bids Recorded By: 

Date 7/12/18
 Date 7/12/18

APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.267.17 SR

Project Name: #011 Eutaw-Marshburn Elementary

Bid Opening: 3/26/18

Project Type: Systemic Renovation

Scope of Work: Elevator Replacement

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid up to the amount of maximum allocation

Local Funds: \$28,396

State Funds: \$268,000

Total Contract: \$296,396

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Chilmar Corporation	<u>\$296,396</u>
		<u>\$296,396</u>

Notes: 1) Upgrade of the 1979 elevator and mechanical room. The 2014 pump, tank, and door operator will remain.

IAC Approval Date:



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Joseph Vogel

Quote History - Bid # MDBCS31037574

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Header Information:

Bid Number: MDBCS31037574 **Description:** Solicitation IFB-18051 Elevator Replacement Services at Eutaw-Marshburn School #11 **Bid Opening Date:** 04/02/2018 11:00:00 AM

Quote History

Quote #	Vendor ID	Vendor Name	Date Submitted	Total Cost
00038074	248406	Nichols Contracting	04/02/2018 10:46:23 AM	\$318,474.00
00038458	211609	Chilmar Corporation	03/29/2018 11:48:22 AM	\$296,396.00

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APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.268.17/18 SR

Project Name: #221 Mt. Washington School

Bid Opening: 4/9/18

Project Type: Systemic Renovation

Scope of Work: Fire Safety

Basis for Award of Contract: base bid Item #1 plus alt. Item #2

Basis of Funding: 93% of eligible base bid Item #1 plus alt. Item #2

Local Funds: \$78,245

State Funds: \$1,039,547

Total Contract: \$1,117,792

State Contingency for Change Orders: \$25,989

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:	<u>30.268.2018</u>	<u>\$334,464</u>
Increase Contingency Amount:	<u>40.000.2018</u>	<u>\$334,464</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Chilmar Corporation	<u>\$1,117,792</u>
		<u>\$1,117,792</u>

Notes: (1) Replacement of the 1962 fire alarm system, and installation of a sprinkler system, emergency lighting, exit signs, and a new emergency generator for life safety functions.
(2) Prevailing wage rates apply to this contract.

IAC Approval Date:

Solicitation - IFB-18061
 Fire Safety - Sprinkler System Upgrades - The Mount Washington School (#221)
 Bid Price Tabulation Document
 Bid Due Date: 4/12/2018

Items	Responding Companies	✓ Chilmar Corp	N/A	N/A	N/A	N/A
	Bid Item Description	Cost Per Item	Cost Per Item	Cost Per Item	Cost Per Item	Cost Per Item
Item #1	BASE BID	✓ \$967,396.00	\$0.00	\$0.00	\$0.00	\$0.00
Item #2	Alternate #1	✓ \$150,396.00	\$0.00	\$0.00	\$0.00	\$0.00
Item #3	Alternate #2	\$161,396.00	\$0.00	\$0.00	\$0.00	\$0.00
Item #4	Alternate #3	\$15,396.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Lump Sum Bid Prices		\$1,294,584.00	\$0.00	\$0.00	\$0.00	\$0.00
Company Bid Ranking						

\$1,117,792

APPROVAL OF CONTRACTS

LEA: Baltimore City

PSC No 30.269.17/18 SR

Project Name: #086 Lakewood Early Learning Center

Bid Opening: 3/26/18

Project Type: Systemic Renovation

Scope of Work: Roof Replacement

Basis for Award of Contract: base bid

Basis of Funding: 93% of eligible base bid up to the amount of maximum allocation

Local Funds: \$121,130

State Funds: \$333,000

Total Contract: \$454,130

State Contingency for Change Orders: \$0

Transfer State Funds:	Account No.	Amount
Decrease Project Amount:		<u>\$0</u>
Increase Contingency Amount:		<u>\$0</u>
Decrease Contingency Amount:		<u>\$0</u>
Increase Project Amount:		<u>\$0</u>

<u>Contract #</u>	<u>Contractor</u>	<u>Total Contract</u>
	Cole Roofing Company, Inc.	<u>\$454,130</u>
		<u>\$454,130</u>

Notes: 1) Replacement of the entire 14,790 sf 1987 built-up roof, including gravity vents, exhaust fans, roof hatches, and boiler and heater stacks.
2) Ineligible Contingency Allowance (\$41,300).

IAC Approval Date:



Bid # MDBC31037600

Organization Administrator

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Current Organization: Statewide Child Support
Schedule: 7:00 AM - 7:00 PM

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Quote History - Bid # MDBC31037600

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Header Information:

Bid Number:	MDBC31037600	Description:	Solicitation IFB-18057 Roof Replacement Services at Lakewood Elementary School #86	Bid Opening Date:	04/02/2018 11:00:00 AM
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Quote History

<u>Quote #</u>	<u>Vendor ID</u>	<u>Vendor Name</u>	<u>Date Submitted</u>	<u>Total Cost</u>
00038558	114488	Cole Roofing Company, Inc.	04/02/2018 10:59:15 AM	\$412,830.00
00038556	251543	Ruff Roofers, Inc	04/02/2018 10:58:33 AM	\$460,831.00
00038418	00000627	Tecta America East, LLC	04/02/2018 10:25:58 AM	\$551,220.00
00038551	155820	AUTUMN CONTRACTING INC	04/02/2018 08:34:29 AM	\$448,451.00

Exit

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Item I. C. Approval of Accounting Adjustments – Prince George’s County- Cancellation of FY 2017 Capital Improvements Program (CIP) Projects

Motion:

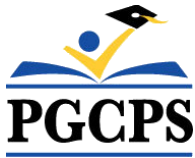
To approve the rescission of funding for the ten projects listed below totaling \$8,620,000 for Prince George’s County Public Schools and to approve the transfer of the FY 2017 CIP allocation of \$8,620,000 to the Statewide Contingency Account reserved for Prince George’s County Public Schools.

Background Information:

In a letter dated May 31, 2018, Prince George’s County Public Schools (PGCPS) requests rescission of ten (10) FY 2017 CIP systemic renovation projects, shown in the table below. These projects were approved by the BPW in January 2016 and in accordance with Education Article 5-303(j)(3)(i), these projects were required to be contracted within 2 years of project approval (January 2018).

The letter indicates that PGCPS is advancing towards more holistic, cost-effective projects and are continuously evaluating and determining if approved projects from prior years reflect the kind of smart investments and cost-effective long-term improvements that maximize the impact of limited capital dollars.

<u>School Name</u>	<u>Project Type</u>	<u>PSC #</u>	<u>Amount Rescinded</u>
Buck Lodge Middle	Piping	16.094.17 SR	\$581,000
Surrattsville High	Piping	16.103.15/17 SR	\$1,937,000
Crossland High	Piping	16.033.17 SR	\$646,000
Largo High	Piping	16.011.15/17 SR	\$1,937,000
Rogers Heights Elementary	Piping	16.051.17 SR	\$129,000
Dwight D. Eisenhower Middle	Piping	16.008.17 SR	\$258,000
Oxon Hill Elementary	AHU	16.031.17 SR	\$323,000
Tanglewood Regional School	HVAC/Ceiling/ Lighting	16.099.17 SR	\$2,357,000
North Forestville Elementary	Boiler	16.145.16EGRC SR	\$323,000
Kenilworth Elementary	Piping	16.195.16EGRC/17 SR	\$129,000
Total			\$8,620,000



Shawn Matlock
 Director, Dept. of Capital Programs

May 31, 2018

Mr. Robert Gorrell
 Executive Director
 Public School Construction Program
 Interagency Committee on School Construction
 200 West Baltimore Street, 2nd Floor
 Baltimore, Maryland 21201-2595

RE: Requested Funding Reversion for Projects Approved in the FY17 CIP

Dear Mr. Gorrell:

In December 2016, we formally requested funding reversion for projects approved in the FY 2017 Capital Improvement Program as it was developed and approved prior to the finalization of our current comprehensive and data-driven master plan (which has been shared formally with IAC/PSCP members and staff in the independently commissioned Master Plan Support Project as well as the resulting FY17 Educational Facilities Master Plan).

Our advancement towards more holistic, cost-effective projects is particularly apparent in the reduction of systemic replacements in recent CIP submissions:

- FY17 CIP requested 67 systemic replacement projects
- FY18 CIP requested 38 systemic replacement projects
- FY19 CIP requested 12 systemic replacement projects

Implementing such a major sea change does mean we have to continuously evaluate and determine if approved projects from prior years reflect the kind of smart investments and cost-effective, long-term improvements that are called for in our EFMP and that maximize the impact of limited capital dollars.

Therefore, we would like to request the un-contracted allocations for the below projects be reverted to and maintained in the contingency fund for Prince George’s County for future eligible projects that do meet the standards of our long-range master plans.

PRI #	PSC #	School & Description	Approved State Allocation
16	16.094.17 SR	Buck Lodge MS Piping Replacement & Insulation	\$581,000
17	16.103.17 SR	Surrattsville HS Piping Replacement	\$1,937,000
23	16.033.17 SR	Crossland HS Steam Piping Replacement	\$646,000
31	16.011.17 SR	Largo HS Piping Replacement	\$1,937,000
32	16.051.17 SR	Rogers Heights ES Piping Replacement	\$129,000
42	16.008.17 SR	Dwight D. Eisenhower MS Controls & Steam Traps	\$258,000
48	16.031.17 SR	Oxon Hill ES AHU Replacement	\$323,000
59	16.099.17 SR	Tanglewood Regional School HVAC/Ceilings/Lighting	\$2,357,000
64	16.145.17 SR	North Forestville ES Boiler	\$323,000

71	16.195.17 SR	Kenilworth ES Steam Trap Replacement	\$129,000
50	16.183.14 SR	William Wirt MS Piping Replacement	\$550,000
		Total:	\$9,170,000.00

Please note one of these projects was approved in the FY 2014 CIP and is likely ineligible for a future project specifically for our county. However, we are formally requesting its cancellation as the FY17 EFMP calls for the replacement of that school (local planning was approved in our FY17 CIP) and executing this project would be neither beneficial to the facility nor a responsible use of public dollars.

Finally, we realize this transition has required additional effort for the IAC member agencies and our team truly appreciates the continued support as we progress in our efforts to provide the best facilities possible to the students of Prince George's County.

Sincerely,



Shawn Matlock
Director

SM:ST

cc: Kevin Maxwell, Ph.D
W. Wesley Watts, Jr., Ed.D.
Mr. Mark Fossett
Ms. Shayla Taylor
Mr. William Smith
Mr. Kamor Muse-Ariyoh
Ms. Elizabeth Chaisson
Mr. Lucian Musawwir
Mr. Michael Dougherty
Ms. Kim Spivey
Ms. Carrie Wiskman
Ms. Arabia Davis
Mr. Clarence Felder

Item I. D. Approval of Accounting Adjustments – Prince George’s County- Cancellation of Contract Award

Motion:

To approve the cancellation of the award of contract to JLN Construction Services, Inc. for the piping project at William Wirt Middle School (16.183.14 SR).

On May 21, 2015, the IAC approved a contract between Prince George’s County Public Schools (PGCPS) and JLN Construction Services, Inc. in the amount of \$964,075 for the Piping project at William Wirt Middle School (PSC #16.183.14 SR). PGCPS has requested cancellation of the contract approval. The facility is scheduled for a full replacement and Local Planning was approved for the replacement project in the FY 2017 CIP.

Staff recommends IAC approval of the cancellation of the contract.

There have been no State funds expended for this project.

Item I. E. Approval of Accounting Adjustments – Baltimore City – Cancellation of FY 2017 Capital Improvements Program (CIP) Projects

Motion:

To approve the rescission of FY 2017 CIP funding for the fourteen projects listed below totaling \$14,049,000 for Baltimore City Public Schools and to approve the transfer of the FY 2017 CIP allocation of \$14,049,000 to the Statewide Contingency Account reserved for Baltimore City Public Schools.

Background Information:

In accordance with Education Article 5-303(j)(3)(i), these projects were required to be contracted within 2 years of project approval. Baltimore City Public Schools concurs with the cancellation of these projects.

The LEA has communicated, through the Baltimore City Program Manager, plans to use CIP amendments and subsequent allocations to deliver the most mission-critical projects listed in the most effective and efficient manner. We anticipate a request for use of available contingency funding will be prepared for the October IAC meeting.

<u>School Name</u>	<u>Project Type</u>	<u>PSC #</u>	<u>Amount Rescinded</u>
#039 Dallas F. Nicholas, Sr. Elementary	HVAC	30.020.17/18 SR	\$400,000
#045 Federal Hill Prep PK-5	HVAC	30.023.15/17 SR	\$4,224,000
#081 North Bend PK-8	HVAC/Fire Safety	30.041.17 SR	\$600,000
#125 Furman L. Templeton Elementary	Elevator	30.061.17 SR	\$340,000
#239 Benjamin Franklin Building	Roof	30.099.17/18 SR	\$800,000
#480 Baltimore City College High	Fire Safety	30.110.15/17 SR	\$2,240,000
#480 Baltimore City College High	Roof	30.110.17 SR	\$1,722,000
#480 Baltimore City College High	Pool	30.110.17/18 SR	\$700,000
#130 Booker T. Washington Building	Roof	30.168.17/18 SR	\$723,000
#231 Brehms Lane Elementary	Roof	30.191.17 SR	\$200,000
#407 Western High	Pool	30.227.17 SR	\$700,000
#400A Edmondson High	Roof	30.246.17/18 SR	\$900,000
#011 Eutaw Marshburn Elementary	Windows/Doors	30.267.17 SR	\$300,000
#035 Harlem Park Building	HVAC	30.277.17/18 SR	\$200,000
Total			\$14,049,000

Item I. F. Completed Project Allocation Reversions

Motion:

To approve, subject to final audit, the reversion of the amounts identified below to the appropriate statewide contingency accounts.

Background Information:

The projects below are ready to be closed out but have small balances remaining. In order to fully close the project, staff recommends that the IAC approve the reversion of the unused balances as identified below.

Project Information:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>
<u>SOMERSET COUNTY</u>		
Washington High	19.002.2012	\$ 4,135
		<u>\$ 4,135</u>
<u>WICOMICO COUNTY</u>		
Fruitland Primary	22.016.2014 ACI	\$ 5,528
		<u>\$ 5,528</u>
	Total Reversion:	<u>\$ 9,663</u>

Item I. G. Approval of Accounting Adjustments – Closed Projects

Motion:

To approve the final project costs as reflected below and to remove the projects from the active project detailed financial report.

Background Information:

The projects identified below are complete and closed out. IAC recommends that the IAC approve the closeouts. Action by the IAC allows the projects to be removed from the active project detailed financial report.

Project Information:

<u>Project Name</u>	<u>Project Type</u>	<u>Approved Contracts Form 306.6</u>	<u>Final Project Cost</u>
<u>FREDERICK COUNTY</u>			
1. Walkersville Middle 10.045.2018	Chiller	164,000	<u>\$ 164,000</u>
2. Governor Thomas Johnson Middle 10.059.2018	Boiler	246,000	<u>\$ 246,000</u>
<u>QUEEN ANNE'S COUNTY</u>			
3. Church Hill Elementary 17.013.2015 17.013.2017	Roof	133,578 422	<u>\$ 134,000</u>
<u>SOMERSET COUNTY</u>			
4. Washington High 19.002.2010 19.002.2010 QECB 19.002.2011 19.002.2012	Renovation	58,928 6,000,000 5,988,360 3,205,860	<u>\$ 15,253,148</u>
<u>WICOMICO COUNTY</u>			
5. Beaver Run Elementary 22.005.2014 ACI	HVAC	322,838	<u>\$ 322,838</u>
6. Fruitland Primary 22.016.2014 ACI	HVAC	282,410	<u>\$ 282,410</u>

Item I. H. Approval of Revisions to Previously Approved Contracts

Motion:

To approve the revisions to previously approved contract awards to accurately reflect the adjusted State participation.

Background Information:

Projects approved for additional funding in the current FY 2019 CIP that have previously had contract awards approved by the IAC need to be revised to reflect the additional State funding in the project. Additional revisions and/or adjustments to the school name, PSC Number, notes, etc. may also be required and are reflected in the detail information per project.

May 31, 2018 – Approval of Contracts

Wicomico County – Delmar Elementary

PSC# 22.007.16/19 LPC

Project Type: Limited Renovation

Change PSC # from 22.007.19 LPC to 22.007.16/19 LPC

Change Local Funding from \$5,983,377 to \$5,983,746

Change State Funding from \$4,617,000 to \$4,616,631

Add Note:

- 5) Revision to State and Local funding based on actual State allocation approved in the FY 2019 CIP.

May 18, 2018 – Approval of Contracts

Anne Arundel County – Broadneck Elementary

PSC# 02.023.19 SR

Project Type: SR – Roof Replacement

Change Account to Decrease from \$103,825 to \$78,384

Add Note:

- 3) Reduction to reversion to Statewide Contingency account reserved for Anne Arundel County due to additional eligible contract submitted for approval.

April 26, 2018 – Approval of Contracts

Anne Arundel County – Marley Elementary

PSC# 02.079.18/19 LPC

Project Type: Addition – Contract #2 (1 contract)

Change PSC # from 02.079.18 LPC to 02.079.18/19 LPC

Change Local Funding from \$41,450 to \$20,725

Change State Funding from \$0 to \$20,725

Change Note:

- 3) Project eligible for balance of funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

April 26, 2018 – Approval of Contracts

Harford County – Bel Air Elementary

PSC# 12.024.13/18/19 C

Project Type: Renovation Open Space/HVAC Replacement

Change PSC # from 12.024.13/18 C to 12.024.13/18/19 C

Change Local Funding from \$2,580,838 to \$2,073,480

Change State Funding from \$3,023,162 to \$3,530,520

Change State Contingency for Change Orders from \$0 to \$60,480

Change Account to Decrease from \$0 to \$162

Change Note:

- 4) Project eligible for balance of funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

March 9, 2018 – Approval of Contracts

Baltimore County – Patapsco High and Center for the Arts

PSC# 03.145.19 LPC

Project Type: Limited Renovation

Change PSC # from 03.145.18 LP to 03.145.19 LPC

Change Local Funding from \$29,495,000 to \$17,577,242

Change State Funding from \$0 to \$11,917,758

Add Note:

- 3) Increase in State funding due to allocation provided in the FY 2019 CIP.

February 14, 2018 – Approval of Contracts

Montgomery County – Thomas Edison High

PSC# 15.142.19 LPC

Project Type: Replacement

Change PSC # from 15.142.17 LP to 15.142.19 LPC

Change Local Funding from \$81,541,784 to \$74,262,707

Change State Funding from \$0 to \$7,279,077

Add Note:

- 5) Increase in State funding due to allocation provided in the FY 2019 CIP.

January 10, 2018 – Approval of Contracts

Harford County – Havre de Grace Middle/High

PSC# 12.039.14/18/19 LPC

Project Type: Replacement

Change PSC # from 12.039.18 LPC to 12.039.14/18/19 LPC

Change Local Funding from \$69,853,963 to \$60,130,745

Change State Funding from \$10,000,000 to \$19,723,218

Change State Contingency for Change Orders from \$0 to \$493,080

Change Account to Decrease from \$0 to \$940,174

Change Note:

- 4) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

December 7, 2017 – Approval of Contracts

Charles County – Dr. Samuel A. Mudd Elementary

PSC# 08.037.17/18/19 LPC

Project Type: Renovation/Addition – Contract #2 (1 contract)

Change PSC # from 08.037.17/18 LPC to 08.037.17/18/19 LPC

Change Local Funding from \$362,543 to \$183,278

Change State Funding from \$0 to \$179,265

Change Note:

- 2) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

December 7, 2017 – Approval of Contracts

Montgomery County – North Bethesda Middle

PSC# 15.245.19EGRC LPC

Project Type: Addition/Renovation – Contract #1 (14 contract)

Change PSC # from 15.245.18 LP to 15.245.19EGRC LPC

Change Local Funding from \$17,454,736 to \$13,224,736

Change State Funding from \$0 to \$4,230,000

Add Note:

- 5) Increase in State funding due to partial allocation provided in the FY 2019 CIP.

December 7, 2017 – Approval of Contracts

Somerset County – J. M. Tawes Technology & Career Center

PSC# 19.017.16/18/19 LPC

Project Type: Replacement – Contract #2 (1 contract)

Change PSC # from 19.017.18 LPC to 19.017.16/18/19 LPC

Change Local Funding from \$23,268,121 to \$5,768,121

Change State Funding from \$10,797,447 to \$28,297,447

Add Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2019 CIP.

November 8, 2017 – Approval of Contracts

Anne Arundel County – George T. Cromwell Elementary

PSC# 02.063.14/17EGRC/18/19/19EGRC LPC

Project Type: Renovation/Addition

Change PSC # from 02.063.18 LPC to 02.063.14/17EGRC/18/19/19EGRC LPC

Change Local Funding from \$28,030,715 to \$25,537,464

Change State Funding from \$1,268,283 to \$3,761,534

Change State Contingency for Change Orders from \$0 to \$94,038

Change Account to Decrease from \$0 to \$988,693

Change Note:

- 5) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

November 8, 2017 – Approval of Contracts

Baltimore County – Kenwood High

PSC# 03.148.18/19 SR

Project Type: Air Conditioning

Change PSC # from 03.148.18 SR to 03.148.18/19 SR

Change Local Funding from \$15,550,285 to \$10,787,285

Change State Funding from \$4,298,000 to \$9,061,000

Change Note:

- 6) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

October 11, 2017 – Approval of Contracts

Anne Arundel County – Marley Elementary

PSC# 12.024.13/18/19 C

Project Type: Addition – Contract #1 (1 contract)

Change PSC # from 02.079.18 LPC to 02.079.18/19 LPC

Change Local Funding from \$888,854 to \$845,927

Change State Funding from \$803,000 to \$845,927

Change Note:

- 3) Project eligible for balance of funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

September 13, 2017 – Approval of Contracts

Charles County – Berry Elementary

PSC# 08.036.18/19 LPC

Project Type: K/PK Renovation/Addition

Change PSC # from 08.036.18 LPC to 08.036.18/19 LPC

Change Local Funding from \$2,455,000 to \$1,729,000

Change State Funding from \$750,000 to \$1,476,000

Change Note:

- 3) Project eligible for balance of funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

September 13, 2017 – Approval of Contracts

Maryland School for the Blind – Newcomer, Case & Campbell Halls

PSC# 25.001.14/18/19 LPC

Project Type: Renovation/Addition

Change PSC # from 25.001.14/18 LPC to 25.001.14/18/19 LPC

Change Local Funding from \$32,885,223 to \$18,885,223

Change State Funding from \$1,320,705 to \$15,320,705

Change Note:

- 3) Increase in State funding due to additional allocation provided via an amendment to the FY 2018 CIP to Increase in State funding due additional allocation provided via an amendment to the FY 2018 and additional allocation provided in the FY 2019 CIP.

August 16, 2017 – Approval of Contracts

Baltimore County – Franklin High

PSC# 03.120.18/19 SR

Project Type: Air Conditioning

Change PSC # from 03.120.18 SR to 03.120.18/19 SR

Change Local Funding from \$12,294,725 to \$9,128,725

Change State Funding from \$2,857,000 to \$6,023,000

Change Note:

- 3) Project eligible for additional State funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

July 16, 2017 – Approval of Contracts

Anne Arundel County – Jessup Elementary

PSC# 02.016.14/18/18EGRC/19 LPC

Project Type: Replacement

Change PSC # from 02.016.14/18/18EGRC LPC to 02.016.14/18/18EGRC/19 LPC

Change Local Funding from \$29,048,725 to \$25,776,933

Change State Funding from \$10,530,208 to \$13,802,000

Change Note:

- 4) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

July 26, 2017 – Approval of Contracts

Baltimore County – Lansdowne Elementary

PSC# 03.105.17/17EGRC/18/19 LPC

Project Type: Replacement

Change PSC# from 03.105.17/17EGRC/18 LPC to 03.105.17/17EGRC/18/19 LPC

Change Local Funding from \$23,099,765 to \$16,025,765

Change State Funding from \$7,918,000 to \$14,992,000

Change Note:

- 4) Project eligible for additional funding in a future fiscal year to Increase in State funding due to balance of allocation provided in the FY 2019 CIP.

May 2, 2017 – Approval of Contracts

Baltimore County – Victory Villa Elementary

PSC# 03.057.15/17/17EGRC/18/18EGRC/19 LPC

Project Type: Replacement – Contract #2 (1 contract)

Change PSC # from 03.057.15/17/17EGRC/18/18EGRC LPC to 03.057.15/17/17EGRC/18/18EGRC/19 LPC

Change Local Funding from \$17,623,056 to \$15,646,226

Change State Funding from \$10,167,944 to \$12,144,774

Change Note:

- 3) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of allocation provided in the FY 2019 CIP.

May 2, 2017 – Approval of Contracts

Charles County – Dr. Samuel A. Mudd Elementary

PSC# 08.037.17/18/19 LPC

Project Type: Renovation/Addition – Contract #1 (1 contract)

Change PSC # from 08.037.17/18 LPC to 08.037.17/18/19 LPC

Change Local Funding from \$17,572,451 to \$11,975,595

Change State Funding from \$6,116,549 to \$11,713,405

Change State Contingency for Change Orders from \$0 to \$248,879

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of allocation provided in the FY 2019 CIP.
- 5) Project eligible for additional funding in a future fiscal year to Retain \$179,265 for additional contracts.

May 2, 2017 – Approval of Contracts

Montgomery County – Richard Montgomery Elementary #5

PSC# 15.279.19 LPC

Project Type: New – Contract #1 (13 contracts)

Change PSC # from 15.279.18 LP to 15.279.19 LPC

Change Local Funding from \$27,421,053 to \$20,568,553

Change State Funding from \$0 to \$6,852,500

Change Note:

- 3) Project eligible for funding in a future fiscal year to Increase in State funding due to allocation provided in the FY 2019 CIP.

March 29, 2017 – Approval of Contracts

Frederick County – Sugarloaf Elementary

PSC# 10.078.14/17/18/19 LPC

Project Type: New – Contract #1 (7 contracts)

Change PSC # from 10.078.14/17/18 LPC to 10.078.14/17/18/19 LPC

Change Local Funding from \$20,013,700 to \$11,876,700

Change State Funding from \$6,671,000 to \$14,808,000

Change Note:

- 3) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and FY 2019 CIP.

March 29, 2017 – Approval of Contracts

Frederick County – Butterfly Ridge Elementary

PSC# 10.079.17/18/19 LPC

Project Type: New – Contract #1 (7 contracts)

Change PSC # from 10.079.17/18 LPC to 10.079.17/18/19 LPC

Change Local Funding from \$20,851,580 to \$16,251,580

Change State Funding from \$7,671,000 to \$12,271,000

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and FY 2019 CIP.

March 29, 2017 – Approval of Contracts

Prince George's County – Tulip Grove Elementary

PSC# 16.137.18/18EGRC/19 LPC

Project Type: Renovation/Addition

Change PSC # from 16.137.18/18EGRC LPC to 16.137.18/18EGRC/19 LPC

Change Local Funding from \$16,295,000 to \$16,095,000

Change State Funding from \$4,885,000 to \$5,085,000

Change Note:

- 4) Increase in State funding due to partial allocation provided in the FY 2018 CIP to Increase in State funding due to partial allocation provided in the FY 2018 CIP and balance of allocation provided in the FY 2019 CIP.

February 15, 2017 – Approval of Contracts

Charles County – Billingsley Elementary

PSC# 08.048.14/17/18/19 LPC

Project Type: New

Change PSC # from 08.048.14/17/18 LPC to 08.048.14/17/18/19 LPC

Change Local Funding from \$25,540,000 to \$17,435,000

Change State Funding from \$9,625,000 to \$17,730,000

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of allocation provided in the FY 2019 CIP.

February 15, 2017 – Approval of Contracts

Wicomico County – West Salisbury Elementary

PSC# 22.029.15/17/18/19 LPC

Project Type: Replacement

Change PSC # from 22.029.15/17/18 LPC to 22.029.15/17/18/19 LPC

Change Local Funding from \$12,357,900 to \$8,649,100

Change State Funding from \$11,810,200 to \$15,519,000

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of allocation provided in the FY 2019 CIP.

December 13, 2016 – Approval of Contracts

Dorchester County – North Dorchester High

PSC# 09.013.14/16EGRC/17/17EGRC/18/19 LPC

Project Type: Replacement

Change PSC # from 09.013.14/16EGRC/17/17EGRC/18 LPC to 09.013.14/16EGRC/17/17EGRC/18/19 LPC

Change Local Funding from \$28,075,483 to \$18,054,483

Change State Funding from \$15,031,000 to \$25,052,000

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and FY 2019 CIP.

December 13, 2016 – Approval of Contracts

Cecil County – Gilpin Manor Elementary

PSC# 07.016.17/18/19 LPC

Project Type: Replacement

Change PSC # from 07.016.17/18/19 LPC to 07.016.17/18/19 LPC

Change Local Funding from \$11,110,993 to \$7,642,256

Change State Funding from \$8,113,530 to \$11,582,267

Change State Contingency for Change Orders from \$0 to \$289,557

Change Note:

- 3) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of funding provided in the FY 2019 CIP.

August 22, 2016 – Approval of Contracts

Montgomery County – Wayside Elementary

PSC# 15.033.18/18EGRC/19 LPC

Project Type: Replacement

Change PSC # from 15.033.18/18EGRC/19 LPC to 15.033.18/18EGRC/19 LPC

Change Local Funding from \$18,754,218 to \$17,754,218

Change State Funding from \$3,036,000 to \$4,036,000

Change Note:

- 5) Increase in State funding due to additional allocation provided in the FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2018 CIP and balance of funding provided in the FY 2019 CIP.

August 22, 2016 – Approval of Contracts

Allegany County – Allegany High

PSC# 01.038.15/17/18/19 LPC

Project Type: Replacement

Change PSC # from 01.038.15/17/18 LPC to 01.038.15/17/18/19 LPC

Change Local Funding from \$14,541,000 to \$10,591,000

Change State Funding from \$36,242,000 to \$40,192,000

Change Note:

- 4) Increase in State funding due to additional allocation provided in the FY 2017 CIP and FY 2018 CIP to Increase in State funding due to additional allocation provided in the FY 2017 CIP and FY 2018 CIP and balance of funding provided in the FY 2019 CIP.

April 3, 2014 – Approval of Contracts

Montgomery County – Wheaton High

PSC# 15.141.17/18/18EGRC/19 LPC

Project Type: Replacement – Contract #1 (11 contracts)

Change PSC # from 15.141.18/18EGRC LPC to 15.141.17/18/18EGRC/19 LPC

Change Local Funding from \$89,026,138 to \$72,526,049

Change State Funding from \$7,662,369 to \$24,162,458

Change Note:

- 4) Increase in State funding due to partial allocation provided in the FY 2018 CIP to Increase in State funding due to partial allocation provided in the FY 2018 CIP and balance of funding provided in the FY 2019 CIP.

Item I. I. Approval of Accounting Adjustments – Approval to Establish Supplementary Appropriation Project Allocations

Motion:

To approve the transfer of \$919,796 from the FY 2012 Supplementary Appropriation LEA Reserve Accounts and to establish individual project allocations for the projects approved by the Board of Public Works on May 16, 2018 as shown below.

Background Information:

In the 2011 legislative session, the General Assembly approved an FY 2012 Supplementary Appropriation (SA) in the total amount of \$47.5 million. Projects in this program are subject to approval by the Board of Public Works (BPW) following evaluation by the Designees. Once approved, these projects are subject to the procurement and design review requirements that apply to projects in the Capital Improvement Program (CIP) or Aging Schools Program (ASP).

On May 16, 2018, the BPW approved the realignment of unexpended funds to the following eligible fourteen (14) new projects:

<u>Project Name</u>	<u>PSC Number</u>	<u>Project Type</u>	<u>Amount</u>
<u>Allegany County</u>			
George's Creek Elementary	01.001.12SA SR	Boiler	\$ 91,585
		Allegany County Total:	\$ 91,585
<u>Baltimore City</u>			
#023 Wolfe Street Academy	30.016.12SA SR	CCTV Door Entry System	\$ 8,500
#233 Roland Park Elementary/Middle	30.092.12SA SR	Stage Lift Repair	35,000
#239 Benjamin Franklin Building	30.099.12SA SR	Bleachers	29,000
#138 Harriet Tubman Elementary	30.150.12SA SR	UST	250,000
#250 Dr. Bernard Harris, Sr. Elementary	30.204.12SA SR	Playground Surface	22,344
#093 Professional Development Center	30.209.12SA SR	Concrete	165,000
#170 Thurgood Marshall Building	30.264.12SA SR	Asphalt & Concrete	250,000
		Baltimore City Total:	\$ 759,844
<u>Cecil County</u>			
Thomson Estates Elementary	07.011.12SA SR	Install Air-Pears	\$ 6,281
Charlestown Elementary	07.038.12SA SR	Install AHU Dampers & Actuators	3,000
		Cecil County Total:	\$ 9,281
<u>St. Mary's County</u>			
Lexington Park Elementary	18.021.12SA SR	Gym Lighting	\$ 28,065
		St. Mary's County Total:	\$ 28,065

Somerset County

Crisfield High	19.004.12SA SR	Gym Lighting	\$ 22,345
Crisfield High	19.004.12SA SR	Stage Lighting	<u>6,000</u>
		Somerset County Total:	<u>\$ 28,345</u>

Worcester County

Snow Hill Middle	23.009.12SA SR	Door Replacement	\$ 2,676
		Worcester County Total:	<u>\$ 2,676</u>

TOTAL SA ADJUSTMENTS: **\$ 919,796**

Item I. J. FY 2019 CIP Technical Revisions

Motion:

To approve technical revisions to the FY 2019 CIP, including reductions in allocations for two projects.

Background Information:

On May 31, 2018 the Interagency Committee on School Construction adopted the FY 2019 CIP, pursuant the 2018 Capital Budget Bill (SB 186).

Since the approval of the 2019 CIP, a number of necessary revisions have been identified, primarily due to updates to worksheet allocations resulting in a change in the net state funding anticipated for the project. These changes are technical in nature and do not modify specific allocations to projects.

2 projects do require small modifications to the allocation.

In Montgomery County, Priority #3, Richard Montgomery Elementary, a rounding adjustment made to the Net State Funding amount reduced the eligibility of the project. Since the request was for the final allocation, the allocation must be reduced to avoid funding the project beyond its eligibility. The allocation should be reduced from \$482,228 to \$481,729, a reduction of \$499.

In Prince George's County, Priority #2, Stephen Decatur Middle, the net state funding was reduced to align with the district's request. Net state funding was previously based upon eligibility. However, the LEA did not request the full amount they could be eligible for. Based upon the request, the LEA's allocation was reduced by \$52,000 and is considered to be funded in full.

Modifications Made to the Approved May 31, 2018 FY 2019 Capital Improvement Program

LEA	Request Type	Funding Status	Net State Funding 5/31/18	Updates/ Changes to Net State Funding after IAC Final Approval	Funding Code	Reason For Updates
Anne Arundel County						
Priority # 6 Solley Elementary (Addition)	Funding	A	\$ 798,000	\$ 938,000	P1	Worksheet Adjustment made.
Priority #18 Edgewater Elementary (Ren/Add)	Planning	A	\$ 10,260,000	\$ 9,329,000	N/A	State/local cost share percentage corrected.
Priority #19 Tyler Heights Elementary (Ren/Add)	Planning	A	\$ 7,872,000	\$ 7,156,000	N/A	State/local cost share percentage corrected.
Baltimore County						
Priority #5 Northeast Area @ Joppa Road Elementary (New)	Funding	A	N/A	N/A	P1	Corrected the source of funding.
Cecil County						
Priority #5 New Chesapeake City Elementary (Repl)	Planning	A	\$ 13,257,000	\$ 12,614,000	N/A	Worksheet Adjustment made.
Frederick County						
Priority #3 Urbana E (Repl.)	Funding	A	\$ 18,366,000	\$ 18,629,000	P1	Worksheet Adjustment made.
Priority #4 Rock Creek School (Repl.)	Planning	A	\$ 5,281,000	\$ 8,487,000	N/A	Worksheet Adjustment made.
Montgomery County						
Priority #3 Richard Montgomery Elementary (New)	Funding	A	\$ 6,853,000	\$ 6,852,500	E	Rounding adjustment made to the Net State Funding amount and reduced the March 1st allocation changed from \$482,228 to \$481,729.
Priority #5 North Bethesda-Chevy Chase High (Add/Ren)	Funding	A	\$ 4,145,000	\$ 4,230,000	P1	Worksheet Adjustment made.
Priority #17 Julius West M (Roof)	Funding	A	N/A	N/A	N/A	School Name Changed from Julius West Elementary to Julius West Middle School
Priority #30 Luxmanor Elementary (Replacement)	Funding	C	\$ 8,177,000	\$ 8,405,000	N/A	Funding Worksheet Adjustment made.

Modifications Made to the Approved May 31, 2018 FY 2019 Capital Improvement Program

LEA	Request Type	Funding Status	Net State Funding 5/31/18	Updates/ Changes to Net State Funding after IAC Final Approval	Funding Code	Reason For Updates
Prince George's County						
Priority #1 Tulip Grove Elementary (Ren/Add)	Funding	A	\$ 5,082,000	\$ 5,085,000	E	Worksheet Adjustment.
Priority #2 Stephen Decatur Middle (Ren/Add)	Funding	A	\$ 8,252,000	\$ 8,200,000	E	The LEA's Funding request was for \$8,200,000. Reduced allocation by \$52,000.
St. Mary's County						
Priority #3 Green Holly Elementary (Roof)	Funding	A	\$ 1,057,000	\$ 859,000	E	The LEA's Funding request was for \$859,000. This project is considered fully-funded.
Washington County						
Priority #2 Sharpsburg Elementary (Replacement)	Funding	A	\$ 15,544,000	\$ 15,706,000	P1	Worksheet Adjustment.
Priority # 3 Urban Educational Campus (New)	Funding	A	\$ 14,121,000	\$ 10,238,378	P1	Contract Award package received and NSF amount reduced.
Wicomico County						
Priority # 3 Beaver Run Elementary (Replacement)	Planning	a	\$ 24,002,000	\$ 25,307,000	N/A	Worksheet Adjustment.

E - Entirely Funded P1 - Partially Funded N/A - No funding allocated in FY
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Highlighted projects indicate revised allocations

Item I. K. Sufficiency Standards Technical Edits

Motion:

To approve technical revisions to the Sufficiency Standards.

Background Information:

On May 31, 2018 the Interagency Committee on School Construction adopted the Educational Facilities Sufficiency Standards.

In section IX. B. (School Library/Media Center, Middle or high school), “instructional” should be added into the second sentence which should state, “The instructional space shall not be smaller than the average classroom at the facility.”

Please see the attached tracked revision.

**MARYLAND PUBLIC SCHOOL FACILITIES
EDUCATIONAL SUFFICIENCY STANDARDS**

- E. Career and Technology Education (*COMAR 13A.04.02 and 13A.04.10*)
1. Elementary school. No requirement.
 2. Middle school. Space shall be provided for career-development and career-exploration activities. Each program lab or classroom space shall be no smaller than 650 net sf.
 3. High school. Career and technology education programs space shall be provided with no less than 4 net sf/student of the specialty program capacity of the school for career education. Each program lab or classroom space shall be no smaller than 650 net sf. Spaces for programs requiring licensing, certification, or accreditation by a state board or agency shall meet all applicable health and safety standards. Cosmetology and barber programs shall comply with the sanitation requirements of the State Board of Cosmetologists and the State Board of Barbers, respectively.
 4. Combination school. A combination school shall provide the elements of the grades served by Paragraphs (1), (2) and (3) above without duplication, but meeting the higher standards.
 5. Other school. Other schools shall provide the elements above necessary to meet the educational requirements of the specific programs and capacity of the schools.

IX. SCHOOL LIBRARY/MEDIA CENTER. (*COMAR 13A.05.04*) A school facility shall have a unified school library/media program for the use of all students which shall include an organized and centrally managed collection of instructional materials and technologies and direct instruction. Provide space for collections, reference, circulation, instruction, workroom for staff, and storage.

- A. Elementary school. The area for stacks and seating space shall be at least 3 net sf/student of the planned school program capacity. The instructional space shall not be smaller than the average classroom at the facility. In addition, office/workroom space and secure storage shall be provided.
- B. Middle or high school. The area for stacks and seating shall be at least 3 net sf/student of the planned school program capacity. The instructional space shall not be smaller than the average classroom at the facility. In addition, office/workroom space and secure storage shall be provided.
- C. Combination school. Provide the elements of the grades set out in Paragraphs (A) and (B) above without duplication, but meeting the higher standards.

Item II. FY 2019 Cost per Square Foot for School Construction

Motion:

To adopt FY 2020 Statewide per-square-foot school building costs of \$315 per sf for building only and \$374 per sf for building and site work.

Background Information:

COMAR 23.03.02.06 F requires the IAC to establish the average Statewide per-square-foot school building cost that will apply to the capital improvement program by July of the calendar year in which applications are submitted. The calculation should be based on bids received for new school construction in the prior year and cost information derived from industry sources. The adopted figure may be adjusted by the IAC to reflect market conditions before approval of the final State CIP.

Based upon recent school construction bids and a review of the national building cost index, IAC staff recommends that the IAC increase the cost per sf figure to be used for the FY 2020 CIP to \$315 per sf for building only and \$374 per sf for building and site work.

This is a 4.3% increase over the FY 2019 cost per sf figures for building only of \$302 and a 3.9% increase over the FY 2019 cost per sf figures for building and site work of \$360.

Replaced; See next page

Item II. FY 2019 Cost per Square Foot for School Construction

Motion:

To adopt the FY 2020 Statewide per-square-foot school building costs of \$315 per sf for building only and \$374 per sf for building and site work.

OR

To adopt the FY 2020 Statewide per-square-foot school building costs of \$318 per sf for building only \$378 per sf for building and site work.

Background Information:

COMAR 23.03.02.06 F requires the Interagency Commission on School Construction (IAC) to establish the average Statewide per-square-foot school building cost that will apply to the capital improvement program by July of the calendar year in which applications are submitted. The calculation should be based on bids received for new school construction in the prior year and cost information derived from industry sources. The adopted figure may be adjusted by the IAC to reflect market conditions before approval of the final State CIP.

Based upon recent school construction bids and a review of the national building cost index, IAC staff recommends that the IAC increase the cost per sf figure to be used for the FY 2020 CIP to \$315 per sf for building only and \$374 per sf for building and site work.

This is a 4.3% increase over the FY 2019 cost per sf figures for building only of \$302 and a 3.9% increase over the FY 2019 cost per sf figures for building and site work of \$360.

Alternate Consideration

Several Local Education Agencies have expressed concern about the loss of the 2.5% contingency withholding on projects which has been an add-on to the established cost per square foot. As of June 1, 2018, HB 1783 required that DGS no longer review or approve change orders and does not permit withholding of a contingency for potential change orders. As a result, the IAC budget calculations for all future CIP projects will not include a contingency calculation.

In the past, in order to determine the maximum State allocation, the eligible project square footage was determined and multiplied by the construction cost per square foot. Then, the 2.5% was added as a contingency for change orders, and finally, the amount was multiplied by the State/local cost share percentage. Due to this reduction in the overall maximum State allocation for individual projects, the IAC staff is offering an alternate for the IAC's consideration to offset the impact of the reduction in the maximum State allocation.

If the IAC were to increase the per square foot amount for building and site work by 5%, projects would be eligible for \$378 per square foot; an increase of \$18/sf over last year's amount and an increase of \$4 over the prior proposal. The per-square-foot cost for building only would be \$318/sf; an increase of \$16/sf over last year's amount and \$3/sf over the prior proposal.

Replacement

Item III. Waiver of Regulation and Procedure for Baltimore City HVAC Allocations

Motion:

To avoid delay of HVAC projects critical to support safe, healthy, and educationally sufficient learning spaces, to waive certain State regulations to expedite providing funds to design, construct, and capital equip heating, ventilation, and air conditioning improvements at Baltimore City public school (BCPSS) buildings as authorized by 2018 Laws of Maryland, Chapter 9.

Background Information:

It has been well documented that many schools in BCPSS have problematic HVAC systems for appropriate heating and cooling of schools and need immediate attention.

The 90 Day Report states: “After the much publicized closure of several Baltimore City public school buildings in January 2018 due to extremely low temperatures, the General Assembly enhanced public school construction funding with an additional \$15.0 million of fiscal 2019 bond premium proceeds to fund HVAC improvements at Baltimore City public school buildings. The funds are to be administered in accordance with Title 5, Subtitle 3 of the Education Article and are to be allocated by IAC and not subject to BPW approval.” Maryland 90 Day Report, 2018 Sess., Part A

It is understood that the intent of the additional appropriation to BCPSS was to address the urgent situation within the BCPSS HVAC systems as quickly as possible. The law allocating \$15 million to BCPSS for HVAC improvements, 2018 Laws of Maryland, Ch. 9 (DE02.02(B)), is subject to the provisions of Title 5, Subtitle 3 of the Education Article, which includes the CIP process. However, because of the urgency of planning, procuring and delivering these projects, waiving certain CIP regulations supports the urgent need to address the problems.

COMAR 23.03.02.27 allows the IAC to waive or vary particular regulations if to the extent that the waiver or variance is not inconsistent with State statutes if:

- The application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of State law; and
- The Office of the Attorney General approves the waiver for form and legal sufficiency.

Because of the urgent need for BCPSS to plan, procure, and deliver the HVAC systems, staff recommends a modified CIP with specific variations and waiver of regulations:

- Waive the ineligibility of certain expenditures, including design, planning and expenditures for systemic renovation projects to replace, upgrade, or renovate building systems that have been replaced, upgraded or renovated within 15 years. COMAR 23.03.02.12(C), (D), (F), and (G);
- The State cost share should be 100% (rather than State Cost Share for FY 2019 of 93%). COMAR 23.03.02.05.
- Standard local submission dates will be waived – Typically, project allocations are reviewed and approved on an annual basis that begins with the submission of the EFMP in July and ends when the final CIP is approved after May 1. COMAR 23.03.02.03.

- Waive the requirement that requests may only be for projects where the eligible expenditures are estimated to be at least \$200,000. COMAR 23.03.02.15C.
- Waive Maximum State Construction Allocation requirements to allow the allocation to be modified if actual costs exceed preliminary estimates. COMAR 23.03.02.06.

Projects will be required to comply with other regulations and procedures, including meeting MBE, competitive procurement requirements, prevailing wage, and project delivery methods.

Although it is rare for regulations to be waived, there is urgency for HVAC to be addressed in BCPSS. It is the view of staff along with consultation with legal counsel in the Maryland Office of the Attorney General that the waiver or variance is not inconsistent with State statutes, and is consistent with the legislative intent for the specific appropriation to BCPSS.

This request for a waiver has been discussed with legal counsel in the Maryland Office of the Attorney General. If the waiver of certain regulations is approved, the IAC staff will send a request to legal counsel with the Maryland Office of the Attorney General for approval for form and legal sufficiency.

BALTIMORE CITY PUBLIC SCHOOLS

Catherine E. Pugh
Mayor, City of Baltimore

Cheryl A. Casciani
*Chair, Baltimore City Board of
School Commissioners*

Dr. Sonja Brookins Santelises
Chief Executive Officer

July 24, 2018

Dear Members of the Interagency Committee on School Construction (IAC),

The purpose of this letter is to request your support for a flexible funding allocation for the \$15 million capital funds designated to Baltimore City Public Schools (City Schools) to address Heating, Ventilation, and Cooling (HVAC) related system repairs. We appreciate your continual support for City Schools as we work to improve facility learning environments for our children.

We are aware that the newly formed IAC Commission will meet in the month of July to discuss and consider several waivers for the HVAC designated capital funds and that the funding review and allocations will follow a modified Capital Improvement Plan (CIP) structure. The IAC staff have informed us that based on the modified CIP, there will be no requirements for: 1) facility utilization of at least 60 percent enrollment, or 2) the 15-year lifecycle system clause that designates portions of systems ineligible for State funding if the systems have been in use for more than 15 years and have been renovated, upgraded or replaced within 15 years. We understand the 15-year lifecycle is removed due to the nature of the funds used to support repairs and not capital replacements.

During City Schools staff discussions with the IAC staff, the IAC staff indicated that there are other compliance requirements identified in Title 5 Section 3 of the Education Article of regulations that would require a waiver. We were informed that the following regulations would be discussed with the IAC commission for waiver considerations, which include:

1. State-Local Cost Share Percentage
2. Local Education Agency (LEA) requirement to cover architectural and engineering design fees with local funds
3. Project Construction Cost of at least \$200,000

We understand that these waivers may be considered separately or in combination. Below we have highlighted the impact of each requirement to justify the need for a waiver consideration.

State-Local Cost Share Percentage

- Every three years, the IAC is required to make a recommendation to the Board of Public Works that establishes for each county a State cost share percentage that will be used for the next three years. The cost share provides the state and local participation in a project. For 2019, City Schools' state participation is 93%, with the local city contribution of 7%.
- City Schools is requesting consideration for the requirements to be waived because our local share of \$17 million, that was increased for the upcoming fiscal year to \$19 million, is used as a local match to our traditional CIP. The \$15 million supplemental funding, if the waiver is not approved, will require City Schools to spread limited local funds. The results would include fewer local dollars to match the traditional CIP, and lead to fewer projects.

LEA requirement to cover architectural and engineering design fees with local funds

- Currently the funding guidelines require the use of local funding to cover design services costs. Per the IAC guidelines, the LEA is solely responsible for the selection and payment of all design consultants and all other architectural and engineering fees.

- City Schools is requesting consideration for a waiver of design fees, which account for 6 to 12% for the total project cost for capital projects. The additional design fees costs would require the use of limited local funds.

Project Construction cost of at least \$200,000

- According to the IAC general guidelines for funding of systemic renovation projects, each project must have a construction cost of at least \$200,000 (\$100,000 if a LEA has only one systemic renovation).
- City Schools is requesting consideration for this requirement to be waived for the funding. While the impacts of this requirement is not significant for the district, its consideration will provide flexibility to City Schools as many HVAC renovations and repairs tend to fall under \$200,000 at the project level. However, the team can consider packaging the projects under individual schools or project types in multiple schools to meet the dollar threshold.

We appreciate the additional funds to support our maintenance work and improvements in our facilities. Thank you for your consideration and continued support in addressing the capital needs of Baltimore City Schools.

Sincerely,

A handwritten signature in blue ink that reads "Sonja B. Santelises". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Sonja Brookins Santelises, Ed.D.
Chief Executive Officer

Item IV. Statewide Assessment Status and RFP Discussion

Motion:

This item is informational and does not require IAC action.

Background Information:

Education Article §5-310 of the Annotated Code of Maryland requires that the IAC complete an initial statewide facilities assessment using the Educational Facilities Sufficiency Standards on or before July 1, 2019. Please see the attached statutory language related to the Assessment and adoption of the Sufficiency Standards.

The results of the assessment are to be used by the IAC and the Workgroup on the Assessment and Funding of School Facilities to determine how the relative condition of public school facilities within the educational facilities sufficiency standards and the facility condition index should be prioritized, taking into account local priorities and in consultation with local jurisdictions. The Workgroup and the IAC must determine and regulate (if it is decided to be appropriate) the use of facility assessment results in annual school construction funding decisions.

To that end, the RFP scope includes the assessment of approximately 1,400 schools, and various reports that must be provided to demonstrate facility condition and educational sufficiency. The RFP also requires the vendor to create a report with a draft Maryland Condition Index, ranking schools based upon proposed factor weightings coupled with facility and educational sufficiency information. This report is meant to be a placeholder that can be adjusted as the IAC and the Workgroup consider relevancy and importance of various factors.

In order to meet the statutory deadline and to have assessment results in time for the Workgroup to begin their work in May 2019, the RFP will need to be released soon. For that reason, staff recommends that the IAC approve the release of the RFP upon finalization by IAC staff, legal counsel, and MSDE Procurement.

Due to the critical timeline, IAC Staff will schedule a special teleconference immediately upon finalization of the RFP for IAC approval. Please let us know as soon as possible if you have questions or concerns regarding the RFP content.

Statute Text

Article - Education

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§5-310.

(a) (1) In this section the following words have the meanings indicated.

(2) "Educational facilities sufficiency standards" means a uniform set of criteria and measures for evaluating the physical attributes and educational suitability of public elementary and secondary school facilities in the State.

(3) "Facility condition index" means a calculation to determine the relative physical condition of public school facilities by dividing the total repair cost of a facility by the total replacement cost of a facility.

(b) (1) Each fiscal year, the Interagency Commission shall survey the condition of school buildings identified by the Department.

(2) The Interagency Commission shall conduct the inspections of individual school buildings that are necessary to complete the survey required in paragraph (1) of this subsection.

(3) The Interagency Commission shall report to the Governor and the General Assembly, on or before October 1 of each year, in accordance with § 2-1246 of the State Government Article, on the results of the survey for the prior fiscal year.

(c) On or before July 1, 2018, in consultation with local education agencies, the Interagency Commission on School Construction shall adopt educational facilities sufficiency standards and a facility condition index for Maryland public schools.

(d) (1) The purpose of the educational facilities sufficiency standards is to establish uniform standards for the assessment of the physical attributes, capacity, and educational suitability of public school facilities in Maryland.

(2) The standards shall include at least the following categories:

(i) Building condition related to life safety and health;

(ii) Building systems;

(iii) Building capacity and utilization, including the ability to house students in permanent space;

(iv) Academic space, including specialty classroom space; and

(v) Physical education and outdoor recreational space.

(3) The Interagency Commission shall periodically review and update the educational facilities sufficiency standards.

(e) (1) On or before July 1, 2019, the Interagency Commission shall complete an initial statewide facilities assessment using the educational facilities sufficiency standards adopted under subsections (c) and (d) of this section.

(2) In completing the assessment the Interagency Commission shall:

(i) Incorporate the facility condition index adopted under subsection (c) of this section;

(ii) Contract with an independent third-party vendor to conduct data collection and assessment;

(iii) Utilize, to the extent possible, existing data sources, including the Educational Facilities Master Plan and the Maryland Association of Boards of Education; and

(iv) Coordinate with local education agencies to identify data elements to be used in the facility assessment.

8/30/18 IAC Meeting

(f) (1) Following the completion of the initial statewide facilities assessment, the Interagency Commission shall develop standards and procedures to comprehensively update the facilities assessment such that facility assessment data is not older than 4 years.

(2) Local education agencies shall:

(i) Cooperate with the Interagency Commission to update the facility assessment; and

(ii) Contribute data as requested to update the assessment.

(3) (i) The Interagency Commission shall enter the facility assessment data into an integrated data system, which shall be known as the Integrated Master Facility Asset Library.

(ii) The Interagency Commission shall manage the Integrated Master Facility Asset Library and shall provide access to the Library for all local education agencies using a cloud-based system.

(g) (1) After completion of the initial facility assessment, the Interagency Commission shall share the data results with the Workgroup on the Assessment and Funding of School Facilities and, with the Workgroup, shall consider:

(i) How the relative condition of public school facilities within the educational facilities sufficiency standards and the facility condition index should be prioritized, taking into account local priorities and in consultation with local jurisdictions; and

(ii) If determined to be appropriate, use of the assessment results in funding decisions.

(2) Based on the recommendations of the Workgroup on the Assessment and Funding of School Facilities, and not before May 1, 2020, for use in funding decisions beginning no sooner than fiscal year 2021, the Interagency Commission shall adopt regulations establishing the use of the facility assessment results in annual school construction funding decisions.

(h) (1) Except as provided in § 5-314(e) of this subtitle, each county board shall develop and adopt preventative maintenance schedules based on industry standards for the public school facilities within the jurisdiction of the county board.

(2) On or before July 1 each year, each county board shall report to the Interagency Commission on the board's compliance with the preventative maintenance schedules adopted under this subsection.

(3) The information reported in accordance with paragraph (2) of this subsection shall be entered into the Integrated Master Facility Asset Library.

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Item V. Reversion of 2014 Security Initiative Funds

Motion:

To approve the reversion of \$1,190,911 in unexpended FY 2014 security initiative funding.

Background Information:

This report is being submitted to provide the IAC members with a summary of final expenditures by LEA and Project Type for projects approved in the FY 2014 Security Initiative (SI).

The Security Initiative (SI) of the FY 2014 Public School Construction Program (PSCP) Capital Improvement Program (CIP) was established in Chapter 423 of the Laws of Maryland of 2013 with the passing and signing of HB100. On May 15, 2013 the Board of Public Works approved each LEA's allocation within the \$25 million appropriation. The appropriation was distributed to the twenty-four LEAs based on each LEA's proportion of total statewide square footage recorded in the Public School Construction Program (PSCP) Facilities Inventory Database as of April 3, 2013, with \$100,000 allocated to the Maryland School for the Blind (MSB).

The *Administrative Procedures Guide* (APG) for the FY 2014 Capital Improvement Program Security Initiative (FY14 CIP-SI) was approved by the IAC on March 29, 2013 and the PSCP began receiving and reviewing grant applications for approval from May 21, 2013 through May 15, 2014. The IAC received requests for 1,910 projects and approved 1,572 projects at 1,055 facilities, totaling \$23.9 million for 22 LEAs and the Maryland School for the Blind (MSB). Kent and Talbot Counties chose to use their FY 2013 Aging Schools Program allocations to complete security projects rather than participate in the Security Initiative. Expenditures total \$23,809,089 and all of the approved projects have been completed. A total of \$1,190,911 remains unexpended. Since these funds are unencumbered, PSCP will revert these funds to the General Fund at the close of FY 2018.

Table 1 provides a breakdown of SI Allocations and Expenditures by LEA. The approved projects are summarized within eight (8) categories of work as shown in Table 2. The Categories include, but are not limited to:

- Access Control Systems – Includes systems to control access to the entrances through card swipe, buzzer, intercom system, and emergency response button.
- Camera Surveillance Systems – Includes installation of additional cameras to existing systems to increase monitoring and installation of camera surveillance systems in campuses that had no monitoring of interior and exterior areas.
- Door Hardware – Install proximity card readers, replacement of aged door hardware with new standardized equipment to improve key control.
- Door Improvements – Installation of new doors or modifications to existing doors to integrate with access control systems.
- Emergency Generators – Install emergency generator for safety during power outage situations. Card swipes, cameras, and alarm systems are connected to the generator.
- Interior Renovations – Include the installation of new security doors, creation of secure vestibules to limit visitor access, enclosures of open space classrooms, and/or adjacent hallway areas.

- Security Communications – Includes projects to install new security systems and equipment, enhance existing systems and equipment, and purchase mobile communication devices.
- Site Improvements – Modifications to improve visual control and or control of access, installation of fences and exterior lighting.

Table 1 Summary of Expenditures by LEA

LEA	Number of Requests Received	State Funding Requested	LEA Cost Estimate	Estimated Local Funding	State Expenditures
Grand Total	1,572	\$ 23,820,872	\$ 42,249,132	\$ 18,440,043	\$ 23,809,089
Allegany	58	322,000	348,168	26,170	321,998
Anne Arundel	90	2,068,097	4,627,008	2,558,921	2,068,087
Baltimore County	189	2,536,949	6,431,983	3,899,556	2,532,427
Calvert	52	407,483	780,725	373,248	407,478
Caroline	11	142,687	240,150	97,463	142,687
Carroll	43	817,000	1,405,500	588,500	817,000
Cecil	3	305,252	556,522	251,270	305,252
Charles	29	659,000	1,012,000	353,000	659,000
Dorchester	25	172,000	258,146	86,146	172,000
Frederick	96	1,092,540	1,816,067	723,527	1,092,540
Garrett	23	133,949	272,124	138,167	133,957
Harford	53	1,075,951	1,722,136	637,187	1,084,949
Howard	46	1,431,000	2,490,425	1,059,425	1,431,000
Montgomery	301	4,186,000	8,388,747	4,202,747	4,186,000
Prince George's	132	3,360,000	5,434,500	2,074,500	3,360,000
Queen Anne's	11	219,722	441,432	221,307	220,125
St. Mary's	20	380,276	615,638	235,361	380,277
Somerset	28	135,133	146,342	27,860	118,482
Washington	17	605,000	838,503	233,503	605,000
Wicomico	16	394,000	427,400	33,400	394,000
Worcester	73	197,132	372,048	174,921	197,127
Baltimore City	255	3,090,540	3,505,724	415,182	3,090,542
MD School for the Blind	1	89,161	117,844	28,683	89,161

Table 2 Summary of Expenditures by Project Type

Security Project Type	Number of Requests Received	State Funding Requested	LEA Cost Estimate	Estimated Local Funding	State Expenditures
Grand Total	1,572	23,820,872	42,249,132	18,440,043	23,809,089
Access Control System	471	5,026,292	7,428,015	2,392,726	5,035,289
Camera Surveillance	419	6,307,329	13,116,492	6,808,758	6,307,734
Door Hardware	119	706,981	1,267,520	565,067	702,453
Interior Renovations	82	3,627,005	6,960,788	3,333,783	3,627,005
Security Communications	338	4,750,341	7,819,351	3,085,668	4,733,683
Site Improvements	53	1,259,826	1,855,582	595,756	1,259,826
Emergency Generators	5	332,565	596,294	263,729	332,565
Door Improvements	85	1,810,533	3,205,090	1,394,557	1,810,533

Item VI. FY 2019 School Safety Grant Program Applications

Motion:

To direct staff to release an application to solicit school safety projects from LEAs and Maryland School for the Blind with a maximum total allocation of \$10 million. Each LEA's distribution will be proportional to the share of the total \$10 million as identified in Table 1 based upon the September 30, 2017 Maryland State Department of Education (MSDE) full time equivalent enrollments as defined by Education Article, §5-202 of the Annotated Code of Maryland for each LEA, rounded to the nearest 1,000.

Optional: To delegate authority to approval of eligible projects within the total LEA allocation to IAC staff and IAC designees, with a report of project allocations submitted to the IAC at regularly scheduled meetings.

Background Information:

HB 1783 created Education Article, §5-317 of the Annotated Code of Maryland, which creates the School Safety Grant Program (SSGP), states that:

§5-317.

- (a) In this section, "Program" means the School Safety Grant Program.
- (b)
 - (1) There is a School Safety Grant Program.
 - (2) The purpose of the Program is to provide grants to county boards for school security improvements, including:
 - (i) Secure and lockable classroom doors for each classroom in the school;
 - (ii) An area of safe refuge in each classroom in the school; and
 - (iii) Surveillance and other security technology for school monitoring purposes.
- (c) The Program shall be implemented and administered by the Interagency Commission, in consultation with the Maryland Center for School Safety.
- (d) The Interagency Commission shall:
 - (1) Provide grants to county boards for public school security improvements;
 - (2) Develop a procedure for a county board to apply for a grant under the Program; and
 - (3) Develop eligibility requirements for a county board to receive a grant under the Program.
- (e) In addition to the annual amount otherwise provided in the capital improvement program of the Public School Construction Program, the Governor shall provide an additional \$10,000,000 in the annual operating or capital budget bill that may be used only to award grants under the Program.
- (f) The State funding provided under the Program is supplemental to and is not intended to take the place of funding that would otherwise be appropriated for public school construction purposes to a county board from any other source.
- (g) The Interagency Commission shall adopt regulations necessary to implement this section.

In total, \$20 million is allocated to the School Safety Grant Program - \$10 million in Paygo funding and \$10 million from bond premiums allocated through the capital budget bill.

In order to allocate funding as quickly as possible to meet critical security needs across the

state, IAC staff recommends that the IAC distribute funding across two funding cycles, first allocating \$10 million on a per pupil basis, rounded to the nearest 1,000 as identified in Table 1 based upon the MSDE's September 30, 2017 enrollment data:

Table 1 Local Education Agencies School Safety Grant Program Proposed Allocations Based on MSDE Enrollment Data as of September 30, 2017			
LEA	Full Time Equivalent Enrollment	Percentage	Allocation Distribution
Allegany	8,166	0.95%	95,000
Anne Arundel	80,350	9.33%	933,000
Baltimore County	109,343	12.70%	1,270,000
Calvert	15,435	1.79%	179,000
Caroline	5,469	0.64%	64,000
Carroll	24,935	2.90%	290,000
Cecil	14,782	1.72%	172,000
Charles	26,085	3.03%	303,000
Dorchester	4,526	0.53%	53,000
Frederick	40,752	4.73%	473,000
Garrett	3,649	0.42%	42,000
Harford	36,877	4.28%	428,000
Howard	55,372	6.43%	643,000
Kent	1,866	0.22%	22,000
Montgomery	156,995	18.23%	1,823,000
Prince George's	127,013	14.75%	1,475,000
Queen Anne's	7,536	0.88%	88,000
St. Mary's	17,155	1.99%	199,000
Somerset	2,697	0.31%	31,000
Talbot	4,406	0.51%	51,000
Washington	21,901	2.54%	254,000
Wicomico	14,341	1.67%	167,000
Worcester	6,304	0.73%	73,000
Baltimore City	74,853	8.69%	869,000
MSB	210	0.02%	3,000
Total	861,016	100.00%	10,000,000
<p>Note: The enrollment data is based on the Maryland State Department of Education's September 30, 2017 enrollment data. Due to rounding, funding allocations would be \$1,000 less than the full \$10 million. In Table 1, the additional \$1,000 has been applied to Maryland School for the Blind.</p>			

When the FY 2014 Security Initiative was in place, maximum allocations were based upon each LEA's total square footage, rather than their enrollment. The IAC could also consider allocating on this basis.

Table 2 Local Education Agencies School Safety Grant Program Proposed Allocations Based on School Facility Square Footage as of July 1, 2018			
LEA	Total Square Footage	Percentage	Allocation Distribution
Allegany	1,777,848	1.27%	127,000
Anne Arundel	13,304,397	9.50%	950,000
Baltimore County	16,353,450	11.68%	1,168,000
Calvert	2,393,330	1.71%	171,000
Caroline	853,767	0.61%	61,000
Carroll	4,176,741	2.98%	298,000
Cecil	2,227,767	1.59%	159,000
Charles	3,942,228	2.81%	281,000
Dorchester	949,120	0.68%	68,000
Frederick	6,474,834	4.62%	462,000
Garrett	741,671	0.53%	53,000
Harford	6,190,123	4.42%	442,000
Howard	8,112,006	5.79%	579,000
Kent	440,226	0.31%	31,000
Montgomery	24,175,294	17.26%	1,726,000
Prince George's	17,998,634	12.85%	1,285,000
Queen Anne's	1,293,781	0.92%	92,000
St. Mary's	2,300,101	1.64%	164,000
Somerset	606,461	0.43%	43,000
Talbot	702,975	0.50%	50,000
Washington	3,352,187	2.39%	239,000
Wicomico	2,201,977	1.57%	157,000
Worcester	1,236,053	0.88%	88,000
Baltimore City	17,820,409	12.72%	1,272,000
MSB	424,413	0.30%	34,000
Total	140,049,793	100.00%	10,000,000
Note: The school facility square footage data was extracted from the IAC Facility Inventory database as of July 1, 2018 and as reported in the IAC's Managing for Results report for FY 2018. The facility inventory is updated annually by each Local Education Agency. Due to rounding, funding allocations would be \$4,000 less than the full \$10 million. In Table 2, the additional \$4,000 has been applied to Maryland School for the Blind.			

Upon approval of the IAC, staff is prepared to release a preliminary application to the LEAs for eligible projects at the conclusion of the August 30, 2018 IAC meeting. Applications would be due by September 21, 2018 for IAC approval at their October meeting, tentatively scheduled for October 9, 2018. LEAs that require additional time could continue to submit application, to be approved at subsequent regularly scheduled IAC meetings.

Alternatively, the IAC could delegate authority to approve projects to IAC staff and IAC designees, with a report of project allocations submitted to the IAC at regularly scheduled meetings.

A Current draft of the procedures guide for the program identifies eligible projects as:

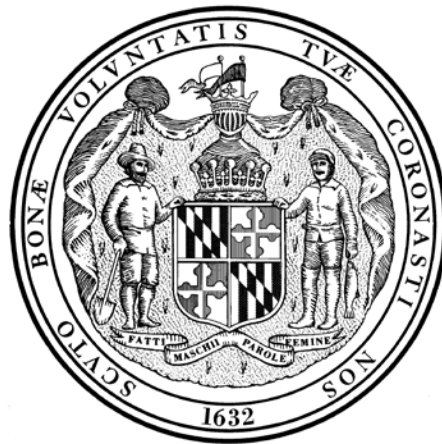
- (i) Secure and lockable classroom doors for each classroom in the school;
- (ii) An area of safe (visual) refuge in each classroom in the school;
- (iii) Surveillance and other security technology for school monitoring purposes;
- (iv) Other security and safety projects as identified by the LEA.

The Draft School Safety Grant Program Application and Procedure Guide were unavailable at the time of the IAC agenda publication but will be made available to members and on the IAC website at www.pscp.state.md.us prior to the August 30, 2018 IAC meeting.

**Administrative Procedures Guide
FY 2019 School Safety Grant Program (FY19-SSGP)**

Round I Funding

**The Interagency Commission on School Construction
August 30, 2018**



Interagency Commission on School Construction
200 W. Baltimore Street
Baltimore, MD 21201
Contact: Arabia Davis
Funding Program Manager
(410) 767-2153
E-mail: arabia.davis@maryland.gov

HANDOUT

ADMINISTRATIVE PROCEDURE
FY 2019 SCHOOL SAFETY GRANT PROGRAM
(FY19-SSGP)
Round 1 of Funding

I. Purpose

The FY 2019 School Safety Grant Program (FY19 SSGP) is intended to improve the safety and security of students in Maryland's public schools. This program's total funding consists of \$10 million in Paygo funding and \$10 million from bond premiums and may be used for design, construction and capital equipping of approved projects.

II. Background

The School Safety Grant Program was created by HB 1783 and allows for grants for school security improvements, including but not limited to secure and lockable classroom doors for each classroom in a school, areas of safe refuge in each classroom, and surveillance and other security technology for school monitoring purposes.

III. Allocations

- A. Of the total FY 19 SSGP funding of \$20 million, the Interagency Commission on School Construction (IAC) is distributing \$10 million in Round 1.
- B. FY19 SSGP funds will be used for new project requests that will be submitted in accordance with this Administrative Procedures Guide.
- C. All approved projects will have a local match requirement, based on the State-local cost share percentage applicable to projects approved in the FY 2019 Capital Improvement Program. See Attachment II, State-Local Cost Share Percentages.
 - 1. The IAC will seek an assurance of local government funding support for local expenses at time of encumbrance.
 - 2. State participation will be based on the total estimated cost of the project, less ineligible items (such as staff training).
- D. Allocations for the FY19 SSGP will be distributed among LEAs based on their proportion of total enrollment as adopted by the IAC on August 30, 2018 (see Attachment I). Total Statewide enrollment data as of September 30, 2017 has been used to calculate each LEA's share of the allocation, with amounts rounded to the nearest \$1,000.

- E. FY19 SSGP funds will generally be allocated to projects that meet the eligibility requirements set out in Section IV.B.
- F. Every effort will be made to fund the entire State participation amount for approved projects using FY19 SSGP funds. Local governments must be prepared to fund all expenses that are not covered by the State's FY19 SSGP allocation.

IV. Application and Approval Procedures

A. General Requirements

- 1. Project requests in the FY19 SSGP will be submitted in accordance with the requirements of Section IV.D. on the FY19 SSGP Application Form during the application period. See Attachment III, Schedule.
- 2. The FY19 SSGP projects are to be listed in priority order beginning with the number 1.

B. Eligible Projects/Expenditures

- 1. Eligible project expenditures within the FY19 SSGP are for new security improvements to public school buildings and sites and may include design, construction and capital equipment.
- 2. Each project's cost is to be not less than \$3,000, unless otherwise approved by the Executive Director of the IAC.
- 3. A single "project" is defined as:
 - a. A single improvement at an individual school that costs at least \$3,000, unless otherwise approved by the Executive Director of the IAC.
 - b. Multiple security improvements at the same school that collectively cost at least \$10,000, unless otherwise approved by the Executive Director of the IAC:
 - i. Individual components within a project may be less than \$10,000 in value, but the total cost of a project (including both security and non-security related components) must be at least \$10,000 in value, unless otherwise approved by the Executive Director of the IAC.
 - ii. Components must be listed separately, with the estimated construction value shown.
 - c. Multiple improvements of the same kind at different schools, such as changes of locksets or the installation of cameras.
 - i. The cumulative cost of the improvements must be at least \$10,000.
 - ii. In the application, each school should be listed separately (but with the same priority number), and the total amount of the request should be prorated across all schools based on number of requested units (such as locksets or cameras), square footage,

or some other method. Please identify the method for prorating in the *Type/Description* column.

4. Limited non-security related components or systems that are logically related to the scope of work (such as replacement of a portion of a ceiling associated with installation of wiring or cameras) may be included in the scope, but the majority of the proposed work must be for security-related improvements.
5. Unlike typical CIP projects, requests may be submitted for security projects:
 - a. In schools that have been built or fully renovated within the last 15 years;
 - b. In which the anticipated life of the system or components is less than 15 years due to anticipated changes in technology;
 - c. For locally owned and State-owned relocatable classrooms, including the movement of relocatable classrooms under certain circumstances; or
 - d. That were implemented by a board of education after September 1, 2017 and prior to the effective date of this Administrative Procedure.
6. Eligible projects include, but are not limited to, the following categories of security projects:
 - a. Secure and lockable classroom doors for each classroom in the school;
 - b. An area of safe (visual) refuge in each classroom in the school;
 - c. Surveillance and other security technology for school monitoring purposes;
 - d. Other security and safety projects as identified by the LEA. These projects will be reviewed on a case-by-case basis, based on the description provided, supporting documentation, local board policies, and availability of funds, technical merit and cost-effectiveness.

C. Ineligible Projects/Expenditures

1. The FY19 SSGP funds may not be used:
 - a. To increase the State or local share of a project or to supplement an approved State allocation for a project.
 - b. For improvements to property owned by a board of education that is not used by public school students, e.g. garages, central office facilities, staff training quarters, etc.;
 - c. For the movement of relocatable classroom buildings, unless it can be shown that the location of the relocatable classrooms impedes security and that other types of capital improvements will not correct the situation;
 - d. For ancillary services associated with security, e.g. post-completion monitoring;

- e. For staff training, unless staff training associated with the installation of new electronic security systems; or
- f. For salaries of local employees.

D. Application Process and Requirements

1. The LEA must submit via SharePoint to the IAC for review and approval a list of proposed projects using the School Safety Grant Program Application Form (see Attachments IV and V) by the date identified in the Schedule (see attachment III).
2. If a project comprises similar improvements at separate schools, provide information for each school building separately and show the individual and the cumulative costs.
3. Provide the following submission materials for projects in each category of security project:
 - a. For security systems, supplemental literature that describes the system, including maintenance requirements.
 - b. For sole source procurements of security systems, the rationale for use of a single manufacturer or vendor.

E. Project Approval Process

To be eligible for approval in the FY19 SSGP, a requested project must meet all of the following requirements:

1. The project must meet the submittal requirements of this Administrative Procedure;
2. The project schedule should indicate that:
 - a. The project funds will be encumbered on or before the date shown in Attachment III Schedule;
 - b. All work on the project will be substantially completed and a majority of the project funds will be expended by the date shown in Attachment II Schedule.
3. Requests from the school systems will be reviewed and processed as they are received. It is anticipated that projects will be approved within ten (10) working days of a complete submission at which time a project number and review level will be assigned. A project can only then proceed through the design and/or procurement process with a guarantee of state funding. Projects that proceed prior to the assignment of a state project number do so at their own risk.
4. The cumulative cost estimate for the proposed projects may exceed the LEA's allocation by no more than ten (10) percent. The proposed work estimate may be adjusted upon request from the LEA at the time of contract award approval or approval of the purchase order. Funding is limited to the LEA's total allocation.

V. Design Review

Projects approved in the FY19 SSGP are subject to design development and construction document review only if any means of egress will be altered. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: the way of exit access, the exit, and the way of exit discharge.

VI. Procurement/Contract Awards

A. Procurements shall be in compliance with COMAR 23.03.03 *Construction Procurement Methods*, as well as with State public school procurement law Section 5-112 of the Education Article, "Bids." The following will apply to FY19 SSGP projects, including:

1. Projects which cost less than \$50,000 do not require IAC approval of the procurement, and, generally, sealed bids are not required unless local board of education policy or procedures specify a minimum dollar value that requires sealed bids.
2. Projects that cost at least \$50,000 but less than \$100,000 are required to be competitively procured, consistent with Section 5-112 Bids of the Education Article. For projects with a total cost of less than \$100,000, IAC approval of contracts is not required prior to entering into the contract but the award is subject to State review at the time reimbursement is requested. A copy of the bid tabulation must be submitted with IAC/PSCP Form IAC/PSCP Form 306.2, Request for Reimbursement to LEA for the SSGP project.
3. Projects that cost \$100,000 or more are required to be competitively procured, consistent with Section 5-112 Bids of the Education Article. IAC approval of the contract award is required prior to the board of education entering into the contract. A copy of the bid tabulation with a copy of the low bidder's proposal must be submitted for State review and approval of the contract award.
4. Competitive procurement requirements;
5. Minority Business Enterprise requirements; and
6. Prevailing wage rates as applicable.
7. If multiple projects are procured under a single contract award where the total contract cost exceeds \$100,000, each project will require a submission of IAC/PSCP form 303.3 Approval of Construction Contract Award for review and approval by the IAC.
8. Due to the nature of School Safety projects, a construction sign is not required on site while the work is being performed.

B. At the time of contract award, the local board of education may request the IAC to approve realignment of FY19 SSGP funds remaining after the award of contract to another eligible FY19 SSGP project within the LEA.

VII. Processing For Payment/Financial Reporting

- A. Payment will be made through reimbursement to the school system, at time of 100% project completion, using IAC/PSCP Form 306.2, Request for Reimbursement to LEA.
- B. Recognizing that reimbursement only at the time of project completion may create cash flow difficulties for some jurisdictions with larger projects, PSCP is willing to consider progress payments on projects of \$100,000 or more that received IAC Approval of Contract Award. If the PSCP approves making progress payments directly to a contractor for a jurisdiction for a specific project, then IAC/PSCP Form 306.1 Request for Payment to Contractor would be utilized and an IAC/PSCP Form 306.6 Close-Out Cost Summary package submission is required at project completion.
- C. IAC/PSCP Form 306.6 Close-Out Cost Summary package submission will only be required at time of project completion for projects that exceeded \$100,000 and utilize the direct payment to contractor option. All projects that were reimbursed at time of project completion do not require submission of the Close-Out Summary package.

VIII. Future Project Funding

- A. No partial funding will apply to projects approved in the FY19 SSGP. If the State is only able to fund a portion of the State-eligible expense due to fiscal constraints, the applicant should not assume that State funding will be available in a future fiscal year.

END OF PROCEDURES

Attachment I

Local Education Agencies School Safety Grant Program Proposed Allocations Based on MSDE Enrollment Data as of September 30, 2017			
LEA	Full Time Equivalent Enrollment	Percentage	Allocation Distribution
Allegany	8,166	0.95%	95,000
Anne Arundel	80,350	9.33%	933,000
Baltimore County	109,343	12.70%	1,270,000
Calvert	15,435	1.79%	179,000
Caroline	5,469	0.64%	64,000
Carroll	24,935	2.90%	290,000
Cecil	14,782	1.72%	172,000
Charles	26,085	3.03%	303,000
Dorchester	4,526	0.53%	53,000
Frederick	40,752	4.73%	473,000
Garrett	3,649	0.42%	42,000
Harford	36,877	4.28%	428,000
Howard	55,372	6.43%	643,000
Kent	1,866	0.22%	22,000
Montgomery	156,995	18.23%	1,823,000
Prince George's	127,013	14.75%	1,475,000
Queen Anne's	7,536	0.88%	88,000
St. Mary's	17,155	1.99%	199,000
Somerset	2,697	0.31%	31,000
Talbot	4,406	0.51%	51,000
Washington	21,901	2.54%	254,000
Wicomico	14,341	1.67%	167,000
Worcester	6,304	0.73%	73,000
Baltimore City	74,853	8.69%	869,000
MSB	210	0.02%	3,000
Total	861,016	100.00%	10,000,000
<p>Note: The enrollment data is based on the Maryland State Department of Education's September 30, 2017 enrollment data. Due to rounding, funding allocations would be \$1,000 less than the full \$10 million. The additional \$1,000 has been applied to Maryland School for the Blind.</p>			

Attachment II

State-Local Cost Share Percentages

These numbers are pending approval by the IAC

County	FY19	FY20
Allegany	85%	85%
Anne Arundel	50%	50%
Baltimore City	93%	91%
Baltimore County	56%	56%
Calvert	53%	53%
Caroline	81%	81%
Carroll	59%	55%
Cecil	66%	66%
Charles	61%	61%
Dorchester	76%	75%
Frederick	64%	60%
Garrett	50%	50%
Harford	63%	60%
Howard	55%	54%
Kent	50%	50%
Montgomery	50%	50%
Prince George's	70%	70%
Queen Anne's	51%	51%
St. Mary's	58%	57%
Somerset	100%	96%
Talbot	50%	50%
Washington	71%	71%
Wicomico	97%	95%
Worcester	50%	50%
Maryland School for the Blind	93%	93%

Attachment III

Schedule for Application and Approval of the FY 2019 School Safety Grant Program (FY19-SSGP)

8/30/18	IAC Approval of FY 2019 <i>School Safety Grant Program (SSGP)</i> <i>Administrative Procedures Guide</i>
8/31/18	1 st Round Application and Administrative Procedures posted at http://sp1.pscp.state.md.us/Programs/LEAs/Forms/AllItems.aspx
4/1/19	Last day to submit applications for 1 st Round of FY 2019 SSGP Applications
3/30/20	All 1 st Round FY 2019 SSGP project funds to be encumbered
6/30/20	Funds for 1 st Round FY 2019 SSGP projects to be substantially expended
10/1/20	Last day to submit requests for reimbursement

Attachment IV

Instructions for Submission of FY 2019 School Safety Grant Program Application to the IAC SharePoint Portal

Please note that you must use Internet Explorer to have full functionality when utilizing SharePoint.

Step-by-Step Instructions

1. Download the School Safety Grant Program application from the PSCP website at: [link](#)
2. Save the application as a document on your computer, adding your LEA name to the file name. Complete the application.
3. Open internet explorer and navigate to <http://sp1.pscp.state.md.us/>
4. Enter your user name and password. If you do not know your user name and password, please contact Patrick McGough at pmcgough@maryland.gov
5. At the top of the page, select the *Programs* tab
6. On the left side panel, select the *LEAs Document Library*
7. To upload your completed application and other back-up documentation as applicable, select the folder for your LEA, select the School Safety Grant Program folder, then select *upload* and browse to your application or document in its saved location.
8. You should see the document in your LEA SSGP folder.

If you need technical assistance, please contact our office at pscp.msde@maryland.gov or (410) 767-0617

FY 2019 Capital Improvement Program
 School Safety Grant Program (SSGP) Application Form

LEA: _____

Fiscal Year: 2019

State Cost Share Percentage: _____

For projects that include more than one school, please list each school individually but use the same priority #.

PSC#	Priority #	School Name	Type/Description	Age	Method of Accomplishing		Anticipated Date Work		LEA Estimate		Local SSGP \$ Approved
					Work (See note 1)	Design Services (See note 2)	Begins	Completed	Total Cost	SSGP \$ Requested	
									\$0	\$0	\$0

Note 1: For example, design/build, competitive bids, existing open-end contract, purchase orders, staff, etc.

Note 2: For example, design/build, design consultant, architect, engineer, staff, etc.

Item VII. A. Approval of Lease Agreement – Carroll County – Former New Windsor Middle School

Motion:

To approve the lease agreement between the County Commissioners of Carroll County, and New Windsor Holding, LLC, with the agreement that the State will receive it's pro rata share of the lease and sale proceeds, as determined by IAC and county staff, for the disposition of the Former New Windsor Middle School, located at 1000 Green Valley Road, New Windsor, Maryland 21776 with an option to buyout following two years.

Background Information and Building Data:

Size:	83,235 sq. ft.
Acres involved in transaction:	30 acres
Original Construction Date:	1995
Approval History:	Transfer to County approved IAC: 2/17/17 BPW: 3/8/17
State Investment	\$2,827,534
Outstanding State Bond Debt	\$0
Debt Service Payment	

Schedule

On March 8, 2017, the Board of Public works approved the transfer of New Windsor Middle from the Carroll County Board of Education to the County Commissioners of Carroll County. The outstanding State bond debt totaling \$43,305 was paid, and with no remaining outstanding bond debt the county is entering into a lease agreement for \$250,000 (24 months) with an option to purchase the property after two years built into the lease agreement. The State is entitled to a pro rata share of the proceeds not to exceed its investment in the property. This motion is to approve the lease agreement with the condition that the county will share the lease and sale proceeds due to the State.

Item VII. B. Approval of Property Transfer – Kent County - Millington Elementary School

Motion:

To approve the transfer by the Kent County Board of Education of the Former Millington Elementary School, located at 172 Sassafras Street, Millington, Maryland, to the Kent County Government, with the agreement that the county government will assume the State outstanding debt service in the amount of \$196,524.27, based on the repayment schedule. The use is undetermined. The Kent County government shall obtain approval of the Interagency Commission on School Construction before transferring any right, title or interest of any portion of the property.

Background Information and Building Data:

Building Square Footage	35,794
Size:	24.18 acres
Acres involved in transaction:	24.18 acres
Original Construction Date:	1974
State Rated Capacity:	272
IAC Approval History:	
State Investment	\$1,637,081
Outstanding State Bond Debt	\$196,524.27 as of August 1, 2017
Debt Service Payment Schedule	11/15/2019; 6/30/2026;8/1/2027;3/1/2028;3/1/2029; 12/15/2029

In response to declining enrollments, the Kent County Board of Education established a Long-Term Strategic Planning Committee to consider long-term facility use and planning issues, including the potential closure of schools. On March 17, 2017, the Board of Education approved the Superintendent's Final School Closure and Boundary Adjustment Recommended Plan, which included the closure of Millington Elementary School. Millington was subsequently closed following the 2016-17 school year. The Kent County Board of Education is seeking to transfer the school property to the Kent County Government, effective July 1, 2018, for a use to be determined.

Item VII. C. Approval of Property Disposition – Washington County – Former Winter Street Elementary

Motion:

To approve the disposition by the Washington County Board of Commissioners of the former Winter Street Elementary School, located at 59 Winter Street, Hagerstown, Maryland, to a private party.

Background Information and Building Data:

Building square footage	32,980		
Size:	3.235 acres		
Acres involved in transaction:	3.235 acres		
Original Construction Date:	1953		
Additions	1973	Renovations	1972
Approval History:	IAC	8/22/16	
	BPW	9/21/16	
State Investment	\$549,710		
Outstanding State Bond Debt	\$0		
Debt Service Payment			

Schedule

The Washington County Board of Education closed Winter Street Elementary School after the 2015-16 school year. In June 2016, the Board of Education transferred the property by deed to the Washington County Board of Commissioners at no cost. Washington County has received an offer from West End Baptist Chapel, Inc. to purchase the property. On March 27, 2018 Washington County entered into an agreement of sale with West End Baptist Chapel, Inc., for a purchase price of \$300,000. Washington County intends to settle the transaction in the summer of 2018. The difference between the sale price of \$300,000 and the assessed value of the land (\$298,900) is \$1,100, and therefore there will be no sharing of sale proceeds by the State.

Item VII. D Approval of Property Disposition – Washington County – Former Job Development Center

Motion:

To approve the disposition by the Washington County Board of Commissioners of the former Washington County Job Development Center, located at 22930 Federal Lookout Road, Smithburg, Maryland to a private party.

Background Information and Building Data:

Building Square footage	15,877		
Size:	9.85 acres		
Acres involved in transaction:	9.85 acres		
Original Construction Date:	1971		
Additions	1980	Renovations	1980
Approval History:	IAC	8/22/16	
	BPW	9/21/16	
State Investment	\$239,653		
Outstanding State Bond Debt	\$0		
Debt Service Payment			

Schedule

In 1996, Washington County Board of Education closed the Washington County Job Development Center as an educational facility and used the building for administrative and storage purposes until 2016. In June 2016, the Board of Education transferred the property to the Washington County Commissioners at no cost. Washington County has received an offer from Triple Y LLC, Inc. to purchase the property. On April 16, 2018, Washington County entered into an agreement of sale with Triple Y LLC, Inc. for a purchase price of \$300,000. Washington County intends to settle the transaction in the summer of 2018. The sale price of \$300,000 is less than the assessed value of the land (\$312,900), therefore there will be no sharing of sale proceeds by the State.

Item VII. E. Approval of Property Transfer and Disposition – Washington County - Pangborn Elementary School

Motion:

To approve the transfer of eleven acres of land adjacent to the Pangborn Elementary School, 195 Pangbron Boulevard, Hagerstown, Maryland, 21740, from the Washington County Board of Commissioners, for the purpose of transferring the property to the City of Hagerstown for use by the city as a public golf course.

Background Information and Building Data:

Size:	N/A
Acres involved in transaction:	11 acres
Original Construction Date:	N/A
State Rated Capacity:	N/A
Approval History:	N/A
State Investment	N/A

Outstanding State Bond Debt

Debt Service Payment

Schedule

The Washington County Board of Education (BOE) is seeking approval from the Interagency Commission on School Construction (IAC) for the transfer of 11 acres of property adjacent to Pangborn Elementary School from the BOE to the City of Hagerstown (City) through the Washington County Government.

The City of Hagerstown has operated a public golf course on the parcel for many years. In 1961, the BOE transferred the land to the City with a reversion clause stating that, if the City stopped using the property as a golf course, it would be transferred back to the BOE. In 1988-1989, the City transferred the land back to the BOE, in response to plans to sell the land for residential development. However, the transfer was never recorded with the IAC, and the sale and development never took place. Since that time, the property has been surveyed and confirmed as BOE property, although the City has continued to use and maintain it as a golf course.

On May 22, 2018, the BOE approved a resolution declaring the parcel surplus property to be transferred to the City, provided that the property continues to be used as a golf course (the reversion clause remains in place).

After the proposed action is approved by the IAC, the BOE will transfer the property to the Board of County Commissioners of Washington County for transfer to the City of Hagerstown.

Item 7. F. Informational Property Change Items - Name Change, Educational Function, Easement, R.O.W.

Motion:			
These items are informational and do not require IAC action.			
LEA	School	New Name/New Function	Effective Date
Anne Arundel County	Carrie Weedon Science Center PSC #02.123	Name Change and Educational Function	Fall 2018
This facility is being re-opened as an early education center in SY18-19. The building previously functioned as a private science academy. The name of the facility will be changed to Carrie Weedon Early Education Center.			
Anne Arundel County	Former Jessup Elementary School 2866 Jessup Road Jessup Maryland 2074	Lot transfer to Anne Arundel County	June 2018
AACPS approved the transfer of several lots from the former school to Anne Arundel County Government. Transfer the following lots to Anne Arundel County Government Lot 13: 19,347.59sf; Lot 14: 20,867.01sf; Lot 15: 21,231.63sf; Lot 38: 17,993.58sf; Lot 37: 19,312.95sf; Lot 36: 19,682.54sf			
Baltimore City	Arlington Elementary/Middle School #234 PSC #30.094	Educational Function	Fall 2019
BCPSS approved retaining grades 6-8 at Arlington #234 through SY18-19; the school will be reconfigured from PK-8 to PK-5 beginning in SY19-20. Arlington #234 will occupy swing space in Garrison #42 in SY18-19 while the Arlington building is under construction.			
Baltimore City	Bay Brook Elementary/Middle School #124 PSC #30.175	Educational Function	Fall 2018
Bay Brook #124 will occupy swing space in Dr. Carter G. Woodson #160 in SY18-19 while the Bay Brook building is under construction.			
Baltimore City	Bluford Drew Jemison STEM Academy #364 PSC #30.188	Educational Function	Fall 2018
In 2017 BCPSS approved relocating Bluford Drew Jemison STEM Academy #364 from Walbrook #411 to Harlem Park #78 in SY18-19.			
Baltimore City	Calverton Elementary Middle School #75 PSC #30.184	Educational Function	December 2021

In 2017 BCPSS approved reconfiguring Calverton #75 from PK-8 to serve grades 3 through 8, effective when the building is open.			
Baltimore City	Calvin Rodwell Elementary School #256 PSC #30.134	Educational Function	Fall 2018
In 2018 BCPSS approved adding grades 6-8 to Calvin Rodwell #256, changing the program from PK-5 to PK-8 beginning in SY18-19. Calvin Rodwell #256 will occupy swing space in Grove Park #224 in SY18-19 while the Calvin Rodwell building is under construction.			
Baltimore City	Coldstream Park Elementary/Middle School #31 PSC #30.198	Educational Function	Summer 2018
In 2017 BCPSS approved closing the Coldstream Park #31 program in summer 2018. Elementary students will be relocated to Abbottston #50 and middle school students will attend either the Stadium School #15 program (to be relocated to the Coldstream Park #31 building in SY18-19) or will select options through the middle school choice program.			
Baltimore City	Dorothy I. Height Elementary School #61 PSC #30.034	Educational Function	Fall 2018
Dorothy I. Height #61 will relocate from its current swing space in Westside #24 to the new Dorothy I. Height #61 building in SY18-19.			
Baltimore City	Dr. Carter G. Woodson EM #160 PSC #30.230	Educational Function	Summer 2018
In 2017 BCPSS approved the closing of the program at Dr. Carter G. Woodson in the Summer of 2018. The building will be retained and used as swing space until the summer of 2020 when the building will then be transferred to the City for dedicated use.			
Baltimore City	Forest Park High School #406 PSC #30.167	Educational Function	Fall 2018
Forest Park #406 will relocate from its current swing space in Northwestern #401 to the new Forest Park #406 building in SY18-19.			
Baltimore City	Fort Worthington K-8 #85 PSC #30.270	Educational Function	Fall 2017
Forth Worthington #85 relocated from its swing space in the William C. March section of Harford Heights #37 to the new Fort Worthington #85, at 2710 E. Hoffman Street in SY17-18.			
Baltimore City	Friendship Academy of Engineering and Technology (FAET) #339 PSC #30.209	Educational Function	Summer 2018

In 2017 BCPSS approved closing the FAET program, which had been co-located in PDC #93 with the NACA II #349 program, in summer 2018.			
Baltimore City	Harlem Park #78 Elementary/Middle School Alternative Program PSC #30.274	Educational Function	Fall 2018
The Alternative Elementary/Middle School Program (EMAP) #734 will relocate from Harlem Park #78 to portable classrooms located on Wolfe Street in SY18-19.			
Baltimore City	James Mosher Elementary School #144 PSC #30.252	Educational Function	December 2021
In 2017 BCPSS approved reconfiguring James Mosher #144 from PK-5 to serve PK-2 students, effective when the building is open.			
Baltimore City	John Ruhrah Elementary/Middle School #228 PSC #30.086	Educational Function	Fall 2018
John Ruhrah #228 will occupy swing space in Southeast #255 in SY18-19 while the John Ruhrah building is under construction.			
Baltimore City	Knowledge and Success Academy (KASA) #342 PSC #30.188	Educational Function	Summer 2018
In 2017 BCPSS approved closing the KASA #342 program, which had been in the Walbrook #411 building, and retaining that building for future use.			
Baltimore City	Lyndhurst Elementary School #88 PSC #30.176	Name Change and Educational Function	Spring and Fall 2018
BCPSS approved changing the name of Lyndhurst Elementary School to Wildwood Parkway Elementary Middle School. Lyndhurst #88 will relocate from its current swing space in West Baltimore #80 to Wildwood Parkway Elementary Middle School #88 building in SY18-19. Grades 7 and 8 will be added in Fall 2018.			
Baltimore City	Mary E. Rodman Elementary School #204 PSC #30.201	Educational Function	Fall 2018
Mary E. Rodman #204 will occupy swing space in West Baltimore #80 in SY18-19 while the Mary E. Rodman building is under construction.			
Baltimore City	New Era Academy #422 PSC #30.228	Educational Function	Fall 2018
In 2017 Baltimore City Public Schools' Board of Commissioners approved reconfiguring New Era Academy #422 from grades 6-12 to serve grades 9-12 in SY18-19.			
Baltimore City	Pimlico Elementary Middle School #223	Educational Function	Fall 2018

	PSC #30.251		
Pimlico #223 will relocate from its current swing space in Garrison #42 to the new Pimlico #223 building in SY18-19.			
Baltimore City	Robert Poole Building #56 PSC #30.165	Educational Function	Fall 2018
The Academy for College and Career Exploration (ACCE) Middle/High School #427 program and the Independence Local I Charter High School #333 program will relocate from swing spaces in Lake Clifton #40 and William Lemmel #79, to the new Robert Poole Building in SY18-19.			
Baltimore City	Stadium School Middle School #15 PSC #30.224	Educational Function	Fall 2018
In 2017 BCPSS approved relocating the Stadium School #15 program to Coldstream Park #31, with PK-5 students from Coldstream Park #31 to be relocated to Abbottston #50 in SY18-19.			
Dorchester County	Property Located at E/S Jones Thicket Road	Lot transfer to the Dorchester County Government	February 2017
DCPS approved the transfer of a lot to the Dorchester County Government. .23 acre lot located on E/S Jones Thicket Road (Former School Property)			
Montgomery County	Tilden Middle School PSC 15.125	Forest Conservation Easement	May 2018
The planned revitalization and expansion project at Tilden Middle School requires the dedication of a forest conservation easement to comply with State of Maryland regulations and Montgomery County Code. The easement will be granted to the Maryland-National Park and Planning Commission for a fee of \$10.			
St. Mary's County	Fairlead Academy II (Leonardtown Campus) PSC #18.001	Utility Easement	Summer 2018
The Southern Maryland Electrical Cooperative has entered into an agreement with SMCPs for a utility easement of .052 acres to provide for the placement of State Relocatable Unit #533-22 at Fairlead Academy II at its Leonardtown campus, beginning in SY18-19.			
St. Mary's County	Margaret Brent Middle School Annex PSC #18.009	Utility Easement	Spring 2018
The Southern Maryland Electrical Cooperative has entered into an agreement with SMCPs for a utility easement of .017 acres to upgrade the electrical service to the Annex building on the Margaret Brent Middle School site. St. Mary's County Department of Recreation and Parks currently uses the building.			

Item VIII. A. Adoption of IAC Letterhead

Motion:

To adopt the letterhead of the Interagency Commission on School Construction.

INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



LARRY HOGAN
GOVERNOR

KAREN SALMON, PhD.
CHAIRPERSON

ROBERT A. GORRELL
EXECUTIVE DIRECTOR

200 WEST BALTIMORE STREET
BALTIMORE, MD 21201
410-767-0617

WWW.PSCP.STATE.MD.US

PSCP.MSDE@MARYLAND.GOV

August 9, 2018

Soandso Last Name,

Organization

Address 1

Address 2

City, State Zip

Dear Soandso,

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Item VIII. B. IAC Signature Authority

Motion:

To allow the Chairperson of the Interagency Commission on School Construction (IAC) to sign documents executing action taken by the IAC at an IAC meeting.

Background Information:

In order to ensure timely processing of documentation, staff recommends that the IAC allow the Chair of the IAC to sign documents executing action taken by the IAC at an IAC meeting. For example, the IAC hears and approves property transfers and dispositions at IAC meetings. The property transfer agreement, executed after IAC action, requires signature of the IAC.

In the future, staff recommends that the IAC consider giving the chair, upon recommendation of the executive director, authority to make emergency allocations up to \$250,000. Currently, the IAC can award emergency funding to an LEA that demonstrates an immediate health or safety hazard as defined in the attached COMAR. However, LEAs must wait for approval of the IAC. Allowing the Chair of the IAC to make allocations in emergency situations will allow LEAs without sufficient local capacity to begin correcting emergency conditions much sooner. The item would then be brought to the IAC at their next regularly scheduled meetings.

Granting the Chair of the IAC authority to make emergency allocations would require changes to current COMAR and further consultation with legal counsel. This topic is for discussion only at this time.

D. IAC Review. The IAC shall evaluate relocatable-facilities funding approval requests using the following factors:

- (1) The proposed use of the facility at a public school;
- (2) Whether the relocatable facility will be in use for at least 2 years after installation at the requested site; and
- (3) Whether the relocatable facility can be installed in a manner that will not interfere with work associated with proposed renovations, additions, or new construction.

E. Procedures. The provisions of Regulation .14B, E(1), E(2)(b), and F—I of this chapter apply to relocatable facility projects approved in the State capital improvement program.

F. LEA Responsibility After Installation.

(1) After installation, the LEA is responsible for obtaining appropriate insurance and maintaining the relocatable facility. These include:

- (a) Property damage insurance at least in replacement value amount, naming the State and the LEA as payees;
- (b) Personal liability insurance;
- (c) Drawings, specifications, operating instructions, warranties, and keys associated with the installation; and
- (d) A log of completed maintenance.

(2) The LEA shall comply with the Federal Asbestos Hazard Emergency Response Act.

G. Repairs After Installation.

(1) Except as provided in §G(2) of this regulation, the State may contribute funds, up to the State cost share, toward renovation of relocatable facilities.

(2) The State may not contribute funds for renovation necessary because of vandalism or lack of proper maintenance.

H. Surplus Property. The IAC may recommend to the Board of Public Works that a State-owned relocatable facility be declared surplus property.

.17 Emergency Repairs.

A. An emergency condition is a condition in a school building or on school grounds that:

- (1) Presents an immediate health or safety hazard, or a threat of severe damage to the school building or grounds; and
- (2) Could not have been reasonably foreseen through regular inspections or corrected through a regular preventive maintenance program.

B. The IAC may fund eligible costs of correcting an emergency condition according to the State cost share percentage established in Regulation .05 of this chapter. Funding for emergency repairs is separate from the State capital improvement program.

C. Requests.

(1) An LEA shall submit a request to the IAC for funds to correct an emergency condition not later than 6 months after project completion.

(2) The request may only be for eligible costs that total at least \$10,000.

D. Funding. The IAC may:

- (1) Provide the funds to the LEA in advance of the project start or after project completion; and
- (2) Determine whether the emergency repair funds will be deducted from the maximum State construction allocation for future building renovations based on the nature and cost of the emergency repairs.

.18 Maintenance.

A. Comprehensive Maintenance Plan.

(1) A comprehensive maintenance plan is a written plan approved by the local board of education that describes a strategy for maintaining public school facilities.

Item VIII. C. 2019 IAC Meeting Schedule

Motion:

This item is informational and does not require IAC action.

Background Information:

The next anticipated meeting of the IAC is scheduled for Tuesday, October 9, 2018.

Remaining meetings in 2018 are scheduled for:

Thursday, November 15, 2018; and

Tuesday, December 11, 2018.

Beginning in the new year, in an effort to simplify our scheduling process and to ensure that all members know when to expect the IAC meetings, staff is proposing regular monthly meetings on a standard day. Typically, we have found that Thursday meetings avoid conflicts with regular meetings of other State entities.

After hearing from most of you, we understand that the 2nd Thursday of each month should accommodate most of your regular meetings, although we anticipate that some meetings will be rescheduled on an as-needed basis.

For 2019, we propose the following schedule:

Date	Time
January 10, 2019	9:00 a.m. to 12:00 p.m.
February 14, 2019	9:00 a.m. to 12:00 p.m.
March 14, 2019	9:00 a.m. to 12:00 p.m.
April 11, 2019	9:00 a.m. to 12:00 p.m.
May 9, 2019	9:00 a.m. to 12:00 p.m.
June 13, 2019	9:00 a.m. to 12:00 p.m.
July 11, 2019	9:00 a.m. to 12:00 p.m.
August 8, 2019	9:00 a.m. to 12:00 p.m.
September 12, 2019	9:00 a.m. to 12:00 p.m.
October 10, 2019	9:00 a.m. to 12:00 p.m.
November 14, 2019	9:00 a.m. to 12:00 p.m.
December 12, 2019	8:30 a.m. to 5:00 p.m.

Item VIII. D. Guidelines and Procedures for Public Comment

Motion:

This item is informational and does not require IAC action.

Background Information:

Please see the attached Guidelines and Procedures for Public Comment. Unless IAC member contact us with questions or concerns, these guidelines will be posted to our website prior to the IAC meeting tentatively scheduled for October 9, 2018.

INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



LARRY HOGAN
GOVERNOR

KAREN SALMON, PhD.
CHAIRPERSON

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Guidelines and Procedures for Public Comment

The Interagency Commission on School Construction (IAC) invites members of the public to provide the IAC with views on issues pertaining to school facilities and school facilities projects.

All speakers shall conduct themselves in a non-disruptive manner. Although the IAC Members do not respond to the comments during the public comment portion of a meeting, the members listen and may take follow up action within the scope of the IAC's authority and jurisdiction.

The following procedures apply:

In order to speak before the IAC, please register on the IAC website at www.pscp.state.md.us or by calling (410) 767-0617. You may register up to one week prior to the IAC meeting and no later than 3:00 p.m. on the last business day preceding the meeting. When registering, please provide your name, email, phone number, the name of the organization you represent (if applicable), and the topic you wish to discuss.

Comments will be limited to three minutes per speaker.

Sign-up for public comment is limited to 10 speakers. Registration is on a first-come, first-served basis. Once registration has reached capacity, individuals may be placed on a waiting list. Individuals on the waiting list will be notified up to one day prior to the IAC meeting if a space becomes available.

Comments shall be directed to the IAC, not to individual members. Questions will not be entertained.

No signs or posters may be displayed by the public during meetings of the IAC. In lieu of signs, individuals are permitted to submit written comments to the IAC. Written statements may be provided to IAC staff and will subsequently be distributed to IAC members.

Item IX. A. Correspondence

Motion:

This item is informational and does not require IAC action.



Howard County

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

Dr. Calvin Ball
Councilmember
District 2
cbball@howardcountymd.gov

Special Assistant: Kim Pruum
District Aide: Najee Bailey

May 31, 2018

Interagency Committee
Maryland State Department of Education
Nancy S. Grasmick Education Building
200 W. Baltimore St
Batlimore, MD 21201

Greetings Chairman Solomon and Esteemed members of the Interagency Commission:

My name is Dr. Calvin Ball, Vice Chair of the Howard County Council and the Council representative for Talbott Springs Elementary School (TSES). While I regret that I am unable to join you today as originally planned, I am writing as an individual in support of funding for a replacement school and can share my experience as father whose two daughters proudly went to Talbott Springs ES.

As you know, our children and community are looking to us to be leaders on this issue. We have heard from TSES administrators including its principal Nancy Thompson, teachers, faculty, students and parents who all share the same story. The school is no longer structurally sufficient – there are leaks which lead to mold, mold in classrooms and in the cafeteria, a rodent infestation, and much more. Receiving the support from the IAC is essential so that we may move forward with the design of a replacement school knowing that the state lends its commitment in addressing infrastructure and capacity issues that are long overdue.

Today, the Council voted to pass our budget which included an amendment to increase the funding for Talbott Springs but also modified the capital project title and description so that it reflects our commitment to funding a replacement school. This was in response to the request I submitted along with my colleague Jen Terrasa to the County Executive asking for both the change in language and additional funding, but was also in response to the community who overwhelmingly supported this advancement.

I write to you today with the passion of a former father of two Eagles, the perspective of a current educator at Baltimore City Community College and lastly, in my role as the elected official proudly representing our Talbott Springs school community. I recognize there is still information you require from our Howard County Public School System. It is unfortunate that the information has not yet been provided to you; however, in an effort to help address some of these concerns, I offer you the following in the hope that you will reverse your decision and support HCPSS moving forward with design for a replacement school.

Structural Condition and Building Score.

I respectfully disagree with your assessment that the existing Talbott Springs ES building is in good structural condition. As an educator by profession, I have concerns that continuing to point to structural features, like high ceilings, as a reason to reject a replacement school fails to acknowledge how truly disruptive these open-air classrooms can be. At minimum, they are noisy, reduce privacy and hinder a child's ability to focus (hearing and understanding).

(410) 313-2001 fax: (410) 313-3297
<http://cc.howardcountymd.gov>

Item IX. B. COMAR Revisions and Recodification

Motion:

This item is informational and does not require IAC action.

Background Information:

The passage of HB 1783 and other language significantly changed requirements of several programs administered by the IAC. As a result, the COMAR must be revised to accommodate new and revised statutory language. Staff has worked with designees and legal counsel to review and revise current regulation.

Because the IAC is no longer organized under the Board of Public Works, the regulations will also be recodified under Title 14, where regulations for independent agencies are typically housed.

A draft of proposed COMAR revisions are attached for your review. Also attached, you will find the current enacted COMAR for your reference. Please note that deletions are indicated by brackets and insertions are indicated by italics.

These draft revisions will be shared with the LEAs for their feedback, prior to approval by the IAC at the October, 2018 meeting. Please review the attached revisions and let us know if you have any questions or concerns.

Title [23] 14
[BOARD OF PUBLIC WORKS] INDEPENDENT AGENCIES
Subtitle [03 PUBLIC SCHOOL CONSTRUCTION] 37 INTERAGENCY COMMISSION ON SCHOOL
CONSTRUCTION

[23.03.01] 14.37.01 Terminology

Authority: Education Article, §§4-126, 5-112, and 5-301-321, Annotated Code of Maryland

.01 Definitions

A. (text unchanged)

B. Terms Defined.

[(1) Architectural Services.

(a) "Architectural services" means professional or creative work that:

- (i) Is performed in connection with the design and supervision of construction or landscaping; and
- (ii) Requires architectural education, training, and experience.

(b) "Architectural services" includes:

- (i) Consultation, research, investigation, evaluation, planning, programming, architectural design, and preparation of related documents;
- (ii) Coordination of services furnished by structural, civil, mechanical, and electrical engineers and other consultants;
- (iii) Construction administration to ensure adherence to design and building standards;
- (iv) Construction inspection services; and
- (v) Project close-out services.]

[(2)] (1) - [(15)] (14) (text unchanged)

[(16) Engineering Services.

(a) "Engineering services" means professional or creative work that:

- (i) Is performed in connection with utilities, structures, buildings, machines, equipment, and processes; and
- (ii) Requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

(b) "Engineering services" includes consultation, research, investigation, evaluation, planning, programming, design, preparation of related documents, and inspection of construction for the purpose of interpreting and assuring compliance with specifications and design within the scope of inspection services.

(c) "Engineering services" does not include the inspection of construction not requiring engineering training.]

[(17)] (15) (text unchanged)

(16) "Forward-funded project" means a school construction project that the State has approved for planning and for which the LEA has paid some portion of the State share with local funds.

(17) "Free and reduced-price meal percentage" means the number of students eligible in the previous year for free and reduced-price meals, divided by the full-time equivalent enrollment from the previous year.

(18) "Funding approval" means pending the availability of funds, the State commits to fund, in the next fiscal year, the entire or a portion of the State share of eligible costs for a school construction project.

[(18)] (19) (text unchanged)

(20) "Gross square footage" means the sum of the net square footage (assignable space) and the tare, which includes all building areas as measured to the outside of the exterior walls.

[(19)] (21) (text unchanged)

[(20)] (22) "High performance school" means *a school defined as a high performance building per Title 3, Subtitle 6 of the State Finance and Procurement Article* [:

(a) A school building that meets or exceeds the current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) for schools green building rating system silver rating; or

(b) A school building that achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretary of Budget and Management and the Secretary of General Services.]

(23) "*Locally funded project*" means *a school construction project that has been designed, built, or occupied prior to the State approval of planning.*

[(21)] (24) - [(31)] (34) (text unchanged)

(35) "*Net square footage*" means *those portions of a building that are available for assignment as usable area to an occupant, including spaces dedicated to custodial and maintenance functions and every type of space usable by the occupant (AIA; modified)*

[(32)] (36) - [(33)] (37) (text unchanged)

(38) "*Planning approval*" means *pending the availability of funds, the State commits to fund a project, in some future fiscal years, the State share of eligible costs for a school construction project.*

[(34)] (39) - [(44)] (49)

[(45)] (50) - [(47)] (52) (text unchanged)

(53) "*Tare*" means *the non-assignable spaces within the building, including the circulation areas such as corridors, stairways, and elevators; restrooms (except for specialized restrooms such as in a kindergarten classroom); mechanical rooms; electrical rooms; and the thickness of the walls and partitions.*

[(48)] (54) - [(50)] (56) (text unchanged)

(57) "*Utilization*" means *the percentage of normal operating hours during which an assignable space in a facility is occupied by the full number of occupants for which it is programmed. When aggregated, the utilization for all assignable spaces in a facility can produce an overall utilization rate for the facility.*

[23.03.02] 14.37.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-301; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland

[.01 Definitions

- A. In this chapter, the following terms have the meaning indicated.
- B. Terms Defined.

(1) "Forward-funded project" means a school construction project that the State has approved for planning and for which the LEA has paid some portion of the State share with local funds.

(2) "Free and reduced-price meal percentage" means the number of students eligible in the previous year for free and reduced-price meals, divided by the full-time equivalent enrollment from the previous year.

(3) "Funding approval" means the State commits to fund, in the next fiscal year, the entire or a portion of the State share of eligible costs for a school construction project.

(4) "Locally funded project" means a school construction project that has been designed, built, or occupied prior to State approval of planning.

(5) "Planning approval" means the State commits to fund, in some future fiscal years, the State share of eligible costs for a school construction project.]

.01[-1] Facility Database.

The LEA shall update the IAC facility [database] *inventory* when a State-funded project is substantially complete.

.02 Local Educational Facilities Master Plan.

A. A local educational facilities master plan is a written plan that includes:

(1)-(4) (text unchanged)

(5) Analysis of future school facility needs, *including all planned capital improvements for the 10 year period, including estimated costs for projects anticipated to begin in the next 5 years;*

(6)-(8) (text unchanged)

B.—D. (text unchanged)

E. The IAC may [recommend to the Board of Public Works the disapproval] *disapprove* of any school construction project that is not consistent with the plan of record.

.03 Capital Improvement Program.

A. Local Submissions.

(1) (text unchanged)

(2) Annually by the date the IAC specifies, each LEA with approval from its local board shall submit to the IAC a local capital improvement program [for the 5 years following the next fiscal year.

(3) The annual and the subsequent 5-year local capital improvement programs] *which* shall be:

(a) Consistent with the educational facilities master plan of record; and

(b) Approved by the county governing body.

B. – C. (text unchanged)

D. [Preliminary] State Capital Improvement Program.

(1) *The IAC shall periodically approve portions of the State capital improvement program as required by the Education Article, §5-304, Annotated Code of Maryland.*

(2) *The preliminary and final approvals shall include:*

(a) *New construction projects, including replacement schools and additions;*

(b) *Renovation projects, including limited renovation projects;*

(c) *Systemic renovation projects*

(d) *Relocatable facilities; and*

(e) *A recommended maximum State construction allocation for each project.*

(3) *The IAC recommendation shall take into account:*

- (a) *The preliminary State capital improvement program;*
- (b) *Additional information provided by the LEA;*
- (c) *The anticipated final capital budget for public school construction;*
- (d) *Funds added from the Statewide contingency account; and*
- (e) *Requirements of the Capital Budget Bill*
- (e) *Other information the IAC considers appropriate*

(4) A systemic renovation project solicited before IAC approval is ineligible for State funding.

[(1)] (5) IAC [Recommendation] approval. By December 31 annually, the IAC shall [submit to the Board of Public Works] approve and publish a preliminary State capital improvement program for the following fiscal year that[:

(a) Identifies new construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities recommended for planning approval, or funding approval, or both;

(b) Recommends a maximum State construction allocation for each project; and

(c) Totals] totals 75 percent of the preliminary school construction allocation, as determined under State Finance and Procurement Article, §8-113, Annotated Code of Maryland.

[(2) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

(3) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a preliminary State capital improvement program that may not exceed 75 percent of the preliminary school construction allocation.

E. Interim State Capital Improvement Program Recommendation; IAC Recommendation.]

[(1)] (6) Before March 1 of each year, the IAC shall submit to [the Board of Public Works,] the presiding officers and the budget committees of the General Assembly[,], and the Department of Legislative Services an interim State capital improvement program that totals 90 percent of the anticipated final capital budget. [by proposing:

(a) New construction projects, including replacement schools and additions;

(b) Renovation projects, including limited renovation projects;

(c) Systemic renovation projects;

(d) Relocatable facilities; and

(e) A recommended maximum State construction allocation for each project.

(2) The IAC recommendation shall take into account:

(a) The preliminary State capital improvement program;

(b) Additional information the LEAs provide;

(c) The anticipated final capital budget for public school construction;

(d) Funds added from the Statewide contingency account; and

(e) Other information the IAC considers appropriate.

(3) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

F. Final State Capital Improvement Program.

(1) IAC Recommendation.]

[(a)] (7) After May 1 and before June 1, provided that the capital budget is approved during the regular General Assembly Session, [the school construction capital budget is finalized for the following fiscal year,] the IAC shall [submit to the Board of Public Works] approve a final State capital improvement program. [that identifies new construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities recommended for planning approval or funding approval and that recommends a maximum State construction allocation for each project.

(b) The recommendation shall take into account:

(i) The preliminary State capital improvement program;

(ii) Additional information the LEAs provide;

(iii) The final capital budget for public school construction;

(iv) Funds added from the Statewide contingency account;

(v) Requirements in the capital budget bill; and

(vi) Other information the IAC considers appropriate.

(c) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

(2) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a final State capital improvement program after May 1.]

[G.] E. Revisions. After [Board of Public Works] IAC approval of the final State capital improvement program, the program may be revised only upon IAC review and *approval*. [recommendation to the Board of Public Works and approval by the Board of Public Works.]

.05 State Cost Share Percentage.

A. The State may fund eligible costs of approved public school construction projects according to the State cost share percentage established in this regulation.

B. Percentages.

(1) - (2) (text unchanged)

(3) For Fiscal Years 2019 *and* 2020, the State share percentages of public school construction funding for eligible costs of approved projects are as follows:

County	FY 2019	FY 2020
Allegany	85%	85%
Anne Arundel	50%	50%
Baltimore City	93%	91%
Baltimore	56%	56%
Calvert	53%	53%
Caroline	81%	81%
Carroll	59%	55%
Cecil	66%	66%
Charles	61%	61%
Dorchester	76%	75%
Frederick	64%	60%
Garrett	50%	50%
Harford	63%	60%
Howard	55%	54%
Kent	50%	50%
Montgomery	50%	50%
Prince George's	70%	70%
Queen Anne's	51%	51%
St. Mary's	58%	57%
Somerset	100%	96%
Talbot	50%	50%
Washington	71%	71%
Wicomico	97%	95%
Worcester	50%	50%

(4) – (5) (text unchanged)

C. Revisions to Percentages.

(1) By October [2010] 2018 and every [3] 2 years thereafter, the IAC shall [recommend to the Board of Public Works] *approve* the cost share percentage to be applied to projects submitted for approval in the Fiscal Year [2013 local CIP and every 3 years thereafter].

(2) – (3) (text unchanged)

.06 Maximum State Construction Allocation.

A. – C. (text unchanged)

D. The actual funding is based on the costs of approved contracts [and change orders for eligible expenditures,] and may be less than the maximum State construction allocation.

E. Maximum Gross Area Allowance.

(1) (text unchanged)

(2) The maximum gross area allowance per student is set by [the Board of Public Works upon recommendation of] the IAC.

F. The average Statewide per-square-foot school building cost that applies to each annual capital improvement program:

(1) Is established by July of the calendar year in which applications are submitted;

(2) Is based on:

(a) Bids received for new school construction in the prior year; and

(b) Cost information derived from industry sources; and

(3) May be adjusted by the IAC to reflect market conditions before submission of the final State capital improvement program. [as described in Regulation .03D of this chapter.]

G. New Construction. The maximum State construction allocation for new construction is calculated according to either:

(1) The following formula:

(a) – (b) (text unchanged)

[(c) Then, add the contingency amount, figured as a percentage of the sum of §F(1)(a) and (b) of this regulation; and

(d)] (c) Finally, multiply by the State cost share percentage; or

(2) The estimated or actual cost of construction multiplied by the State cost share percentage, not to exceed the amount calculated in §F(1) of this regulation.

H. Renovation.

(1) The maximum State construction allocation for projects proposed to renovate buildings or portions of buildings, 16 years old or older, is calculated according to either:

(a) The following formula:

(i) – (v) (text unchanged)

[(vi) Then, add the contingency amount, figured as a percentage of the sum of §H(1)(a)(iv) and (v) of this regulation;

and

(vii)] (vi) Finally, multiply by the State cost share percentage; or

(b) (text unchanged)

(2) Adjustments to Maximum State Construction Allocation for Renovation Projects. The IAC may [recommend to]:

(a) Subtract funding from the maximum State construction allocation that the State has approved for other projects less than 16 years old at that school; and

(b) Adjust the maximum State construction allocation for renovation of a building that exceeds the maximum gross area allowance.

(3) The State may not further participate in funding projects in the school within 15 years after the project is placed in service.

I. Limited Renovation.

(1) (text unchanged)

(2) The maximum State construction allocation for a limited renovation is calculated [as follows]:

(a) Multiply] *by multiplying* the estimated costs of construction, including site work, by the State cost share percentage. [;

and

(b) Add to this product the contingency amount, figured as a percentage of §I(2)(a) of this regulation.]

(3) – (6) (text unchanged)

J. – M. (text unchanged)

[N. BRAC-Related Project.

(1) An LEA may request that a project be designated as a BRAC-related project to:

(a) Provide additional capacity; or

(b) Provide new or renovated space for educational programs in preparation for new jobs on military bases that are

related to BRAC, as determined by the IAC or its designee.

(2) A BRAC-related project shall meet the following criteria:

(a) The school shall be located within a certified priority funding area;

(b) The school shall meet one or both of the following location requirements:

(i) The school in which the project is proposed shall be located less than 10 miles from the perimeter of a BRAC- affected military base; or

(ii) The school in which the project is proposed shall be located less than 20 minutes in driving time from the entrance gate of a BRAC-affected military base; and

(c) The LEA shall submit with the local capital improvement program a comprehensive plan to upgrade the condition of the entire facility to match the final condition of the proposed capital improvement project within 6 years of the application, or evidence that the facility is already in that condition.

(3) If a project that is designated as a BRAC-related project is also approved as a project for planning and funding in an annual capital improvement program:

(a) Without an additional request for planning approval, the LEA may request approval of supplemental State funding for the project in an annual capital improvement program after the elapse of a period to be determined by the IAC, but not less than 2 years from the time of project completion;

(b) The supplemental State funding shall be based on:

(i) The actual enrollments that have resulted from BRAC actions, according to criteria established by the IAC, that are in excess by a minimum of 5 percent of the enrollment projections that applied at the time of approval or bid date of the BRAC- related project, whichever was earlier;

(ii) The cost of construction that was applicable on the date of bid, according to either the formulas in §G, H, or I of this regulation, or the actual cost of construction, whichever is less; and

(iii) The cost share percentage that was applicable at the time of bid; and

(c) The request for supplemental funding is to be submitted as a new project request in the annual capital improvement program, and will be considered for approval of funding according to the factors described in Regulation .03B(2) of this chapter.

O. Cooperative Use Space.

(1) The maximum State construction allocation for an approved project may include the State's share of eligible costs to construct or renovate up to 3,000 gross square feet of co-located or shared space to support LEA or community initiatives to serve school children and the general community.

(2) This cooperative use space is in addition to the size of typical school-function areas provided by the LEA.

(3) There shall be a written agreement between the county board and the space occupant that establishes the term and conditions.]

.07 Changes to the Maximum State Construction Allocation.

After the Board sets the maximum State construction allocation in the State capital improvement program:

A. (text unchanged)

B. The IAC [Board of Public Works] may increase the maximum State construction allocation [upon a recommendation of the IAC] for a systemic renovation project when the LEA has sufficient reserve funds available based on [all] the following:

(1) The LEA must submit:

(a) The final project scope of work;

(b) A cost estimate developed by a design professional licensed in the State of Maryland or the bid tabulation for the project;

(2) The IAC determines that:

(a) The requested scope of work is eligible for State funding; and

(b) The scope of work and associated costs are reasonable

C. The IAC may increase the maximum State construction allocation for a project other than a systemic renovation project based on the following:

[(1) The project is within a "One Maryland" jurisdiction as defined in COMAR 24.05.23;

(2)] (1) The LEA documents that the:

- (a) Project has critical impact on the LEA's budget;
- (b) LEA has taken reasonable actions to reduce construction costs; and

(c) Construction costs have resulted from exceptional circumstances different from those that confront most projects in the State or region; and

(d) *There are no alternatives to resolving the educational facility problem that the project addresses.*

[(3) The State Superintendent of Schools determines that:

- (a) The educational impact of the project extends beyond the school and its immediate community; and
- (b) There are no alternatives to resolving the educational facility problem that the project addresses.]

.09 Rescinding Funding Approval.

A. If, within 2 years after funding is made available for a project, no part of the project is under contract for construction, the IAC [may] *shall* determine that the project is abandoned and rescind the funding approval.

B. When the IAC rescinds funding approval, the IAC shall [transfer the allocation to the Statewide contingency account for the fiscal year in which the project was approved for funding.] *reserve the funding for another eligible project in the county in the current fiscal year or for eligible projects in the county in the next fiscal year.*

C. Funds *reserved for a county that have not been used to place a project under contract within 2 years of the date the funds were reserved shall be available* [transferred to the Statewide contingency account may be used] for any project approved in a future State capital improvement program.

D. (text unchanged)

[.10 Innovative Design and Construction.

A. The IAC may select aspects of school design that warrant study and request proposals from LEAs for innovative projects intended to improve school design in the State.

B. As part of the State capital improvement program, the IAC may recommend to the Board of Public Works approval of funds for design and construction of innovative projects intended to improve school design in the State.

C. The IAC may recommend that up to 0.25 percent of the State capital improvement program funds be used to fund:

- (1) Architectural and engineering services that exceed ordinary architectural and engineering costs; and
- (2) Construction costs above the maximum State construction allocation.]

[.11].10 Eligible Expenditures.

[.12].11 Ineligible Expenditures.

The following expenditures are ineligible for State funding:

A. – G. (text unchanged)

H. Leasing or purchasing school facilities except as provided in COMAR [23.03.05] *14.37.05*;

I. Construction inspection services;

J. Relocation costs for site occupants;

K. Salaries of local employees;

L. Construction of administrative or support facilities, including regional or central administrative offices, warehousing, resource, printing, vehicle storage, and maintenance facilities;

M. Movable equipment, furnishings, and artwork as defined by the IAC;

N. Maintenance; and

O. Temporary storage.

[.13].12 Site Selection.

A. – E. (text unchanged)

F. The IAC may recommend including a project for planning approval in the State capital improvement program only if the project site has been approved or re-approved by the IAC in the preceding [5] 3 years.

G. (text unchanged)

[.14] .13 New Construction, Renovation, and Limited Renovation Projects.

A. – B. (text unchanged)

C. Educational Specifications

(1) [The] *Unless an LEA is certified to complete review of educational specifications as provided by Education Article, §5-314, Annotated Code of Maryland, the* LEA shall submit the project's educational specifications to the IAC.

(2) The IAC or its designee shall notify the LEA of concerns and recommendations about the educational specifications.

(3) The LEA shall resolve the IAC's issues to the reasonable satisfaction of the IAC or its designee.

D. Schematic Designs, Design Development Documents, and Construction Documents.

(1) [The] *Unless the LEA is certified to complete review of schematic design, design development, and construction documents as provided by Education Article §5-314, Annotate Code of Maryland, the* LEA shall submit to the IAC or its designee for review and approval of:

(a) Schematic designs, before the LEA proceeds to design development documents;

(b) Design development documents, before the LEA proceeds to construction documents; and

(c) Construction documents, before the LEA issues the solicitation.

(2) The LEA shall submit to the IAC or its designee for review and approval information regarding the consistency of the project with the Department of General Services procedure manual for professional services standards for energy conservation, life cycle cost analysis, and roofing.

E. Procurement.

(1) The LEA shall procure construction in compliance with COMAR [23.03.03] 14.37.03. *The IAC may rescind project approval if the procurement does not comply with these requirements.*

[(2) The IAC may rescind project approval if the LEA:

(a) Issues a solicitation before the IAC or its designee approves the solicitation documents; or

(b) Awards a contract before the IAC approves the proposed contract award.]

F. (text unchanged)

G. Change Orders.

(1) *The LEA shall maintain contingency funds for change orders. The LEA may issue change orders without prior approval of the IAC or its designees.* [The IAC may establish a contingency fund for change orders if funding is available within the maximum State construction allocation.]

[(2) The LEA may issue change orders without prior approval of the IAC or its designee.

(3) State Review of Change Orders.

(a) The LEA shall submit all change orders to the IAC.

(b) The IAC or its designee shall review the LEA's change orders as follows:

(i) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(ii) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(4) Change orders that exceed the maximum State construction allocation or that are not approved by the IAC for funding are a local obligation.]

H. – I. (text unchanged)

[.15] .14 Systemic Renovations.

A. – B. (text unchanged)

C. Requests.

(1) – (2) (text unchanged)

[(3) Unless waived by the IAC or its designee, the request may not combine separate groups of systemic renovation projects as categorized in §B to reach the \$200,000 minimum, but the request may include the cost of ancillary work required to complete a project.]

D. (text unchanged)

[.16] .15 State-Owned Relocatable Facilities.

A. – G. (text unchanged)

H. Surplus Property. The IAC may [recommend to the Board of Public Works that] *declare* a State-owned relocatable facility to be [declared] surplus property.

[.17] .16 Emergency Repairs. (text unchanged)

[.18] .17 Maintenance.

A. – B. (text unchanged)

C. Maintenance Surveys.

(1) (text unchanged)

(2) Annual Report. The IAC shall annually [submit] *publish* a report [to the Board of Public Works] summarizing the annual surveys.

[.19] .18 Aging Schools Program.

A. – D (text unchanged)

E. IAC Review. The IAC or its designee shall evaluate Aging Schools Program project requests using the following factors:

(1) Type of work;

(2) Age of the building or building component;

(3) *Project cost*

[(3)] (4) State capital improvement program;

[(4)] (5) Local capital improvement program; and

[(5)] (6) School's current and projected enrollments.

(7) *Maryland Historic Trust review, if applicable*

F. (text unchanged)

G. Procurement. The LEA shall procure construction in compliance with COMAR [23.03.03] 14.37.03.

[H. Change Orders.

(1) The LEA may issue change orders in the amount of \$25,000 or less without prior IAC approval.

(2) Review of Change Orders. The LEA shall submit each change order in excess of \$25,000 to the IAC. The IAC or its designee shall review the LEA's change order as follows:

(a) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(b) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(3) Change orders that exceed available State funding or that are not approved by the IAC are a local obligation.]

[I.] H. State Payment. The LEA shall submit to the IAC one request for payment per project. The IAC or its designee shall review the request for payment for determination of whether the request comprises eligible expenditures and whether payment is within the allocation. The State shall pay the LEA through a single reimbursement at project completion.

[J.] I. Ineligible Expenditures. The following expenditures are ineligible for funding under the Aging Schools Program:

(1) Expenditures set forth in Regulation .12 of this chapter, except maintenance is eligible for funding; and

(2) Improvements to or the movement of relocatable facilities.

.19 School Safety Grant Program

A. *There is a School Safety Grant Program. The School Safety Grant Program is separate from the State capital improvement program.*

B. *Purpose. An LEA may use the School Safety Grant Program to complete eligible school safety and security projects as identified by the IAC in consultation with the Center for School Safety.*

C. *Procurement. The LEA shall procure construction in compliance with COMAR 14.37.03.*

D. *The IAC may apply the State cost share percentage to projects funded through the School Safety Grant program.*

.20 Change in School Status. (text unchanged)

.21 Temporary or Partial Change in School Use. (text unchanged)

.22 Non-Public School Use Exceeding 5 Years.

When the LEA uses more than 10 percent of a school building other than as a public school for more than 5 years and the State has debt remaining for bonds, the proceeds of which were used to construct or renovate that school, the [Board of Public Works] IAC may[, upon recommendation from the IAC,] require the LEA to pay a proportion of any lease proceeds and assume the remaining State debt, all calculated as of the date the LEA first began to use the school for purposes other than as a school.

.23 Local Board Transfer of School Property to County Government.

A. Definitions.

(1) In this chapter, the following terms have the meanings indicated.

(2) Terms Defined.

(a) "School property" means any land, school site, or school building;

(b) "Local board transfer to county government" includes, in the case of Baltimore City, the City's change of the dedicated use of the property.

B. Local Board Transfer to County Government.

(1) If, with the approval of the State Superintendent of Schools, a local board determines that any school property is no longer needed for school purposes, the local board shall transfer the property to the county government.

(2) The local board shall submit a request to the IAC for approval to transfer the school property to the county government.

[(3) If the property is:

(a) Less than 1 acre and does not contain a building, the IAC may approve the transfer;

(b) Any other property, the IAC shall review the request and make a recommendation to the Board of Public Works.]

C. The [Board of Public Works or the] IAC[, as applicable,] may approve, disapprove, or conditionally approve the request to transfer the school property to the county government. The [Board or the] IAC[, as applicable,] may require that the transfer documents specifically incorporate the conditions.

D. The local board shall affirm in the request that the county concurs with the local board's intention to transfer the property *and commits to repayment of outstanding bond debt if repayment is required.*

.24 County Government Disposition of School Property.

A. – B. (text unchanged)

C. A county government proposing to dispose of former school property shall submit to the IAC a request for approval to dispose. The IAC shall review the request and [make a recommendation to the Board of Public Works.

D. The Board of Public Works] may approve, disapprove, or conditionally approve the request to dispose of the former school property. The [Board] IAC may require that the disposition documents specifically incorporate the conditions.

.24-1 Assumption of State Debt, Capital Lease Financing Balances, and Disposition Proceeds.

A. *Pursuant to § 5-208 of the Education Article of the Maryland Code, the [The Board of Public Works] IAC:*

[(1) May not require reimbursement of debt service from a county for a school property that:

- (a) Was initially constructed on or before February 1, 1971;
- (b) Is no longer used for school purposes;
- (c) Has had title transferred to county government; and
- (d) Is being used for local governmental purposes other than public education;

[(2)] (1) Shall require reimbursement of debt service from a county for a school property that:

- (a) Is sold by the county government; or
- (b) Meets all the following:
 - (i) Was initially constructed after February 1, 1971;
 - (ii) Was initially constructed or substantially altered by additions, alterations, or renovations, and the cost of the construction at the time of execution exceeded \$100,000, and the work was accomplished after February 1, 1971;
 - (iii) Is no longer used for school purposes;
 - (iv) Has had title transferred to county government;
 - (v) Is being used for local governmental purposes by the State or county, or by any instrumentality of the State or county other than public education; and
 - (vi) Has outstanding debt that exceeds \$5,000;

[(3)] (2) May require reimbursement of debt service or capital lease financing balances, or both, from a county for a school property that:

- (a) Has remaining State debt for bonds or capital lease financing balances;
- (b) Is no longer used for school purposes;
- (c) Has had title transferred to county government; and
- (d) Is not being used for local governmental purposes by the State or county, or by any instrumentality of the State or county.

B. A county government is not required to reimburse the State for outstanding debt service until 2 years after the school building is transferred. After the 2-year period, the county government shall reimburse the State for outstanding debt service in the amount that the county would have been required to repay when the school building was transferred.

[B.] C. The [Board of Public Works] IAC may require the county to pay the State a proportional share of the disposition proceeds based on the proportion of the State's investment in the school property.

[C.] D. The [Board of Public Works] IAC may establish any method of payment of the bond debt or the disposition proceeds including a lump sum payment or an assumption or re-assumption of existing bond debt.

.25 Audits.

A. The IAC or its designee may conduct financial audits and compliance audits of each LEA that receives State funds.

B. Audit items may include:

- (1) Transactions and balances reported on financial reports and close-out forms;
- (2) LEA internal controls and management authorizations;
- (3) Items ineligible for State participation; and
- (4) Compliance with Board of Public Works regulations and IAC policies and procedures.

C. The LEA shall reconcile audit exceptions and back charges to the IAC's or its designee's satisfaction.

.26 Reconsideration.

A. [A local board of education dissatisfied with a determination made by the IAC's designee may request the IAC to reconsider the determination.] *An LEA dissatisfied with a determination made by the IAC's designee may request the IAC to reconsider the determination.*

- (1) *The LEA shall submit a written request for reconsideration to the IAC within 15 days of the designee's decisions;*
- (2) *The written request for reconsideration shall include all additional information and documentation the LEA wants the IAC to consider;*
- (3) *The IAC's designee may submit to the IAC additional information and documentation it wants the IAC to consider in*

support of its determination; and

(4) The IAC will notify the LEA of its decision.

B. [A local board of education dissatisfied with a determination made by the IAC may [request the Board of Public Works to reconsider the determination by submitting an agenda item to the Executive Secretary of the Board of Public Works.] *An LEA dissatisfied with a determination made by the IAC, including determination of projects that were not approved by the IAC, may appeal the decision to the IAC in writing.*

(1) *The appeal must be received by the IAC no later than 30 days following the IAC determination.*

(2) *The written appeal must contain:*

(a) *The IAC determination from which the appeal is being taken, including funding requests for projects that were not approved by the IAC;*

(b) *Reasons in support of the appeal;*

(c) *A statement of the result sought; and*

(d) *Include any supporting documents, exhibits, and affidavits.*

(3) *Oral Argument*

(a) *In its written appeal, the LEA may request to present oral argument to the IAC;*

(b) *Oral argument will not be allowed without a written request to the IAC; and*

(c) *If oral argument is requested, the IAC will notify the LEA of the date that the argument will be heard.*

(4) *The IAC shall issue a decision to the LEA.*

C. *The IAC's decision is a final decision of the agency.*

.27 Waiver.

The IAC [or Board of Public Works] may waive or vary particular provisions of this chapter to the extent that the waiver or variance is not inconsistent with State statutes if:

A. In the IAC's [or Board of Public Works'] determination, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of State law; and

B. The Office of the Attorney General approves the waiver for form and legal sufficiency.

.28 Priority Funding Area Waiver Criteria.

[A. This regulation applies to the IAC for site approval, and to the IAC and Board of Public Works for planning or funding approval, of new schools and of replacement schools that add capacity.]

[B.]A. Waiver Procedure.

(1) – (3) (text unchanged)

(4) After considering the criteria for a waiver in §[C] B of this regulation, the IAC may [recommend to the Board of Public Works]:

(a) [Approval of] *Approve* planning and funding, or of a site, for the new school or the replacement school that adds capacity;

(b) [Approval of] *Approve* planning and funding, or of a site, for the new school or the replacement school that adds capacity with conditions; or

(c) [Denial of] *Deny* planning and funding, or of a site, for the new school or the replacement school that adds capacity.

(5) (text unchanged)

(6) The [Board of Public Works] IAC shall make the final determination on the approval of a site for a new school or a replacement school that adds capacity that is outside a priority funding area in the event of a conflict between the IAC and the Smart Growth Subcabinet.

[C.] B. The IAC [or the Board of Public Works, when applicable,] shall consider the following factors when determining whether to grant a waiver to the requirement that a site for a new school or for a replacement school that adds capacity, or a new school or a replacement school that adds capacity that is requested for approval of State planning and funding, be located inside a priority funding area:

(1) – (10) (text unchanged)

.29 Emergency Power Generation.

A. (text unchanged)

B. This section applies to all school construction projects that *the local government has designated as a public shelter in the local emergency management plan and that* include new construction, replacement, or upgrade of the electrical system.

C. – D. (text unchanged)

[23.03.03] 14.37.03 Construction Procurement Methods

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

- (1) Exceeds [\$25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or
- (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.

B. This chapter does not apply to a project in a building that is not used primarily for the instruction of students, including an office building, warehouse, or vehicle maintenance or repair building.

C. In this chapter, "IAC or its designee" includes "State Superintendent or designee" when State Superintendent approval is required by Education Article, §2-303(f), Annotated Code of Maryland.

[.02 Project Procurement Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing project procurement proposals.]

[.03] .02 (text unchanged)

[.04] .03 Choice of Method.

A. – D. (text unchanged)

E. An LEA may use negotiated award after unsatisfactory competitive sealed bidding when the circumstances set forth in Regulation [.14A] .13A of this chapter exist.

[.05] .04 Approvals.

A. IAC or designee authorization to use quality based selection or competitive negotiation or to pursue an unsolicited proposal is distinct from IAC or designee approval of project planning and funding. If the IAC or designee approves the project for use of a competitive negotiation method but does not approve the project for planning, the project may proceed as a locally funded project.

B. The LEA shall obtain State approval before entering into an alternative financing method as set forth in COMAR [23.03.05.] 14.37.05.

C. The LEA shall obtain State approval of each construction contract.

[.06] .05 Other Requirements.

A. All projects shall comply with State procedures and requirements for educational and design review.

[B. Regardless of project procurement method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.]

[C.] B. Project Delivery Methods. The requirements of COMAR [23.03.04] 14.37.04 apply to procurements conducted in accordance with this chapter.

[D.] C. Minority Business Enterprise (MBE). The State's minority business enterprise program applies to procurements conducted in accordance with this chapter that the State funds in whole or part.

[E.] D. Prevailing Wage. To the extent required by law, the State's prevailing wage requirements apply to procurements conducted in accordance with this chapter that the State funds in whole or part.

[F] E. Debriefing and Protests.

(1) The LEA shall establish procedures by which unsuccessful bidders and offerors may be debriefed upon written request within a reasonable time by a procurement official familiar with the rationale for the selection decision and contract award.

(2) The LEA shall establish procedures by which an interested party may file a protest relating to the solicitation or award of a procurement contract.

[G.] F. If a single bid or offer is submitted following appropriate notification and solicitation procedures, the LEA may award the contract to the single bidder or offeror if the bid or offer is determined responsible and responsive.

[.07] .06 Competitive Sealed Bidding—One Step Sealed Bidding.

A. Prequalification. The LEA may establish procedures to ensure that bidders are responsible. The LEA may require a bidder to be prequalified according to LEA procedures before submitting a bid.

B. Invitation for Bids.

(1) The invitation for bids shall be used to initiate a competitive sealed bid procurement.

(2) The invitation for bids shall include:

(a) Instructions and information concerning bid submission requirements including the date, time, and place for receipt of bids;

(b) Whether electronic bids will be accepted;

(c) Specifications or drawings or both that clearly and accurately describe the functional characteristics of or the nature of the work to be procured;

(d) The delivery or performance schedule;

(e) MBE goals, if applicable;

(f) Prevailing wage requirements, if applicable;

(g) Requirement that bidders acknowledge receipt of each amendment and addendum issued;

(h) Requirement for submission of bid bond;

(i) Information with respect to prebid conference if a conference is to be held;

(j) Requirement for submission of bid affidavit; and

(k) Any other information the LEA requires.

[C. The LEA shall obtain approval from the IAC or its designee before issuing the invitation for bids.]

[D.] C. Public Notice. The LEA shall publish notice of an invitation for bid at least 14 calendar days before the bid due date in:

(1) eMaryland Marketplace;

(2) An electronic posting or a physical posting on the LEA's bid board; or

(3) A newspaper of general circulation in the LEA's region.

[E.] D. Bid Receipt, Opening, Disclosure.

(1) Upon its receipt, each bid shall be stored in a secure place until the time set for bid opening.

(2) Bids shall be opened publicly in the presence of at least one LEA employee and read aloud at the time, date, and place designated in the invitation for bids, or are to be made available to the public through a method in accordance with local policy and procurement practice. The name of each bidder, the bid price, and other appropriate information shall be read aloud or otherwise made available. This information shall be recorded at the time of bid opening. The bids shall be tabulated or a bid abstract made.

(3) Opened bids shall be available for public inspection at a reasonable time after bid opening and before contract award. Bidders may designate trade secrets, financial data, or other proprietary data as confidential; material so designated shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. The LEA shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. All information submitted by bidders is subject to State and local public disclosure laws.

[F.] E. IFB Cancellation; Bid Rejection; Irregularities.

(1) Before opening of bids, the LEA may cancel the invitation for bids in whole or in part if the LEA determines that the cancellation is fiscally advantageous or otherwise in its best interest.

(2) After opening of bids but before award, the LEA may reject all bids in whole or in part if the LEA determines that the rejection is fiscally advantageous or otherwise in its best interest.

(3) The LEA may reject any bid in whole or in part if it is in the LEA's best interest to do so. Reasons for rejecting a bid may include that the bidder is not responsible, that the bid is not responsive, that the price is unreasonable, or that the bidder is debarred or otherwise ineligible.

(4) Irregularities.

(a) Minor; Material; Correction.

(i) The LEA may permit a bidder to correct a minor irregularity or may waive a minor irregularity. A minor irregularity is one that is merely a matter of form and not of substance or pertains to an immaterial or inconsequential defect or variation in a bid, the correction or waiver of which would not be prejudicial to other bidders.

(ii) The LEA may not waive or permit a bidder to correct a defect or variation in a bid that is material as to price, quantity, quality, or delivery.

(b) Up to and including the time for bid opening, a bidder may correct a defect or variation with respect to:

- (i) Bid bond;
- (ii) Acknowledgment of addenda; or
- (iii) MBE submission materials.

(c) After bid opening, the LEA may not waive or permit a bidder to correct a defect or variation with respect to these requirements unless the defect or variation is determined to be minor and does not affect the competitiveness of the bid.

[G.] F. Bid Evaluation and Award.

(1) The LEA shall award the contract to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the invitation for bids and is the most favorable bid.

(2) The LEA may not evaluate a bid for any criterion that is not disclosed in the invitation for bids.

[H.] G. Single Bidder. If after proper publication of invitation for bid and proper bid opening, the LEA receives one responsive bid, the LEA may:

- (1) Award the contract to the single responsible bidder; or
- (2) Reissue the invitation for bid.

[.08] .07 Competitive Sealed Bidding—Multistep Sealed Bidding.

[.09] .08 Quality-Based Selection.

A. (text unchanged)

B. Request for Proposals.

(1) – (3) (text unchanged)

[(4) The LEA shall obtain approval from the IAC or its designee before issuing the request for proposal.]

C. – I. (text unchanged)

[23.03.04] 14.37.04 Project Delivery Methods

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Scope.

- A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:
 - (1) Exceeds [25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or
 - (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.
- B. – C. (text unchanged)

.02 Project Delivery Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing project delivery proposals.

.03 Methods of Project Delivery.

- A. For a public school construction project, an LEA may use one of the following methods:
 - (1) General contracting; or
 - (2) Alternative project delivery including:
 - (a) Construction management agency;
 - (b) Construction management at risk;
 - (c) Design build; and
 - (d) Job order contracting.
- B. The LEA may use fast track to accelerate project delivery in accordance with Regulation .09 of this chapter.

.04 Other Requirements.

- A. The requirements of COMAR [23.03.03] 14.37.03 apply to all projects conducted under this chapter.
- B. All projects regardless of delivery method shall comply with State procedures for project design review.
- [C. Regardless of project delivery method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.]
- [D.] C. The IAC may specifically designate an individual or group to act on requests, provide the State approvals on behalf of the IAC, or both, as required in this chapter.

.05 Construction Management Agency.

- A. – C. (text unchanged)
- D. State Reimbursement.
 - (1) – (4) (text unchanged)
 - (5) An LEA intending to seek State reimbursement for construction manager services shall procure a construction manager in accordance with COMAR [23.03.03] 14.37.03.
- E. Trade Contracts.
 - (1) – (2) (text unchanged)
 - (3) The LEA shall procure each trade contract in accordance with COMAR [23.03.03] 14.37.03.
 - (4) (text unchanged)
 - [(5) The LEA shall submit change orders for approval by to the IAC or its designee and clearly indicate the contract to which the change order applies.]
 - [(6)] (5) – [(7)] (6) (text unchanged)

.06 Construction Management At Risk.

- A. (text unchanged)
- B. Guaranteed Maximum Price.
 - (1) – (2) (text unchanged)
 - (3) If the LEA receives competing proposals, the proposals shall be evaluated in accordance with COMAR [23.03.03]

C. (text unchanged)

D. State Reimbursement.

(1) – (3) (text unchanged)

(4) If an LEA intends to seek State reimbursement of any of the construction management services, the services shall be procured through one of the procurement methods provided in COMAR [23.03.03] 14.37.03.

E. (text unchanged)

[23.03.05] 14.37.05 Alternative Financing

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Scope

- A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:
 - (1) Exceeds [\$25,000] \$50,000 and has [Board of Public Works] IAC planning or funding approval; or
 - (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.
- B – C. (text unchanged).

.02 Alternative Project Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing alternative project financing proposals.

.03 Educational and Design Standards Apply.

All projects financed through alternative methods shall comply with State procedures for project design review.

.04 Use of Alternative Financing Methods.

- A. A county or an LEA may use alternative financing methods for public school construction.
- B. An LEA shall obtain the approval of the county governing body to use an alternative financing method.
- C. *Alternative Financing must be conducted consistent with Education Article § 4-126.*

[.05 Types of Alternative Financing Methods.

A. A county or an LEA may fund all or a portion of one or more public school construction projects using one or more of the following alternative financing methods:

- (1) A lease-leaseback, in which a private entity undertakes a public school construction project on property leased from, and subleased back to, an LEA if the property leased from the LEA reverts to the LEA upon a date certain;
- (2) A sale-leaseback, in which a private entity undertakes a public school construction project on property purchased from, and leased back to, an LEA, if:
 - (a) The property purchased from the LEA reverts to the LEA upon a date certain;
 - (b) The LEA and the county have determined that the property is eligible for conveyance under Education Article, §§4-114(c)(3) and 4-115, Annotated Code of Maryland; and
 - (c) The IAC and the Board of Public Works approve the conveyance;
- (3) Performance-based contracting, in which the LEA and a private entity enter into a contract such as an energy-performance contract funded by guaranteed savings over a specific time period;
- (4) Public-private partnerships, in which the LEA and a private entity enter into a shared use arrangement of one or more portions of one or more public school facilities in return for public school property enhancement, revenue, or both;
- (5) Donation or gift, in which a private entity contributes toward the cost of a project, either through donation of funds to the LEA or through in-kind contribution of materials, equipment, building services, or all three; and
- (6) With the concurrence of both the county and the IAC or its designee, such other financing methods as the LEA may deem appropriate for public school construction projects.

B. The determination shall include:

- (1) Justification for the use of alternative financing, including the advantages the method will provide to the public;
- (2) A description of the method to be used;
- (3) A description of the method proposed to procure the alternatively financed project;
- (4) The estimated project cost; and
- (5) The scope of work eligible for State reimbursement.

C. The submission shall also:

- (1) Acknowledge that the State is not responsible for any costs associated with financing, interest payments, design services, or project cost overruns; and

(2) Include a letter from the county approving the use of the alternative financing method.

D. IAC or Designee Approval to Construct. Regardless of project financing method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.

.08 Procurement.

A. An LEA or county may procure an alternative financing arrangement for construction of public school facilities in accordance with COMAR [23.03.03] 14.37.03.

B. In addition to complying with requirements set forth in COMAR [23.03.03] 14.37.03, an LEA shall evaluate the following when procuring an alternative-financing arrangement for construction of public school facilities:

(1) – (5) (text unchanged)

.09 Comprehensive Agreement.

A. General. The LEA or county and the successful offeror shall enter into a comprehensive agreement regarding the parties' rights and obligations. The LEA or county may not enter into a comprehensive agreement with a private entity until the IAC or the State Superintendent, as applicable, has approved the agreement.

B. The comprehensive agreement shall include:

(1) Performance, educational standards, or both, as applicable, of the project;

(2) Time line for completion;

(3) Security such as performance and payment bonds or letters of credit to assure timely completion;

(4) The requirements for approval of sites, plans, and specifications by the State or other authorities with jurisdiction;

(5) The right of the State and other authorities with jurisdiction to periodically examine the project to ensure compliance;

(6) Risk allocations, including liability insurance that covers the LEA;

(7) If applicable, monitoring by the State and local authorities with jurisdiction of the private entity's maintenance to ensure proper maintenance before the responsibility is transferred to the LEA or county;

(8) Procedures in the event that the comprehensive agreement is terminated with or without cause, or there is a material default by the private entity, which shall include:

(a) Conditions governing assumption of the responsibilities of the private entity by the LEA, county, or other designated party, and the transfer or purchase of the private entity's property or other interests by the LEA or county; and

(b) Requirements for LEA or county to give notice of default, procedural and response requirements of the private entity, and the LEA or county, and related procedures;

(9) Periodic reporting of required financial information from the private entity;

(10) The mechanism by which user fees, lease payments, or service payments, if any, shall be established upon agreement of the parties, including the following:

(a) Payments or fees shall be commensurate with those of similar facilities; and

(b) The private entity shall make available a schedule of the user fees and payments to the public upon request;

(11) The terms, if any, under which the LEA or county may be obligated to contribute financial resources;

(12) Periodic reports by which the private entity describes the project's impact on the LEA or county, the local community, and the State;

(13) The private entity's certification, including an individual certification from each team member, that:

(a) All material representations and material information provided in the proposal remain true and correct; and

(b) If material changes occur with respect to any material representation or material information, the private entity shall promptly notify the LEA or county and the IAC or designee; and

(14) Any other information the LEA requires.

.10 Maintenance and Operations.

The private entity shall turn over to the LEA or county the maintenance and operation of the educational portions of the alternatively financed facility on or before the date the facility is open for its intended use. *A private entity or county revenue authority may continue to hold the title as long as the entity is contractually obligated to operate and maintain the property until:*

A. *It outlives its useful life;*

- B. It is no longer needed as a school; or*
- C. As otherwise agreed by the parties]*

[23.03.06] 14.37.06 Relocatable Classroom Indoor Environmental Quality Standards

Authority: Education Article, §5-301(b-1), Annotated Code of Maryland

.01 - .03 (text unchanged)

14.37.07 Public School Facilities Educational Sufficiency Standards

Authority: Education Article, §5-310, Annotated Code of Maryland

.01 Purpose.

- A. *The purpose of Maryland Public School Facilities Educational Sufficiency Standards (COMAR 13A.01.02.04) is to establish acceptable minimum levels for the physical attributes, capacity, and educational suitability of existing public K–12 school facilities in order to assess existing facilities against a defined standard to identify deficiencies.*

.02 General Requirements.

- A. *The IAC shall periodically review the Standards and update the Facilities Educational Sufficiency Standards.*
- B. *As required by the Education Article, §5-310 of the Maryland Annotated Code, the Sufficiency Standards shall be used to complete assessments of school facilities statewide.*
- C. *Each school facility shall be assessed at least once every 4 years.*

Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Chapter 01 Terminology

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Definitions.

A. In this subtitle, the following terms have the meanings indicated.

B. Terms Defined.

(1) Architectural Services.

(a) "Architectural services" means professional or creative work that:

- (i) Is performed in connection with the design and supervision of construction or landscaping; and
- (ii) Requires architectural education, training, and experience.

(b) "Architectural services" includes:

- (i) Consultation, research, investigation, evaluation, planning, programming, architectural design, and preparation of related documents;
- (ii) Coordination of services furnished by structural, civil, mechanical, and electrical engineers and other consultants;
- (iii) Construction administration to ensure adherence to design and building standards;
- (iv) Construction inspection services; and
- (v) Project close-out services.

(2) "Best value" means the expected outcome of a procurement that provides the greatest overall benefit in response to the requirement.

(3) "Bid" means a statement of price, terms of sale, schedule, and description of the supplies, services, construction, or construction-related services offered by a bidder in response to an invitation for bids.

(4) "BRAC-related project" means a school construction project to provide additional school capacity or provide new or renovated space for educational programs in preparation for increased enrollment related to military base realignment and closure.

(5) Competitive Negotiation.

(a) "Competitive negotiation" means a method of source selection that permits offerors to:

- (i) Demonstrate creativity, experience, and knowledge; and
- (ii) Submit proposals that vary widely in scope, cost, and other factors.

(b) "Competitive negotiation" allows negotiating between the LEA and the qualified offerors with the objective that the final proposal should be the most advantageous to the LEA.

(6) "Competitive sealed bidding" means a process of procurement in which bidders provide fixed prices in response to a scope of work established by the LEA that is defined in advance.

(7) Construction.

(a) "Construction" means the process of building, altering, repairing, improving, or demolishing any structure, building, or other improvement to real property.

(b) "Construction" includes any major work necessary to repair, replace, prevent damage to, or sustain existing components of an improvement to real property.

(c) "Construction" does not include:

- (i) The maintenance or routine operation of an existing improvement to real property; or
- (ii) Activities related to an energy performance contract.

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(8) "Construction management agency (CMA)" means a project delivery method in which the LEA:

- (a) Directly contracts with trade contractors; and
- (b) Performs one of the following:
 - (i) Engages a construction manager as its agent to manage the project; or
 - (ii) Acts as the construction manager.

(9) "Construction management at-risk (CMR)" means a project delivery method in which the LEA engages a construction manager to contract directly with trade contractors and provide a guaranteed maximum price for project procurement and construction.

(10) "Constructor" means the builder of a facility.

(11) "County" includes Baltimore City.

(12) "Day" means calendar day unless otherwise designated.

(13) Design-Build.

(a) "Design-build" means a project delivery method in which a single entity is contractually responsible for both design and construction of a project.

(b) "Design-build" may include finance-design-build and other contracts that include services in addition to design and construction.

(14) "Donation" means a contribution of cash or gift in kind from a private entity to a public school system or a local government, with no consideration required of the recipient.

(15) "eMaryland Marketplace" means the State electronic procurement system.

(16) Engineering Services.

(a) "Engineering services" means professional or creative work that:

- (i) Is performed in connection with utilities, structures, buildings, machines, equipment, and processes; and
- (ii) Requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences.

(b) "Engineering services" includes consultation, research, investigation, evaluation, planning, programming, design, preparation of related documents, and inspection of construction for the purpose of interpreting and assuring compliance with specifications and design within the scope of inspection services.

(c) "Engineering services" does not include the inspection of construction not requiring engineering training.

(17) "Fast track" means a modification to a project delivery method in which portions of a project begin construction while other portions of the project are still in the design phase.

(18) "Gift in kind" means a contribution of materials, labor, services, equipment, or land from a private entity to a public school system or a local government, with no consideration required of the recipient.

(19) "Guaranteed maximum price (GMP)" means an arrangement between the LEA and the construction manager at risk in which the total amount payable to the construction manager at risk for the project is restricted to a preagreed maximum and includes the cost of construction and construction management services that is generally determined before the design and construction documents are complete.

(20) "High performance school" means:

(a) A school building that meets or exceeds the current version of the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) for schools green building rating system silver rating; or

(b) A school building that achieves at least a comparable numeric rating according to a nationally recognized, accepted, and appropriate numeric sustainable development rating system, guideline, or standard approved by the Secretary of Budget and Management and the Secretary of General Services.

(21) "IAC" means the Interagency Committee on School Construction.

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(22) "IAC or its designee" means a member of the IAC or a staff member, respectively, of the Maryland State Department of Education, the Department of General Services, or the Maryland Department of Planning who has been specifically designated to act in the place of the IAC member, or the Executive Director of the Public School Construction Program.

(23) "Invitation for bids (IFB)" means the document used for soliciting bids under procurement by competitive sealed bidding.

(24) "Job order contracting (JOC)" means a project delivery method in which the LEA selects a contractor through a competitive procurement process based on a multiplier or coefficient that:

- (a) Reflects the bidder's determination of the actual cost to perform the work plus overhead and profit; and
- (b) Is applied to a fixed-price list of construction items and activities.

(25) "LEA" means the local education agency or its designee.

(26) "Lease-leaseback" means an arrangement in which a private entity undertakes a public school construction project on property leased from, and subleased back to, an LEA on condition that the property leased from the LEA reverts to the LEA upon a date certain.

(27) "Limited renovation" means to upgrade an existing building and site, or a portion of a building and site, to achieve many, but not all, of the current educational, building performance, and aesthetic qualities of a new school, by upgrading or replacing a minimum of five major building systems and performing widespread educational or architectural enhancements.

(28) "Local board" means the board of education of a county and includes the Baltimore City Board of School Commissioners

(29) "Maintenance" means routine, preventative, or corrective activities that are performed to a facility to:

- (a) Continue operations or upkeep;
- (b) Prevent deterioration; or
- (c) Correct a deficiency.

(30) Minority Business Enterprise (MBE).

(a) "Minority business enterprise" means a legal entity, other than a joint venture, organized to engage in commercial transactions, that is:

- (i) At least 51 percent owned and controlled by one or more individuals who are socially and economically disadvantaged;
- (ii) Managed by, and whose daily business operations are controlled by, one or more of the socially and economically disadvantaged individuals who own it; and
- (iii) Certified as a Minority Business Enterprise by the Maryland Department of Transportation.

(b) "Minority business enterprise (MBE)" includes a not-for-profit entity organized to promote the interests of physically or mentally disabled individuals.

(31) "Multistep sealed bidding" means a multiphase process in which bidders submit a technical offer (statement of qualifications) and a second phase in which those bidders who are determined qualified during the first phase may have price bids considered.

(32) "Offeror" means an entity that responds to a request for proposals.

(33) "Performance-based contracting" means an agreement in which the LEA and a private entity enter into a contract such as an energy-performance contract funded by guaranteed savings over a specific time period.

(34) "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the State Commissioner of Labor and Industry under State Finance and Procurement Article, §17-208, Annotated Code of Maryland.

(35) "Priority funding area" means an area designated by a county or a municipal corporation in accordance with State Finance and Procurement Article, §§5-7B-02 and 5-7B-03, Annotated Code of Maryland.

(36) "Proposal" means the response by an offeror to a request for proposals.

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(37) "Public-private partnership" means an arrangement in which the LEA and a private entity enter into a shared use arrangement of one or more portions of one or more public school facilities in return for public school property enhancement, or revenue, or both.

(38) "Quality based selection" means a method of source selection based on a combination of qualification and cost factors.

(39) "Renovation" means a major construction project to upgrade an existing building and site, or a portion of a building and site, to achieve the current educational, building performance, and aesthetic qualities of a new school.

(40) "Responsible" means an entity that has:

- (a) The capability in all respects to perform fully the contract requirements; and
- (b) The integrity and reliability that shall assure good faith performance.

(41) "Responsive" means a bid submitted in response to an invitation for bids that conforms in all material respects to the requirements contained in the invitation for bids.

(42) Request for Proposals.

(a) "Request for proposals" means any documents used for soliciting proposals from offerors.

(b) "Request for proposals" may request the offeror's price and terms for the proposed contract, a description of technical expertise, work experience, and any other information.

(43) "Request for qualifications" means any documents used to solicit statements of qualifications including experience, references, team composition, financial stability and condition, and availability of equipment from bidders.

(44) "Sale-leaseback" means an arrangement in which a private entity undertakes a public school construction project on property purchased from, and leased back to, an LEA, if the following conditions are met:

(a) The property purchased from the LEA reverts to the LEA upon a date certain;

(b) The LEA and the county have determined that the property is eligible for conveyance, under Education Article, §§4-114(c)(3) and 4-115, Annotated Code of Maryland; and

(c) The IAC and the Board of Public Works approve the conveyance.

(45) "Solicited" means an invitation for bid, request for proposals, request for qualifications, or other formal notification to the public of the owner's interest in receiving prices, other information, or both, for a proposed public school construction project or related services, which contains all relevant information to allow members of the public to submit responsive and responsible bids, offers, or proposals.

(46) "Special education classroom" means a classroom that is used primarily for students who are instructed for more than 60 percent of the day outside of regular classrooms.

(47) "State" means the government of the State of Maryland.

(48) "Trade contract" means a contract for specialized construction work including, but not limited to, electrical, plumbing, and carpentry.

(49) "Trade package" means solicitation documents for a trade contract.

(50) "Unsolicited proposal" means a written proposal for an original or innovative idea that is submitted on the initiative of the offeror for the purpose of obtaining a contract with the LEA.

Administrative History

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Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Chapter 02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-301; State Finance and Procurement Article, §5-7B-07;
Annotated Code of Maryland

.01 Definitions.

A. In this chapter, the following terms have the meaning indicated.

B. Terms Defined.

(1) "Forward-funded project" means a school construction project that the State has approved for planning and for which the LEA has paid some portion of the State share with local funds.

(2) "Free and reduced-price meal percentage" means the number of students eligible in the previous year for free and reduced-price meals, divided by the full-time equivalent enrollment from the previous year.

(3) "Funding approval" means the State commits to fund, in the next fiscal year, the entire or a portion of the State share of eligible costs for a school construction project.

(4) "Locally funded project" means a school construction project that has been designed, built, or occupied prior to State approval of planning.

(5) "Planning approval" means the State commits to fund, in some future fiscal years, the State share of eligible costs for a school construction project.

.01-1 Facility Database.

The LEA shall update the IAC facility database when a State-funded project is substantially complete.

.02 Local Educational Facilities Master Plan.

A. A local educational facilities master plan is a written plan that includes:

(1) Educational goals, standards, and guidelines;

(2) Community analysis, concluding that the plan conforms to the adopted county and municipal comprehensive plan and growth management strategies;

(3) An inventory and evaluation of existing school buildings;

(4) Current and projected enrollment data;

(5) Analysis of future school facility needs;

(6) Policies for co-location, shared use, and shared cost of existing and planned school facilities;

(7) Policies to address school capacity needs in planned growth areas or to address adequate public facilities ordinance requirements; and

(8) Policies addressing current and planned transportation for students, administrators, and teachers per school.

B. Annually by the date the IAC specifies, each LEA shall submit to the IAC an educational facilities master plan that its local board has approved.

C. The IAC or its designee shall:

(1) Review each local educational facilities master plan; and

(2) Notify the LEA in writing of objections or exceptions to the plan.

D. The local educational facilities master plan together with any LEA amendments and IAC or its designee comments is the plan of record.

E. The IAC may recommend to the Board of Public Works the disapproval of any school construction project that is not consistent with the plan of record.

.03 Capital Improvement Program.

A. Local Submissions.

(1) Annually by the date the IAC specifies, each LEA with approval from its local board shall submit to the IAC a local capital improvement program for the next fiscal year that identifies and prioritizes:

(a) New construction projects, including replacement schools and additions, and renovation projects, including limited renovation projects, proposed for planning approval;

(b) New construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities proposed for funding approval; and

(c) New construction projects, including replacement schools and additions, and renovation projects, including limited renovation projects, that the LEA has locally funded and for which the LEA seeks planning approval and funding approval.

(2) Annually by the date the IAC specifies, each LEA with approval from its local board shall submit to the IAC a local capital improvement program for the 5 years following the next fiscal year.

(3) The annual and the subsequent 5-year local capital improvement programs shall be:

(a) Consistent with the educational facilities master plan of record; and

(b) Approved by the county governing body.

B. IAC Review.

(1) Planning Approval. The IAC or its designee shall evaluate the merits of planning approval requests contained in the local capital improvement programs using the following factors as applicable and rank the requests on a Statewide basis using the factors in §B(1)(a)—(e) of this regulation:

(a) State educational priorities;

(b) Enrollment projections, that is, the extent to which 7-year enrollment projections exceed the State-rated capacity for the applicable schools;

(c) Average year of completed construction of the building;

(d) The rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools, including location of a new school or a replacement school that adds capacity within a priority funding area;

(e) The number of students who receive special education services, who are eligible for free and reduced price meals, or who are English-language learners;

(f) Analysis of the feasibility studies required for projects in which an LEA seeks to abandon an existing school building or demolish more than 50 percent of the gross square footage;

(g) Documentation for limited renovation projects for which the State has provided funding for projects within the past 15 years;

(h) Adequacy of maintenance programs;

(i) Justification for the transfer of a school building in the same geographic area by a local board to the county government because the property was determined no longer needed for school purposes;

(j) Progress on previously approved projects;

(k) Evidence of high performance school design;

(l) For locally funded projects for which State planning and funding approval is sought, application of the State's Minority Business Enterprise Program and prevailing wage rates;

(m) Statewide needs measured against the potential for future capacity for State funding; and

(n) Other factors considered appropriate.

(2) Funding Approval. The IAC shall evaluate funding approval requests contained in the local capital improvement programs using the following factors when applicable:

(a) Status of planning approval.

- (b) Enrollment projections, that is, the extent to which 7-year enrollment projections exceed the State-rated capacity for the applicable schools;
 - (c) Adequacy of maintenance programs;
 - (d) Adequacy of project description;
 - (e) Adequacy of project cost estimate;
 - (f) Progress on project design and anticipated bid date;
 - (g) The rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools;
 - (h) Location of a new school or a replacement school that adds capacity within a priority funding area;
 - (i) Statewide needs measured against the capacity for State funding;
 - (j) For relocatable facilities, the review criteria in Regulation .16 of this chapter;
 - (k) Progress on previously approved projects;
 - (l) Evidence of high performance school design;
 - (m) For locally funded projects for which State planning and funding approval is sought, application of the State's Minority Business Enterprise Program and prevailing wage rates;
 - (n) Recurring or unresolved audit exceptions; and
 - (o) Other factors considered appropriate.
- (3) After initial review of the local capital improvement programs, the IAC shall:
- (a) Notify the LEAs of preliminary recommendations; and
 - (b) Allow LEA representatives to present information pertaining to projects that were not recommended for approval by IAC staff for inclusion in the State capital improvement program.

C. Priority Funding Area Review.

- (1) Except as provided in §C(3) of this regulation, when an LEA proposes to build a new school or to increase the State-rated capacity of a replacement school outside of a priority funding area, the LEA shall request a waiver in accordance with Regulation .28 of this chapter for approval of planning and funding.
- (2) Unless a waiver is granted under Regulation .28 of this chapter, a new school or a replacement school that adds capacity proposed for planning and funding approval shall be in a priority funding area.
- (3) The following school construction projects are not subject to the requirement of §C(1) of this regulation:
- (a) A locally funded project that was funded by an LEA prior to or in Fiscal Year 2012;
 - (b) A public school construction project that was approved for planning in an annual capital improvement program prior to or in Fiscal Year 2012;
 - (c) A replacement school on the same site when there is no increase of capacity; or
 - (d) A renovation, limited renovation, addition, or systemic renovation project.

D. Preliminary State Capital Improvement Program.

- (1) IAC Recommendation. By December 31 annually, the IAC shall submit to the Board of Public Works a preliminary State capital improvement program for the following fiscal year that:
- (a) Identifies new construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities recommended for planning approval, or funding approval, or both;
 - (b) Recommends a maximum State construction allocation for each project; and

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(c) Totals 75 percent of the preliminary school construction allocation, as determined under State Finance and Procurement Article, §8-113, Annotated Code of Maryland.

(2) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

(3) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a preliminary State capital improvement program that may not exceed 75 percent of the preliminary school construction allocation.

E. Interim State Capital Improvement Program Recommendation; IAC Recommendation.

(1) Before March 1 of each year, the IAC shall submit to the Board of Public Works, the presiding officers and the budget committees of the General Assembly, and the Department of Legislative Services an interim State capital improvement program that totals 90 percent of the anticipated final capital budget by proposing:

- (a) New construction projects, including replacement schools and additions;
- (b) Renovation projects, including limited renovation projects;
- (c) Systemic renovation projects;
- (d) Relocatable facilities; and
- (e) A recommended maximum State construction allocation for each project.

(2) The IAC recommendation shall take into account:

- (a) The preliminary State capital improvement program;
- (b) Additional information the LEAs provide;
- (c) The anticipated final capital budget for public school construction;
- (d) Funds added from the Statewide contingency account; and
- (e) Other information the IAC considers appropriate.

(3) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

F. Final State Capital Improvement Program.

(1) IAC Recommendation.

(a) After the school construction capital budget is finalized for the following fiscal year, the IAC shall submit to the Board of Public Works a final State capital improvement program that identifies new construction projects, including replacement schools and additions, renovation projects, including limited renovation projects, systemic renovation projects, and relocatable facilities recommended for planning approval or funding approval and that recommends a maximum State construction allocation for each project.

(b) The recommendation shall take into account:

- (i) The preliminary State capital improvement program;
- (ii) Additional information the LEAs provide;
- (iii) The final capital budget for public school construction;
- (iv) Funds added from the Statewide contingency account;
- (v) Requirements in the capital budget bill; and
- (vi) Other information the IAC considers appropriate.

(c) A systemic renovation project solicited before Board of Public Works approval is ineligible for State funding.

(2) Board of Public Works Approval. The Board of Public Works shall review the IAC recommendation, modify it as appropriate, and approve a final State capital improvement program after May 1.

G. Revisions. After Board of Public Works approval of the final State capital improvement program, the program may be revised only upon IAC review and recommendation to the Board of Public Works and approval by the Board of Public Works.

.04 State-Rated Capacity.

A. Definition. In this regulation, State-rated capacity means the number of students that the IAC or its designee determines that an individual school has the physical capacity to enroll.

B. Elementary Schools.

(1) For purposes of determining State-rated capacity, elementary schools are schools enrolling students in one or more grades from prekindergarten through grade 6.

(2) An elementary-school classroom is a space in which the majority of the school day is spent in instruction of the core curriculum.

(3) The approved capacity for an elementary school classroom is:

- (a) Prekindergarten classroom—20;
- (b) Kindergarten classroom—22;
- (c) Grades 1 through 5 classroom—23;
- (d) Grade 6 classroom—25; and
- (e) Special education classroom—10.

(4) State rated capacity for an individual elementary school is calculated according to the following formula:

- (a) Multiply the number of classrooms in each grade by the approved capacity for that grade; and
- (b) Then add the resulting products.

(5) Open-space classroom capacity is calculated according to the following formula:

- (a) Divide the open space area by a square foot number the IAC determines;
- (b) Next, round the quotient to the nearest whole number; and
- (c) Then, multiply the rounded quotient by the State-approved capacity for the elementary grade.

C. Secondary Schools.

(1) For purposes of determining State-rated capacity, secondary schools are schools enrolling students in one or more grades from 6 through 12.

(2) Classrooms.

(a) A secondary-school classroom is a space in which any scheduled instruction takes place.

(b) Secondary-school classrooms include laboratories, career technology rooms, music rooms, art rooms, consumer science rooms, gymnasiums, and auxiliary physical education classrooms.

(c) A gymnasium with a standard interscholastic basketball court counts as two classrooms.

(3) The approved capacity for a secondary school classroom is:

- (a) Grades 6 through 12 classroom—25; and
- (b) Special education classroom—10.

(4) State-rated capacity for an individual secondary school is calculated according to the following formula:

(a) For regular classrooms:

- (i) Multiply the number of regular classrooms by the approved capacity;
- (ii) Next, add the resulting products; and
- (iii) Then, multiply this sum by 85 percent;

(b) For special education classrooms, multiply the number of special education classrooms by the approved capacity; and

(c) Then, add results from §C(4)(a) and (b) of this regulation.

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(5) Open-space classroom capacity is calculated according to the following formula:

- (a) Divide the open space area by a square foot number the IAC determines;
- (b) Next, round the quotient to the nearest whole number;
- (c) Then, multiply the rounded quotient by the State-approved capacity for the secondary grade; and
- (d) Finally, multiply by 85 percent.

D. Career and Technology Programs.

(1) Career and technology programs are occupational programs approved by the Maryland State Department of Education.

(2) The approved capacity for a career and technology classroom is as the IAC or its designee determines on a case-by-case basis.

(3) State-rated capacity for an individual career and technology program is calculated according to the following formula:

- (a) Multiply the number of classrooms by the approved capacity for that career and technology classroom;
- (b) Next, add the resulting products; and
- (c) Then, multiply by 85 percent.

E. The IAC or its designee shall determine on a case-by-case basis the State-rated capacity for a school that is not defined in §§B, C, and D of this regulation.

F. Cooperative use space dedicated in a written agreement to noneducational purposes is not included in the State-rated capacity.

.05 State Cost Share Percentage.

A. The State may fund eligible costs of approved public school construction projects according to the State cost share percentage established in this regulation.

B. Percentages.

(1) The minimum State share of public school construction funding for eligible costs of approved projects is 50 percent.

(2) Repealed.

(3) For Fiscal Year 2019, the State share percentages of public school construction funding for eligible costs of approved projects are as follows:

County	FY 2019
Allegany	85%
Anne Arundel	50%
Baltimore City	93%
Baltimore	56%
Calvert	53%
Caroline	81%
Carroll	59%
Cecil	66%
Charles	61%
Dorchester	76%
Frederick	64%
Garrett	50%
Harford	63%
Howard	55%

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County	FY 2019
Kent	50%
Montgomery	50%
Prince George's	70%
Queen Anne's	51%
St. Mary's	58%
Somerset	100%
Talbot	50%
Washington	71%
Wicomico	97%
Worcester	50%

(4) Reductions in cost share that exceed -5% shall be phased in over 3 years so that a 1-year reduction in the cost share percentage does not exceed -5%.

(5) The State share percentage for the Maryland School for the Blind shall be 93 percent of eligible costs of approved projects.

C. Revisions to Percentages.

(1) By October 2010 and every 3 years thereafter, the IAC shall recommend to the Board of Public Works the cost share percentage to be applied to projects submitted for approval in the Fiscal Year 2013 local CIP and every 3 years thereafter.

(2) The IAC shall use the formula in §C(3) of this regulation to recommend revisions to the State cost share percentage.

(3) The IAC shall add the following amounts to calculate the recommended revised cost share amounts:

(a) The LEA's current State share of the Foundation program divided by the Foundation program of the LEA as defined under Education Article, §5-202, Annotated Code of Maryland;

(b) The current amount of State aid provided to the LEA by the guaranteed tax base program as defined under Education Article, §5-210, Annotated Code of Maryland, divided by the Foundation program of the LEA;

(c) 20 percent of the amount by which the LEA's free and reduced price meal percentage exceeds the Statewide free and reduced price meal percentage in the prior school year;

(d) 5 percent if the county where the LEA is located is a One Maryland county that has an unemployment rate greater than 1.5 times the State average unemployment rate;

(e) 5 percent if the county where the LEA is located is a One Maryland county that has a per capita income below 67 percent of the State average per capita income;

(f) The difference between the percent growth in the LEA's full-time equivalent enrollment, as defined by Education Article, §5-202, Annotated Code of Maryland, from the 6th prior year to the prior year, and the percent growth in the Statewide full-time equivalent enrollment from the 6th prior year to the prior year, provided this calculation results in a positive number; and

(g) 10 times the amount by which the county's and local board's total outstanding school construction debt at the end of the 2nd prior fiscal year plus the county's total school construction expenditures from its operating budget from the 4th to the 2nd prior fiscal years exceeds 1 percent of the county wealth, as defined by Education Article, §5-202, Annotated Code of Maryland, for the prior fiscal year.

.06 Maximum State Construction Allocation.

A. The maximum State construction allocation is the maximum amount the State may fund of eligible costs for each public school construction project.

B. The maximum State construction allocation for each approved public school construction project is set in the State capital improvement program.

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C. The maximum State construction allocation is set at the first year of funding approval.

D. The actual funding is based on the costs of approved contracts and change orders for eligible expenditures, and may be less than the maximum State construction allocation.

E. Maximum Gross Area Allowance.

(1) The maximum gross area allowance is the product of the approved student enrollment and the maximum gross area allowance per student.

(2) The maximum gross area allowance per student is set by the Board of Public Works upon recommendation of the IAC.

F. The average Statewide per-square-foot school building cost that applies to each annual capital improvement program:

(1) Is established by July of the calendar year in which applications are submitted;

(2) Is based on:

(a) Bids received for new school construction in the prior year; and

(b) Cost information derived from industry sources; and

(3) May be adjusted by the IAC to reflect market conditions before submission of the final State capital improvement program, as described in Regulation .03D of this chapter.

G. New Construction. The maximum State construction allocation for new construction is calculated according to either:

(1) The following formula:

(a) Multiply the lesser of the maximum gross area allowance or the actual project gross area by the average Statewide per square foot school building cost, which is based on bids received for new school construction in the prior year and cost information derived from industry sources;

(b) Next, add site development costs, figured as a percentage of the building cost set forth in §F(1)(a) of this regulation;

(c) Then, add the contingency amount, figured as a percentage of the sum of §F(1)(a) and (b) of this regulation; and

(d) Finally, multiply by the State cost share percentage; or

(2) The estimated or actual cost of construction multiplied by the State cost share percentage, not to exceed the amount calculated in §F(1) of this regulation.

H. Renovation.

(1) The maximum State construction allocation for projects proposed to renovate buildings or portions of buildings, 16 years old or older, is calculated according to either:

(a) The following formula:

(i) Beginning with the oldest portion of the building, and using the maximum gross area allowance as the upper limit, determine the eligible square footage of the renovation categorized according to the age group of the building portion containing the renovation;

(ii) Multiply the eligible square footage for each age group by the average Statewide per square-foot building cost, and then multiply each product by the percentage in §H(1)(a)(iii) of this regulation;

(iii) Age of building portion containing renovation as measured from January 1 following the IAC December 31 submission of the preliminary State capital improvement program: 40 years or older—100 percent; 31 to 39 years—85 percent; 26 to 30 years—75 percent; 21 to 25 years—65 percent; 16 to 20 years—50 percent; and 0 to 15 years—0 percent;

(iv) Add the products calculated in §H(1)(a)(ii) of this regulation;

(v) Next, add site development costs, figured as a percentage of total building costs set forth in §H(1)(a)(iv) of this regulation;

(vi) Then, add the contingency amount, figured as a percentage of the sum of §H(1)(a)(iv) and (v) of this regulation; and

(vii) Finally, multiply by the State cost share percentage; or

(b) The estimated or actual cost of construction multiplied by the State cost share percentage, not to exceed the amount calculated in §H(1)(a) of this regulation.

(2) Adjustments to Maximum State Construction Allocation for Renovation Projects. The IAC may recommend to:

(a) Subtract funding from the maximum State construction allocation that the State has approved for other projects less than 16 years old at that school; and

(b) Adjust the maximum State construction allocation for renovation of a building that exceeds the maximum gross area allowance.

(3) The State may not further participate in funding projects in the school within 15 years after the project is placed in service.

I. Limited Renovation.

(1) The estimated cost of construction of a limited renovation may not exceed the estimated cost of construction for a renovation.

(2) The maximum State construction allocation for a limited renovation is calculated as follows:

(a) Multiply the estimated costs of construction, including site work, by the State cost share percentage; and

(b) Add to this product the contingency amount, figured as a percentage of §I(2)(a) of this regulation.

(3) At the time of contract award, the actual funding is based on the costs of items eligible for State participation, up to the maximum State construction allocation.

(4) Adjustments to Maximum State Construction Allocation for a Limited Renovation.

(a) The IAC may recommend subtracting from the maximum State construction allocation funding approved for other projects not older than 15 years old at that school.

(b) If projects in the school have been funded within the previous 15 years, the LEA shall provide documentation to identify all previously funded scope of work that may be replaced or upgraded in the limited renovation.

(5) For a limited renovation, the new average year of completed construction of the building or portion of the building is determined by the average year of completed construction of the original building, plus the year of completed construction of the limited renovation, divided by 2.

(6) The State may further participate in funding projects in the school within 15 years after the project is placed in service.

J. Addition. When a project involves an addition only, the IAC at its discretion may calculate the maximum State allocation according to either:

(1) The following formula:

(a) Subtract the existing square footage from the maximum gross area allowance; and

(b) Then use the lesser of that amount or the actual area of the addition when calculating the maximum State construction allocation according to §E of this regulation; or

(2) The estimated or actual cost of construction multiplied by the State cost share percentage.

K. Addition in Conjunction with Renovation or Limited Renovation. When an addition involves both an addition and a renovation or a limited renovation, the maximum State construction allocation is established by adding the renovation or limited renovation maximum State construction allocation calculated according to §G or H of this regulation and the addition (new construction) maximum State construction allocation calculated according to §J of this regulation.

L. Replacement.

(1) An LEA that proposes to abandon a facility or demolish more than 50 percent of the gross square footage of a facility shall submit a feasibility study to the reasonable satisfaction of the IAC.

(2) Based on the review of the feasibility study, the IAC may set the maximum State construction allocation for a replacement school based on the cost of renovating an existing school according to §H of this regulation, or the cost of building a new school according to §G of this regulation.

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(3) If the State approves renovating an existing school and the LEA builds a replacement school, the IAC may reduce the renovation maximum State construction allocation for that project by 15 percent.

(4) The IAC or its designee may waive the requirement for a feasibility study on submission of supporting documentation.

M. Forward-Funded Project. If the maximum State construction allocation for a forward-funded project is calculated according to the formulas in §G, H, or I of this regulation, the following factors shall be applied:

(1) Maximum gross area allowance that applied on the bid-opening date, using the 7-year enrollment projections applied as follows:

(a) If the bid opening was between October 1 and March 31, the prior September 30 enrollment is used as the approved student enrollment; and

(b) If the bid opening was between April 1 and September 30, the September 30 enrollment at the end of that time frame is used as the approved student enrollment;

(2) Average square foot school building cost published by the IAC or its designee for the July that falls within the calendar year of the bid-opening date;

(3) State cost share percentage that applied on the bid-opening date; and

(4) For a limited renovation project, the amount of the awarded scope of work plus contingency, not to exceed the maximum State construction allocation as developed in §H(1)(a) of this regulation.

N. BRAC-Related Project.

(1) An LEA may request that a project be designated as a BRAC-related project to:

(a) Provide additional capacity; or

(b) Provide new or renovated space for educational programs in preparation for new jobs on military bases that are related to BRAC, as determined by the IAC or its designee.

(2) A BRAC-related project shall meet the following criteria:

(a) The school shall be located within a certified priority funding area;

(b) The school shall meet one or both of the following location requirements:

(i) The school in which the project is proposed shall be located less than 10 miles from the perimeter of a BRAC-affected military base; or

(ii) The school in which the project is proposed shall be located less than 20 minutes in driving time from the entrance gate of a BRAC-affected military base; and

(c) The LEA shall submit with the local capital improvement program a comprehensive plan to upgrade the condition of the entire facility to match the final condition of the proposed capital improvement project within 6 years of the application, or evidence that the facility is already in that condition.

(3) If a project that is designated as a BRAC-related project is also approved as a project for planning and funding in an annual capital improvement program:

(a) Without an additional request for planning approval, the LEA may request approval of supplemental State funding for the project in an annual capital improvement program after the elapse of a period to be determined by the IAC, but not less than 2 years from the time of project completion;

(b) The supplemental State funding shall be based on:

(i) The actual enrollments that have resulted from BRAC actions, according to criteria established by the IAC, that are in excess by a minimum of 5 percent of the enrollment projections that applied at the time of approval or bid date of the BRAC-related project, whichever was earlier;

(ii) The cost of construction that was applicable on the date of bid, according to either the formulas in §G, H, or I of this regulation, or the actual cost of construction, whichever is less; and

(iii) The cost share percentage that was applicable at the time of bid; and

(c) The request for supplemental funding is to be submitted as a new project request in the annual capital improvement program, and will be considered for approval of funding according to the factors described in Regulation .03B(2) of this chapter.

O. Cooperative Use Space.

(1) The maximum State construction allocation for an approved project may include the State's share of eligible costs to construct or renovate up to 3,000 gross square feet of co-located or shared space to support LEA or community initiatives to serve school children and the general community.

(2) This cooperative use space is in addition to the size of typical school-function areas provided by the LEA.

(3) There shall be a written agreement between the county board and the space occupant that establishes the term and conditions.

.07 Changes to the Maximum State Construction Allocation.

After the Board sets the maximum State construction allocation in the State capital improvement program:

A. The IAC may reduce the maximum State construction allocation if a local board changes a decision that was a reason for setting the approved scope of the project; and

B. The Board of Public Works may increase the maximum State construction allocation upon a recommendation of the IAC based on all the following:

(1) The project is within a "One Maryland" jurisdiction as defined in COMAR 24.05.23;

(2) The LEA documents that the:

(a) Project has critical impact on the LEA's budget;

(b) LEA has taken reasonable actions to reduce construction costs; and

(c) Construction costs have resulted from exceptional circumstances different from those that confront most projects in the State or region; and

(3) The State Superintendent of Schools determines that:

(a) The educational impact of the project extends beyond the school and its immediate community; and

(b) There are no alternatives to resolving the educational facility problem that the project addresses.

.08 Rescinding Planning Approval.

A. If, within 2 years after a project is approved for planning, no part of the project is under contract for design, the IAC may determine the project to be abandoned and rescind the planning approval.

B. An LEA that seeks reapproval of a project whose planning approval has been rescinded shall submit a new planning request in a future local capital improvement program.

.09 Rescinding Funding Approval.

A. If, within 2 years after funding is made available for a project, no part of the project is under contract for construction, the IAC may determine that the project is abandoned and rescind the funding approval.

B. When the IAC rescinds funding approval, the IAC shall transfer the allocation to the Statewide contingency account for the fiscal year in which the project was approved for funding.

C. Funds transferred to the Statewide contingency account may be used for any project approved in a future State capital improvement program.

D. An LEA that seeks reapproval of a project whose funding approval has been rescinded shall submit a new funding request in a future local capital improvement program.

.10 Innovative Design and Construction.

A. The IAC may select aspects of school design that warrant study and request proposals from LEAs for innovative projects intended to improve school design in the State.

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B. As part of the State capital improvement program, the IAC may recommend to the Board of Public Works approval of funds for design and construction of innovative projects intended to improve school design in the State.

C. The IAC may recommend that up to 0.25 percent of the State capital improvement program funds be used to fund:

- (1) Architectural and engineering services that exceed ordinary architectural and engineering costs; and
- (2) Construction costs above the maximum State construction allocation.

.11 Eligible Expenditures.

The following expenditures may be eligible for State funding:

A. New construction, as follows:

- (1) Construction of a new school facility, that is, work necessary to construct a new school facility, including building and site development;
- (2) Additions to an existing facility, that is, work necessary to increase space at an existing school facility, including:
 - (a) Building and site development; and
 - (b) Work to physically integrate the addition into the existing school;
- (3) Replacement of a building or building portion, that is, work necessary to reconstruct a school facility that cannot be economically repaired or renovated, including building and site development; and
- (4) Modular construction, that is, factory-fabricated structures that have the same quality systems and materials as used for permanent school construction and that meet the standards of the COMAR 05.02.04;

B. Renovation or limited renovation, that is, work necessary to restore and modernize an existing school facility or a portion of a facility that is 16 years old or older;

C. Systemic renovations as set forth in Regulation .15 of this chapter;

D. State-owned relocatable facilities as set forth in Regulation .16 of this chapter;

E. Temporary facilities, including utilities and relocatable facilities, that are necessary on-site during construction of a State-funded project;

F. Built-in equipment and furnishings as defined by the IAC;

G. Off-site development costs required by local, State, or federal agencies;

H. Emergency repairs as set forth in Regulation .17 of this chapter;

I. Window air-conditioning units, and associated electrical upgrades, installation, and security in schools where more than half of classrooms are not temperature-controlled.

(1) Notwithstanding any other regulation, the IAC may not recommend to subtract funding from the maximum State construction allocation for future renovation projects based on funding of air-conditioning units under this regulation;

(2) An LEA receiving funding for air-conditioning units shall annually certify that the units are being maintained on an ongoing basis and are operable; and

J. E-rate eligible special construction broadband infrastructure projects, including offsite development costs, for E-rate eligible applicants consistent with 47 C.F.R. 54.505, through the State funding of grants to local boards of education.

.12 Ineligible Expenditures.

The following expenditures are ineligible for State funding:

A. Site acquisition;

B. Offsite development costs except those listed as eligible in Regulation .11 of this chapter;

C. Architecture, engineering, or other consultant fees, except as permitted by Regulation .10 of this chapter;

D. Master plans, feasibility studies, programs, educational specifications, or equipment specifications;

E. Projects proposed in buildings or portions of buildings that have been constructed or renovated within 15 years, except that a building or portion of a building in which a limited renovation was performed is eligible for additional work within 15 years of the date that the limited renovation construction was completed;

F. Systemic renovation projects to replace, upgrade, or renovate building systems that have been replaced, upgraded, or renovated within 15 years.

G. Ancillary construction costs such as:

- (1) Permits;
- (2) Test borings;
- (3) Soil analysis;
- (4) Bid advertising;
- (5) Water and sewer connection charges;
- (6) Topographical surveys;
- (7) Models;
- (8) Renderings; or
- (9) Cost estimating;

H. Leasing or purchasing school facilities except as provided in COMAR 23.03.05;

I. Construction inspection services;

J. Relocation costs for site occupants;

K. Salaries of local employees;

L. Construction of administrative or support facilities, including regional or central administrative offices, warehousing, resource, printing, vehicle storage, and maintenance facilities;

M. Movable equipment, furnishings, and artwork as defined by the IAC;

N. Maintenance; and

O. Temporary storage.

.13 Site Selection.

A. An LEA shall submit a proposed site to the Maryland Department of Planning through the Public School Construction Program for:

- (1) Acquisition of a new site for a new or a replacement school;
- (2) Use of an existing site for a new school or a replacement school that adds capacity; or
- (3) Redesignation of an existing site for a new school or a replacement school that adds capacity.

B. Unless a waiver is granted in accordance with Regulation .28 of this chapter, a proposed site for a new school or a replacement school that adds capacity shall be in a priority funding area.

C. The IAC and State Superintendent of Schools shall approve or disapprove an LEA's school site selection based on:

- (1) Consistency with the county comprehensive plan;
- (2) The growth element of applicable municipal comprehensive plans;
- (3) Available sewer and water service;
- (4) Transportation options; and

(5) The State's economic growth policies to ensure that facilities in established neighborhoods are of equal quality to new schools, including location of a new school or a replacement school that adds capacity within a priority funding area.

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D. Before submitting the request for site approval to the IAC, the LEA shall:

- (1) Submit the site selection to the Maryland Department of Planning for State Clearinghouse review; and
- (2) Resolve any issues brought up in the State Clearinghouse review.

E. When submitting the site for IAC approval, the LEA shall include:

- (1) The local board of education's approval of the school site acquisition to the IAC; and
- (2) For a new school or a replacement school that adds capacity located outside of a priority funding area, a request for a waiver in accordance with Regulation .28 of this chapter.

F. The IAC may recommend including a project for planning approval in the State capital improvement program only if the project site has been approved or re-approved by the IAC in the preceding 5 years.

G. Priority Funding Area Review.

(1) Except as provided in §G(2) of this regulation, priority funding area review shall be conducted by the IAC for sites for new schools and replacement schools that add capacity and are proposed outside of priority funding areas, including review of requests for:

- (a) Acquisition of new sites for new schools or replacement schools that add capacity;
- (b) Reapproval of existing sites that were initially approved after the effective date of this regulation; or
- (c) Redesignation of existing sites that were initially approved after the effective date of this regulation.

(2) The following sites for school construction projects are not subject to priority funding area review:

- (a) A site that was approved prior to the effective date of this regulation if a new school or a replacement school that adds capacity on the site received planning approval within 5 years of the date of the previous approval; and
- (b) A site for a replacement school when there is no increase of capacity.

.14 New Construction, Renovation, and Limited Renovation Projects.

A. This regulation applies to new construction, renovation, and limited renovation projects approved in the State capital improvement program.

B. Architects and Engineers. The LEA shall ensure that:

(1) The plans, specifications, and related documents are developed under the supervision and responsibility of an architect or engineer who is licensed to practice in the State, unless waived by the IAC or its designee;

(2) Unless waived by the IAC or its designee, the design of site development or structural, mechanical, or electrical systems includes the design services of a professional engineer licensed to practice in the State with experience in civil, structural, mechanical, or electrical engineering;

(3) The architect/engineer agreement includes:

(a) Cost control provisions;

(b) Assurance that the project design is in accordance with the Department of General Services procedure manual for professional services standards for energy conservation, life cycle costs analysis, and roofing; and

(c) IAC or its designee review and approval of the schematic, design development, and construction documents as required.

C. Educational Specifications.

(1) The LEA shall submit the project's educational specifications to the IAC.

(2) The IAC or its designee shall notify the LEA of concerns and recommendations about the educational specifications.

(3) The LEA shall resolve the IAC's issues to the reasonable satisfaction of the IAC or its designee.

D. Schematic Designs, Design Development Documents, and Construction Documents.

- (1) The LEA shall submit to the IAC or its designee for review and approval of:
 - (a) Schematic designs, before the LEA proceeds to design development documents;
 - (b) Design development documents, before the LEA proceeds to construction documents; and
 - (c) Construction documents, before the LEA issues the solicitation.

(2) The LEA shall submit to the IAC or its designee for review and approval information regarding the consistency of the project with the Department of General Services procedure manual for professional services standards for energy conservation, life cycle cost analysis, and roofing.

E. Procurement.

- (1) The LEA shall procure construction in compliance with COMAR 23.03.03.
- (2) The IAC may rescind project approval if the LEA:
 - (a) Issues a solicitation before the IAC or its designee approves the solicitation documents; or
 - (b) Awards a contract before the IAC approves the proposed contract award.

F. Construction Inspection. The LEA shall ensure that each construction project is adequately inspected.

G. Change Orders.

(1) The IAC may establish a contingency fund for change orders if funding is available within the maximum State construction allocation.

- (2) The LEA may issue change orders without prior approval of the IAC or its designee.
- (3) State Review of Change Orders.

- (a) The LEA shall submit all change orders to the IAC.
- (b) The IAC or its designee shall review the LEA's change orders as follows:

(i) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(ii) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(4) Change orders that exceed the maximum State construction allocation or that are not approved by the IAC for funding are a local obligation.

H. State Payments.

- (1) The LEA shall submit to the IAC requests for payment.

(2) The IAC or its designee shall review the request for payment for determination of whether the request constitutes an eligible expense and whether payment is within the maximum State construction allocation.

- (3) The State may:

- (a) Make payment directly to the contractor or vendor;
- (b) Reimburse the LEA if documentation indicates that the contractor or vendor has been paid the amount requested for reimbursement; or
- (c) Make payment to an entity identified by the LEA.

I. Project Close-Out. Not later than 180 days after final payment to the contractors, the LEA shall submit to the IAC:

- (1) A close-out cost summary using a form provided by the IAC; and

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- (2) The following information:
 - (a) Contractor's final requisition including a listing of all approved change orders;
 - (b) The architect's certificate of completion; and
 - (c) The LEA's certificate of acceptance.

.15 Systemic Renovations.

A. This regulation applies to systemic renovation projects approved in the State capital improvement program.

B. A systemic renovation project:

- (1) Extends for at least 15 years the life of a properly maintained school building or component that is 16 years old or older;
- (2) Installs, upgrades, replaces, or renovates one of the following building systems or system components:
 - (a) Architectural and structural;
 - (b) Mechanical;
 - (c) Plumbing;
 - (d) Electrical;
 - (e) Fire safety;
 - (f) Communications; and
 - (g) Vertical conveying systems; and
- (3) May include reasonably related components of other building systems as determined by the IAC or its designee.

C. Requests.

(1) An LEA may submit a request to the IAC to fund a systemic renovation project that has not been released for solicitation in its local capital improvement program.

(2) The request may only be for eligible expenditures in a project for which the total estimated construction cost is:

(a) At least \$200,000; or

(b) Less than \$200,000 but more than \$100,000 when the LEA does not have any systemic renovation project requests that exceed \$200,000 in estimated construction costs.

(3) Unless waived by the IAC or its designee, the request may not combine separate groups of systemic renovation projects as categorized in §B to reach the \$200,000 minimum, but the request may include the cost of ancillary work required to complete a project.

D. Procedures. The requirements of Regulation .14B and D—I of this chapter apply to systemic renovation projects approved in the State capital improvement program.

.16 State-Owned Relocatable Facilities.

A. This regulation applies to State-owned relocatable projects approved in the State capital improvement program.

B. A relocatable project is one in which the State:

- (1) Provides a relocatable facility to an LEA, including moving and installing the facility; and
- (2) Contributes funding only to the initial installation and the final removal of the relocatable facility.

C. Requests.

(1) An LEA may submit a request to the IAC for relocatable facilities in its local capital improvement program.

(2) The request may only be to fund installation of relocatables for the relief of overcrowding, special programs, interim classroom facilities while an approved school construction project is constructed, or an emergency.

D. IAC Review. The IAC shall evaluate relocatable-facilities funding approval requests using the following factors:

- (1) The proposed use of the facility at a public school;
- (2) Whether the relocatable facility will be in use for at least 2 years after installation at the requested site; and
- (3) Whether the relocatable facility can be installed in a manner that will not interfere with work associated with proposed renovations, additions, or new construction.

E. Procedures. The provisions of Regulation .14B, E(1), E(2)(b), and F—I of this chapter apply to relocatable facility projects approved in the State capital improvement program.

F. LEA Responsibility After Installation.

(1) After installation, the LEA is responsible for obtaining appropriate insurance and maintaining the relocatable facility. These include:

- (a) Property damage insurance at least in replacement value amount, naming the State and the LEA as payees;
- (b) Personal liability insurance;
- (c) Drawings, specifications, operating instructions, warranties, and keys associated with the installation; and
- (d) A log of completed maintenance.

(2) The LEA shall comply with the Federal Asbestos Hazard Emergency Response Act.

G. Repairs After Installation.

(1) Except as provided in §G(2) of this regulation, the State may contribute funds, up to the State cost share, toward renovation of relocatable facilities.

(2) The State may not contribute funds for renovation necessary because of vandalism or lack of proper maintenance.

H. Surplus Property. The IAC may recommend to the Board of Public Works that a State-owned relocatable facility be declared surplus property.

.17 Emergency Repairs.

A. An emergency condition is a condition in a school building or on school grounds that:

- (1) Presents an immediate health or safety hazard, or a threat of severe damage to the school building or grounds; and
- (2) Could not have been reasonably foreseen through regular inspections or corrected through a regular preventive maintenance program.

B. The IAC may fund eligible costs of correcting an emergency condition according to the State cost share percentage established in Regulation .05 of this chapter. Funding for emergency repairs is separate from the State capital improvement program.

C. Requests.

(1) An LEA shall submit a request to the IAC for funds to correct an emergency condition not later than 6 months after project completion.

(2) The request may only be for eligible costs that total at least \$10,000.

D. Funding. The IAC may:

- (1) Provide the funds to the LEA in advance of the project start or after project completion; and
- (2) Determine whether the emergency repair funds will be deducted from the maximum State construction allocation for future building renovations based on the nature and cost of the emergency repairs.

.18 Maintenance.

A. Comprehensive Maintenance Plan.

(1) A comprehensive maintenance plan is a written plan approved by the local board of education that describes a strategy for maintaining public school facilities.

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(2) Annually, each LEA shall submit to the IAC a comprehensive maintenance plan that is compatible with the local educational facilities master plan and the local capital improvement program.

(3) The IAC or its designee shall notify the LEA of concerns and recommendations about the comprehensive maintenance plan.

(4) The LEA shall resolve the IAC's issues to the reasonable satisfaction of the IAC or its designee.

B. The IAC may determine a project is ineligible for planning approval or funding approval for an existing school if:

(1) The school is not properly maintained; or

(2) The LEA does not have an adequate preventive maintenance program.

C. Maintenance Surveys.

(1) Annual Surveys.

(a) The IAC shall annually survey the maintenance conditions at selected schools in each LEA. The survey shall rate:

(i) Buildings and site components at the schools surveyed; and

(ii) Each school overall.

(b) Within 30 days of receiving notice from the IAC or its designee that a school has been rated less than adequate in any category of building or site component, the LEA shall submit to the IAC a plan of how and when the deficiencies will be corrected.

(c) If a condition is identified that presents a hazard to occupants of the building or the threat of serious damage to the building, the LEA shall take immediate corrective action and notify the IAC of the steps it has taken.

(2) Annual Report. The IAC shall annually submit a report to the Board of Public Works summarizing the annual surveys.

.19 Aging Schools Program.

A. There is an Aging Schools Program. The Aging Schools Program is separate from the State capital improvement program.

B. Purpose. An LEA may use Aging Schools Program funds for capital improvements, repairs, and deferred maintenance of school buildings or building components that are 16 years old or older.

C. Funding.

(1) Allocations for each LEA are set forth in Education Article, §5-206, Annotated Code of Maryland.

(2) The State cost share percentage does not apply to projects funded through the Aging Schools Program. The State may fund all eligible costs of an approved Aging Schools Program project. An LEA may provide additional funds to increase the scope of work or cost for an approved project.

(3) An LEA may not use Aging Schools Program funds to supplement the State allocation received for any other project.

D. Requests. An LEA may submit a request to the IAC for allocated funds for an Aging Schools Program project at any time during the fiscal year of the allocation.

E. IAC Review. The IAC or its designee shall evaluate Aging Schools Program project requests using the following factors:

(1) Type of work;

(2) Age of the building or building component;

(3) State capital improvement program;

(4) Local capital improvement program; and

(5) School's current and projected enrollments.

F. Requirement to Use Funds.

(1) The LEA shall contract to expend funds allocated in a fiscal year before the end of the fiscal year.

(2) The LEA shall expend funds allocated in a fiscal year and request reimbursement within 5 months following the end of the fiscal year.

(3) The IAC may extend the time for placing a project under contract or expending the funds under extraordinary circumstances.

G. Procurement. The LEA shall procure construction in compliance with COMAR 23.03.03.

H. Change Orders.

(1) The LEA may issue change orders in the amount of \$25,000 or less without prior IAC approval.

(2) Review of Change Orders. The LEA shall submit each change order in excess of \$25,000 to the IAC. The IAC or its designee shall review the LEA's change order as follows:

(a) Change orders that increase the cost of the construction contract are evaluated based on the reasonableness of the change order, including cost, and the availability of State funds; and

(b) Change orders that decrease the cost of the construction contract are evaluated based on the impact on the quality and functionality of the construction, the reasonableness of the credit amount, and the funds that may be credited to the State.

(3) Change orders that exceed available State funding or that are not approved by the IAC are a local obligation.

I. State Payment. The LEA shall submit to the IAC one request for payment per project. The IAC or its designee shall review the request for payment for determination of whether the request comprises eligible expenditures and whether payment is within the allocation. The State shall pay the LEA through a single reimbursement at project completion.

J. Ineligible Expenditures. The following expenditures are ineligible for funding under the Aging Schools Program:

(1) Expenditures set forth in Regulation .12 of this chapter, except maintenance is eligible for funding; and

(2) Improvements to or the movement of relocatable facilities.

.20 Change in School Status.

A. An LEA shall report to the IAC changes in:

(1) A school name; and

(2) Use of a school when the school will be used for educational purposes other than as a school or when a school will be left vacant, as provided in Regulations .21 and .22 of this chapter.

B. The LEA shall request State approval to:

(1) Grant easements or rights-of-way on school property;

(2) Lease a portion of a school, as provided in Regulations .21 and .22 of this chapter; and

(3) Transfer a school site or a school building when the school is no longer needed for school purposes, as provided in Regulation .23 of this chapter.

.21 Temporary or Partial Change in School Use.

A. When an LEA uses more than 10 percent of a school building for educational purposes other than as a school for 5 years or less, the LEA shall notify the IAC of the use, the anticipated time for the use, and the expected date for reactivation as a school.

B. When an LEA leases more than 10 percent of a school building for 5 years or less:

(1) The LEA shall request IAC approval to lease by providing the IAC the information in §A of this regulation and a copy of the proposed lease; and

(2) The IAC may require the LEA to:

(a) Pay the State a proportional share of the lease proceeds based on the proportion of the State's investment in the school; and

(b) Assume the outstanding debt remaining for bonds, the proceeds of which were used to construct or renovate the school.

C. When an LEA leaves more than 10 percent of a school building vacant for 5 years or less:

(1) The LEA shall report the vacancy to the IAC by providing the information in §A of this regulation; and

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(2) The IAC may require the LEA to assume the outstanding debt remaining for bonds, the proceeds of which were used to construct or renovate the school.

.22 Non-Public School Use Exceeding 5 Years.

When the LEA uses more than 10 percent of a school building other than as a public school for more than 5 years and the State has debt remaining for bonds, the proceeds of which were used to construct or renovate that school, the Board of Public Works may, upon recommendation from the IAC, require the LEA to pay a proportion of any lease proceeds and assume the remaining State debt, all calculated as of the date the LEA first began to use the school for purposes other than as a school.

.23 Local Board Transfer of School Property to County Government.

A. Definitions.

(1) In this chapter, the following terms have the meanings indicated.

(2) Terms Defined.

(a) "School property" means any land, school site, or school building;

(b) "Local board transfer to county government" includes, in the case of Baltimore City, the City's change of the dedicated use of the property.

B. Local Board Transfer to County Government.

(1) If, with the approval of the State Superintendent of Schools, a local board determines that any school property is no longer needed for school purposes, the local board shall transfer the property to the county government.

(2) The local board shall submit a request to the IAC for approval to transfer the school property to the county government.

(3) If the property is:

(a) Less than 1 acre and does not contain a building, the IAC may approve the transfer;

(b) Any other property, the IAC shall review the request and make a recommendation to the Board of Public Works.

C. The Board of Public Works or the IAC, as applicable, may approve, disapprove, or conditionally approve the request to transfer the school property to the county government. The Board or the IAC, as applicable, may require that the transfer documents specifically incorporate the conditions.

D. The local board shall affirm in the request that the county concurs with the local board's intention to transfer the property.

.24 County Government Disposition of School Property.

A. Definition.

(1) In this regulation, the following term has the meaning indicated.

(2) Term Defined. "School property" means any land, school site, or school building.

B. A county government:

(1) May use, sell, lease, or otherwise dispose of, except by gift, any former school property in accordance with this regulation; and

(2) Is encouraged to use the State Clearinghouse or similar procedures to make government agencies aware of the availability of former school property.

C. A county government proposing to dispose of former school property shall submit to the IAC a request for approval to dispose. The IAC shall review the request and make a recommendation to the Board of Public Works.

D. The Board of Public Works may approve, disapprove, or conditionally approve the request to dispose of the former school property. The Board may require that the disposition documents specifically incorporate the conditions.

.24-1 Assumption of State Debt, Capital Lease Financing Balances, and Disposition Proceeds.

A. The Board of Public Works:

(1) May not require reimbursement of debt service from a county for a school property that:

(a) Was initially constructed on or before February 1, 1971;

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- (b) Is no longer used for school purposes;
- (c) Has had title transferred to county government; and
- (d) Is being used for local governmental purposes other than public education;
- (2) Shall require reimbursement of debt service from a county for a school property that:
 - (a) Is sold by the county government; or
 - (b) Meets all the following:
 - (i) Was initially constructed after February 1, 1971;
 - (ii) Was initially constructed or substantially altered by additions, alterations, or renovations, and the cost of the construction at the time of execution exceeded \$100,000, and the work was accomplished after February 1, 1971;
 - (iii) Is no longer used for school purposes;
 - (iv) Has had title transferred to county government;
 - (v) Is being used for local governmental purposes by the State or county, or by any instrumentality of the State or county other than public education; and
 - (vi) Has outstanding debt that exceeds \$5,000;
- (3) May require reimbursement of debt service or capital lease financing balances, or both, from a county for a school property that:
 - (a) Has remaining State debt for bonds or capital lease financing balances;
 - (b) Is no longer used for school purposes;
 - (c) Has had title transferred to county government; and
 - (d) Is not being used for local governmental purposes by the State or county, or by any instrumentality of the State or county.

B. The Board of Public Works may require the county to pay the State a proportional share of the disposition proceeds based on the proportion of the State's investment in the school property.

C. The Board of Public Works may establish any method of payment of the bond debt or the disposition proceeds including a lump sum payment or an assumption or re-assumption of existing bond debt.

.25 Audits.

- A. The IAC or its designee may conduct financial audits and compliance audits of each LEA that receives State funds.
- B. Audit items may include:
 - (1) Transactions and balances reported on financial reports and close-out forms;
 - (2) LEA internal controls and management authorizations;
 - (3) Items ineligible for State participation; and
 - (4) Compliance with Board of Public Works regulations and IAC policies and procedures.
- C. The LEA shall reconcile audit exceptions and back charges to the IAC's or its designee's satisfaction.

.26 Reconsideration.

A. A local board of education dissatisfied with a determination made by the IAC's designee may request the IAC to reconsider the determination.

B. A local board of education dissatisfied with a determination made by the IAC may request the Board of Public Works to reconsider the determination by submitting an agenda item to the Executive Secretary of the Board of Public Works.

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.27 Waiver.

The IAC or Board of Public Works may waive or vary particular provisions of this chapter to the extent that the waiver or variance is not inconsistent with State statutes if:

A. In the IAC's or Board of Public Works' determination, the application of a regulation in a specific case or in an emergency situation would be inequitable or contrary to the purposes of State law; and

B. The Office of the Attorney General approves the waiver for form and legal sufficiency.

.28 Priority Funding Area Waiver Criteria.

A. This regulation applies to the IAC for site approval, and to the IAC and Board of Public Works for planning or funding approval, of new schools and of replacement schools that add capacity.

B. Waiver Procedure.

(1) An LEA may request a waiver for approval of planning and funding, or of a site, for a new school or a replacement school that adds capacity located outside of a priority funding area.

(2) On confirmation by the Maryland Department of Planning that the proposed new school or a replacement school that adds capacity, or the site for same, is outside a priority funding area, the designees shall make a recommendation to the IAC.

(3) Based on the recommendation of the IAC designees, the IAC shall consider whether to grant a waiver for approval of planning and funding, or of a site, for a new school or a replacement school that adds capacity outside of a priority funding area.

(4) After considering the criteria for a waiver in §C of this regulation, the IAC may recommend to the Board of Public Works:

(a) Approval of planning and funding, or of a site, for the new school or the replacement school that adds capacity;

(b) Approval of planning and funding, or of a site, for the new school or the replacement school that adds capacity with conditions; or

(c) Denial of planning and funding, or of a site, for the new school or the replacement school that adds capacity.

(5) When considering whether to grant a waiver for a new school or a replacement school that adds capacity outside of a priority funding area, the IAC may consult with the Smart Growth Subcabinet.

(6) The Board of Public Works shall make the final determination on the approval of a site for a new school or a replacement school that adds capacity that is outside a priority funding area in the event of a conflict between the IAC and the Smart Growth Subcabinet.

C. The IAC or the Board of Public Works, when applicable, shall consider the following factors when determining whether to grant a waiver to the requirement that a site for a new school or for a replacement school that adds capacity, or a new school or a replacement school that adds capacity that is requested for approval of State planning and funding, be located inside a priority funding area:

(1) Evidence of efforts made by the LEA and the local government to secure a site within a priority funding area that is of a size, location, and configuration that can support the proposed educational program and serve an appropriate student body. For each evaluated site, criteria that must be considered include:

(a) Costs of each site, including both quantifiable first costs and life cycle costs analysis (LCCA) inclusive of transportation costs, and non-quantifiable costs such as administrative inefficiencies or lost teaching time, in order to demonstrate that sites within the priority funding area are more costly than those outside the priority funding areas; and

(b) Benefits of each site, including the impact of the proposed site on community life, walkability of students, access to public transportation, and access of students to educational programs and non-curricular activities;

(2) Evidence that if a site outside a priority funding area is selected because of inability to locate a site within a priority funding area that is of a size, location, and configuration that can support the proposed educational program and serve an appropriate student body:

(a) The new site or new school or replacement school that adds capacity is located as proximate to the priority funding area as possible;

(b) The LEA proposes to mitigate potential negative effects of the site on educational delivery and the community; and

(c) The local government tools for control of land use, including the comprehensive plan and zoning, restrict the growth of housing development outside of the priority funding area that may result from the new school or replacement school that adds capacity;

(3) Evidence of efforts made by the LEA and local government to achieve the needed capacity through additions to existing schools inside the priority funding area;

(4) The location of the student body that will be served by the new school or replacement school that adds capacity;

(5) The potential of the new school or replacement school that adds capacity to be permanently connected to existing or proposed municipal or county water and sewer service that is in the 6-year local government capital improvement program;

(6) The effect of the new school or replacement school that adds capacity in relieving an Adequate Public Facilities closure within an existing priority funding area or local growth area;

(7) Opportunities for co-location or joint use that the new school or replacement school that adds capacity may make possible;

(8) Opportunities for reuse of an existing facility;

(9) The increase of capacity for a replacement school is modest;

(10) Other factors.

.29 Emergency Power Generation.

A. Definitions.

(1) “Fully power” means the capability to provide electrical power to the fixtures, services, appliances, and/or outlets within a specified facility or portion of a facility.

(2) “Public shelter” means temporary operations that meet the base humanitarian needs of the whole community before, during, or after an emergency event.

(3) “Replacement of the electrical system” means a complete new electrical system is installed in an existing or new facility, including when major components of the pre-existing electrical system are either removed or abandoned in place.

(4) “Upgrade of the electrical system” means an existing electrical system of a facility or a major portion of a facility is improved through either:

(a) The replacement or upgrade of existing components; or

(b) Other improvements that alter the performance characteristics of the electrical system.

B. This section applies to all school construction projects that include new construction, replacement, or upgrade of the electrical system.

C. Local officials shall consult with the Maryland Emergency Management Agency (MEMA) to determine those areas of the facility that are necessary for public safety when circumstances require use of the facility as a public shelter during or after a federal, State, or local declared emergency.

D. The LEA shall ensure that the areas determined by MEMA are designed and constructed to be fully powered in the event of an emergency through installation of:

(1) A permanent, on-site emergency power source; or

(2) Other means to accept temporary emergency power source.

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Administrative History

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Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Chapter 03 Construction Procurement Methods

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

- (1) Exceeds \$25,000 and has Board of Public Works planning or funding approval; or
- (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.

B. This chapter does not apply to a project in a building that is not used primarily for the instruction of students, including an office building, warehouse, or vehicle maintenance or repair building.

C. In this chapter, "IAC or its designee" includes "State Superintendent or designee" when State Superintendent approval is required by Education Article, §2-303(f), Annotated Code of Maryland.

.02 Project Procurement Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing project procurement proposals.

.03 Methods of Source Selection.

Unless otherwise authorized, school construction procurement contracts shall be awarded by one of the following methods:

- A. Competitive sealed bidding, including competitive multistep sealed bidding;
- B. Quality-based selection;
- C. Competitive negotiation;
- D. Unsolicited proposals;
- E. Intergovernmental cooperative purchasing;
- F. Sole source; or
- G. Negotiated award after unsatisfactory competitive sealed bidding.

.04 Choice of Method.

A. Except as this regulation otherwise provides, an LEA shall use competitive sealed bidding.

B. Quality-Based Selection; Competitive Negotiation; Unsolicited Proposals.

(1) An LEA may use quality-based selection or competitive negotiation or accept an unsolicited proposal in order to finance or to speed delivery of, transfer risks of, or otherwise enhance the delivery of public school construction.

(2) An LEA intending to use quality-based selection or competitive negotiation or to pursue an unsolicited proposal shall:

- (a) Present a written determination that the circumstances listed in §B(1) of this regulation exist; and
- (b) Obtain authorization from the IAC or its designee.

C. An LEA may use intergovernmental cooperative purchasing when the circumstances set forth in Regulation .12B of this chapter exist.

D. Sole Source.

(1) If the LEA determines that a competitive source selection method cannot be used because there is only one available source for the subject of the procurement, the LEA may award a contract without competition to the sole source.

(2) An LEA intending to use sole source selection shall present a written determination that the circumstances listed in §B(1) of this regulation exist.

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E. An LEA may use negotiated award after unsatisfactory competitive sealed bidding when the circumstances set forth in Regulation .14A of this chapter exist.

.05 Approvals.

A. IAC or designee authorization to use quality based selection or competitive negotiation or to pursue an unsolicited proposal is distinct from IAC or designee approval of project planning and funding. If the IAC or designee approves the project for use of a competitive negotiation method but does not approve the project for planning, the project may proceed as a locally funded project.

B. The LEA shall obtain State approval before entering into an alternative financing method as set forth in COMAR 23.03.05.

C. The LEA shall obtain State approval of each construction contract.

.06 Other Requirements.

A. All projects shall comply with State procedures and requirements for educational and design review.

B. Regardless of project procurement method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.

C. Project Delivery Methods. The requirements of COMAR 23.03.04 apply to procurements conducted in accordance with this chapter.

D. Minority Business Enterprise (MBE). The State's minority business enterprise program applies to procurements conducted in accordance with this chapter that the State funds in whole or part.

E. Prevailing Wage. To the extent required by law, the State's prevailing wage requirements apply to procurements conducted in accordance with this chapter that the State funds in whole or part.

F. Debriefing and Protests.

(1) The LEA shall establish procedures by which unsuccessful bidders and offerors may be debriefed upon written request within a reasonable time by a procurement official familiar with the rationale for the selection decision and contract award.

(2) The LEA shall establish procedures by which an interested party may file a protest relating to the solicitation or award of a procurement contract.

G. If a single bid or offer is submitted following appropriate notification and solicitation procedures, the LEA may award the contract to the single bidder or offeror if the bid or offer is determined responsible and responsive.

.07 Competitive Sealed Bidding—One Step Sealed Bidding.

A. Prequalification. The LEA may establish procedures to ensure that bidders are responsible. The LEA may require a bidder to be prequalified according to LEA procedures before submitting a bid.

B. Invitation for Bids.

(1) The invitation for bids shall be used to initiate a competitive sealed bid procurement.

(2) The invitation for bids shall include:

(a) Instructions and information concerning bid submission requirements including the date, time, and place for receipt of bids;

(b) Whether electronic bids will be accepted;

(c) Specifications or drawings or both that clearly and accurately describe the functional characteristics of or the nature of the work to be procured;

(d) The delivery or performance schedule;

(e) MBE goals, if applicable;

(f) Prevailing wage requirements, if applicable;

(g) Requirement that bidders acknowledge receipt of each amendment and addendum issued;

(h) Requirement for submission of bid bond;

(i) Information with respect to prebid conference if a conference is to be held;

(j) Requirement for submission of bid affidavit; and

(k) Any other information the LEA requires.

C. The LEA shall obtain approval from the IAC or its designee before issuing the invitation for bids.

D. Public Notice. The LEA shall publish notice of an invitation for bid at least 14 calendar days before the bid due date in:

(1) eMaryland Marketplace;

(2) An electronic posting or a physical posting on the LEA's bid board; or

(3) A newspaper of general circulation in the LEA's region.

E. Bid Receipt, Opening, Disclosure.

(1) Upon its receipt, each bid shall be stored in a secure place until the time set for bid opening.

(2) Bids shall be opened publicly in the presence of at least one LEA employee and read aloud at the time, date, and place designated in the invitation for bids, or are to be made available to the public through a method in accordance with local policy and procurement practice. The name of each bidder, the bid price, and other appropriate information shall be read aloud or otherwise made available. This information shall be recorded at the time of bid opening. The bids shall be tabulated or a bid abstract made.

(3) Opened bids shall be available for public inspection at a reasonable time after bid opening and before contract award. Bidders may designate trade secrets, financial data, or other proprietary data as confidential; material so designated shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. The LEA shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. All information submitted by bidders is subject to State and local public disclosure laws.

F. IFB Cancellation; Bid Rejection; Irregularities.

(1) Before opening of bids, the LEA may cancel the invitation for bids in whole or in part if the LEA determines that the cancellation is fiscally advantageous or otherwise in its best interest.

(2) After opening of bids but before award, the LEA may reject all bids in whole or in part if the LEA determines that the rejection is fiscally advantageous or otherwise in its best interest.

(3) The LEA may reject any bid in whole or in part if it is in the LEA's best interest to do so. Reasons for rejecting a bid may include that the bidder is not responsible, that the bid is not responsive, that the price is unreasonable, or that the bidder is debarred or otherwise ineligible.

(4) Irregularities.

(a) Minor; Material; Correction.

(i) The LEA may permit a bidder to correct a minor irregularity or may waive a minor irregularity. A minor irregularity is one that is merely a matter of form and not of substance or pertains to an immaterial or inconsequential defect or variation in a bid, the correction or waiver of which would not be prejudicial to other bidders.

(ii) The LEA may not waive or permit a bidder to correct a defect or variation in a bid that is material as to price, quantity, quality, or delivery.

(b) Up to and including the time for bid opening, a bidder may correct a defect or variation with respect to:

(i) Bid bond;

(ii) Acknowledgment of addenda; or

(iii) MBE submission materials.

(c) After bid opening, the LEA may not waive or permit a bidder to correct a defect or variation with respect to these requirements unless the defect or variation is determined to be minor and does not affect the competitiveness of the bid.

G. Bid Evaluation and Award.

(1) The LEA shall award the contract to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the invitation for bids and is the most favorable bid.

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(2) The LEA may not evaluate a bid for any criterion that is not disclosed in the invitation for bids.

H. Single Bidder. If after proper publication of invitation for bid and proper bid opening, the LEA receives one responsive bid, the LEA may:

- (1) Award the contract to the single responsible bidder; or
- (2) Reissue the invitation for bid.

.08 Competitive Sealed Bidding—Multistep Sealed Bidding.

A. General.

(1) Competitive sealed bidding may be conducted through multistep sealed bidding.

(2) Multistep sealed bidding is a multiphase process in which bidders submit a technical offer (statement of qualifications) and a second phase in which those bidders who are determined qualified during the first phase may have price bids considered.

B. Request for Qualifications.

(1) The request for qualifications is used to initiate a competitive two-step sealed bid procurement.

(2) The request for qualifications shall set forth the factors by which the bidder's qualifications will be evaluated.

(3) Evaluation factors shall include:

(a) Bidder's understanding of the scope and schedule of the work;

(b) Bidder's prior experience with projects of similar size and scope, and if bidder is a joint venture, experience of at least one of the members of the joint venture entity;

(c) Bidder's plan for management of the project, and the organizational structure proposed for the project;

(d) Experience of bidder's individual staff members with projects of similar size and scope;

(e) MBE plan, if applicable; and

(f) Other factors that the LEA sets forth.

(3) The request for qualifications shall set forth the minimum standards that a bidder shall meet to be found qualified.

(4) The request for qualifications may include information concerning the project scope, schedule, MBE, and prevailing wage as the LEA considers appropriate.

C. Public Notice. The LEA shall publish notice of a request for qualification at least 14 calendar days before the technical-offer due date in:

(1) eMaryland Marketplace;

(2) An electronic posting or a physical posting on the LEA's bid board; or

(3) A newspaper of general circulation in the LEA's region.

D. Qualifications Evaluation.

(1) The LEA shall evaluate the bidder's qualifications to determine whether the bidder meets the minimum qualification standards.

(2) The LEA shall compile a list of bidders that are determined to meet the minimum qualification standards. Only the bidders on that list shall be permitted to submit bids.

(3) Interviews may be conducted as a component of the qualifications process.

E. Invitation For Bids.

(1) After preparing the list of qualified bidders, the LEA may issue an invitation for bids to all bidders on that list.

(2) The invitation for bids shall include:

(a) Instructions and information concerning bid submission requirements including the date, time, and place for receipt of bids;

(b) Whether electronic bids will be accepted;

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- (c) Specifications, drawings, or both, that clearly and accurately describe the functional characteristics of or the nature of an item to be procured;
 - (d) The delivery or performance schedule;
 - (e) MBE goals, if applicable;
 - (f) Prevailing wage requirements, if applicable;
 - (g) Requirement that bidders acknowledge receipt of each amendment and addendum issued;
 - (h) Requirement for submission of bid bond;
 - (i) Information with respect to pre-bid conference if a conference is to be held;
 - (j) Requirement for submission of bid affidavit; and
 - (k) Any other information the LEA requires.
- (3) The LEA shall obtain approval from the IAC or its designee before issuing the invitation for bids.

F. Bid Receipt and Opening; Disclosure.

- (1) Upon receipt, each bid shall be stored in a secure place until the time set for bid opening.
- (2) Bids shall be opened publicly in the presence of at least one LEA employee and read aloud at the time, date, and place designated in the invitation for bids. The name of each bidder, the bid price, and other appropriate information shall be read aloud or otherwise made available. This information shall be recorded at the time of bid opening. The bids shall be tabulated or a bid abstract made.
- (3) Opened bids shall be available for public inspection at a reasonable time after bid opening and before contract award. Bidders may designate trade secrets or other proprietary data as confidential; material so designated shall be readily separable from the bid in order to facilitate public inspection of the nonconfidential portion of the bid. The LEA shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. All information submitted by bidders is subject to State and local public disclosure laws.

G. IFB Cancellation; Bid Rejection; Irregularities.

- (1) Before opening bids, the LEA may cancel the invitation for bids in whole or in part if the LEA determines that the cancellation is fiscally advantageous or otherwise in its best interest.
- (2) After opening of bids but before award, the LEA may reject all bids in whole or in part if the LEA determines that the rejection is fiscally advantageous or otherwise in its best interest.
- (3) The LEA may reject any bid in whole or in part if it is in the LEA's best interest to do so. Reasons for rejecting a bid include that the bidder is not responsible, that the bid is not responsive, that the price is unreasonable, or that the bidder is debarred or otherwise ineligible.
- (4) Irregularities.
 - (a) Minor; Material; Correction.
 - (i) The LEA may permit a bidder to correct a minor irregularity or may waive a minor irregularity. A minor irregularity is one that is merely a matter of form and not of substance or pertains to an immaterial or inconsequential defect or variation in a bid, the correction or waiver of which would not be prejudicial to other bidders.
 - (ii) The LEA may not waive or permit a bidder to correct a defect or variation in a bid that is material as to price, quantity, quality, or delivery.
 - (b) Up to and including the time for bid opening, a bidder may correct a defect or variation with respect to:
 - (i) Bid bond;
 - (ii) Acknowledgment of addenda; or
 - (iii) MBE submission materials.

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(c) After bid opening, the LEA may not waive or permit a bidder to correct a defect or variation with respect to these requirements unless the defect or variation is determined to be minor and does not affect the competitiveness of the bid.

H. Bid Evaluation and Award.

(1) The LEA shall award the contract to the lowest responsible and responsive bidder whose bid meets the requirements and evaluation criteria set forth in the invitation for bids and is the most favorable bid.

(2) The LEA may not evaluate a bid for any criterion that is not disclosed in the invitation for bids.

I. Single Bidder. If after proper publication of invitation for bid and proper bid opening, the LEA receives one responsive bid, the LEA may:

(1) Award the contract to the single responsible bidder; or

(2) Reissue the invitation for bid.

.09 Quality-Based Selection.

A. General. Quality-based selection means a method of source selection based on a combination of qualification and cost factors.

B. Request for Proposals.

(1) The request for proposals is used to initiate a quality-based selection procurement.

(2) The request for proposals shall include:

(a) Instructions and information concerning proposal submission requirements including the date, time, and place for receipt of proposals;

(b) Whether electronic proposals will be accepted;

(c) Specifications, drawings, or both, that clearly and accurately describe the functional characteristics of or the nature of the work to be procured, delivery or performance schedule, and any special instructions;

(d) The evaluation factors and an indication of the relative importance of each evaluation factor including price;

(e) MBE goals, if applicable;

(f) Prevailing wage requirements, if applicable;

(g) Information with respect to preproposal conference if a conference is to be held;

(h) Requirement for submission of proposal affidavit;

(i) Requirement that offerors acknowledge receipt of each amendment and addendum issued;

(j) Requirement for submission of bid bond; and

(k) Any other information the LEA requires.

(3) LEAs may request that qualification factors in the proposal be submitted separately from price information.

(4) The LEA shall obtain approval from the IAC or its designee before issuing the request for proposal.

C. Public Notice. The LEA shall publish notice of a request for proposals at least 14 calendar days before the proposal due date in:

(1) eMaryland Marketplace;

(2) An electronic posting or a physical posting on the LEA's bid board; or

(3) A newspaper of general circulation in the LEA's region.

D. Proposal Receipt. The LEA shall keep submitted proposals in a secure place until the due date. Proposals may not be opened publicly but shall be opened in the presence of at least two LEA employees.

E. Proposal Disclosure. Offerors shall indicate clearly the portions of their proposals that they consider confidential information. All information submitted by offerors is subject to State and local public disclosure laws.

F. Proposal Evaluation.

- (1) The LEA shall evaluate the proposal based on the evaluation factors set forth in the request for proposals.
- (2) Evaluation factors shall include:
 - (a) Offeror's understanding of scope of the work;
 - (b) Offeror's prior experience with projects of similar size and scope, and if offeror is a joint venture, experience for at least one of the members of the joint venture entity;
 - (c) Offeror's plan for management of the project and organizational structure proposed for the project;
 - (d) Experience of offeror's individual staff members with projects of similar size and complexity;
 - (e) MBE plan, if applicable;
 - (f) Other qualification factors that the LEA sets forth; and
 - (g) Price.
- (3) Interviews may be conducted as a component of the qualification process.

G. IFB Cancellation; Proposal Rejection; Irregularities.

- (1) Before opening of proposals, the LEA may cancel the request for proposals in whole or in part if the LEA determines that the cancellation is fiscally advantageous or otherwise in its best interest.
- (2) After opening of proposals but before award, the LEA may reject all proposals in whole or in part if the LEA determines that the rejection is fiscally advantageous or otherwise in its best interest.
- (3) The LEA may reject any proposal in whole or in part if it is in the LEA's best interest to do so. Reasons for rejecting a proposal include that the offeror is not responsible, that the proposal is not susceptible of award, that the price is unreasonable, or that the offeror is debarred or otherwise ineligible.

(4) Irregularities.

(a) Minor; Material; Correction.

(i) The LEA may permit an offeror to correct a minor irregularity or may waive a minor irregularity. A minor irregularity is one that is merely a matter of form and not of substance or pertains to an immaterial or inconsequential defect or variation in a proposal, the correction or waiver of which would not be prejudicial to other bidders.

(ii) The LEA may not waive or permit an offeror to correct a defect or variation in a proposal that is material as to price, quantity, quality, or delivery.

(b) Up to and including the time for proposal opening, an offeror may correct a defect or variation with respect to:

- (i) Bid bond;
- (ii) Acknowledgment of addenda; or
- (iii) MBE submission materials.

(c) After proposal opening, the LEA may not waive or permit an offeror to correct a defect or variation with respect to these requirements unless the defect or variation is determined to be minor and does not affect the competitiveness of the bid.

H. Evaluation and Award.

- (1) The LEA may not evaluate a proposal for any criterion that is not disclosed in the request for proposals.
- (2) The LEA shall award the contract to the offeror whose proposal is, in the LEA's determination, the highest ranked proposal based on the factors contained in the request for proposals including price.

I. Single Offeror. If after proper publication of request for proposal and proper proposal opening, the LEA receives one responsive offer, the LEA may:

- (1) Award the contract to the single responsible offeror; or
- (2) Reissue the request for proposal.

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.10 Competitive Negotiation.

A. Definition.

- (1) In this regulation, the following term has the meaning indicated.
- (2) Term Defined. Competitive negotiation means a method of source selection that:
 - (a) Permits offerors to demonstrate creativity, experience, and knowledge;
 - (b) Allows offerors to submit proposals that vary widely in scope, cost, and other factors; and
 - (c) Allows negotiating between the LEA and the qualified offerors with the objective that the final proposal be the most advantageous to the LEA.

B. Request for Proposals.

- (1) The request for proposals is used to initiate a competitive negotiation procurement.
- (2) The request for proposals shall include:
 - (a) Instructions and information concerning proposal submission requirements including the date, time and place for receipt of proposals;
 - (b) A statement as to whether electronic proposals will be accepted;
 - (c) At a minimum, a general description of the final product or services the LEA seeks;
 - (d) The evaluation factors and an indication of the relative importance of each evaluation factor, including price;
 - (e) A statement that discussions may be conducted with those responsible offerors that submit proposals judged to be in the competitive range, as previously determined by the LEA;
 - (f) MBE goals, if applicable;
 - (g) Prevailing wage requirements, if applicable;
 - (h) Information with respect to preproposal conference if a conference is to be held;
 - (i) Requirement for submission of a proposal affidavit;
 - (j) Requirement that offerors acknowledge receipt of each amendment and addendum issued;
 - (k) Requirement for bid bond, if applicable; and
 - (l) Any other information the LEA requires.
- (3) The LEA shall obtain authorization from the IAC or its designee before issuing the request for proposals.

C. Public Notice. The LEA shall publish notice of a request for proposals at least 14 calendar days before the proposal due date in:

- (1) eMaryland Marketplace;
- (2) An electronic posting or a physical posting on the LEA's bid board; or
- (3) A newspaper of general circulation in the LEA's region.

D. Proposal Receipt. The LEA shall keep submitted proposals in a secure place until the due date. Proposals are not required to be opened publicly but shall be opened in the presence of at least two LEA employees.

E. Proposal Disclosure. Offerors shall indicate clearly the portions of their proposals that they consider confidential information. All information submitted by offerors is subject to State and local public disclosure laws.

F. Proposal Evaluation.

- (1) LEAs may interview offerors as part of the evaluation process.
- (2) The LEA shall evaluate the proposals based on the evaluation factors set forth in the request for proposals.
- (3) The LEA shall evaluate the technical proposals and price proposals independently of each other.
- (4) Evaluation factors shall include:

- (a) Offeror's understanding of scope of the work;
 - (b) Advantages of the offeror's proposal to the LEA and to the public in general;
 - (c) Offeror's prior experience with projects of similar size and scope, and if offeror is a joint venture, experience for at least one of the members of the joint venture entity;
 - (d) Offeror's plan for management of the project, and the organizational structure proposed for the project;
 - (e) Experience of offeror's individual staff members with projects of similar size and scope;
 - (f) Financial resources of team and team members;
 - (g) MBE plan, if applicable;
 - (h) Price;
 - (i) If applicable, process by which operation and maintenance of the facility will be transferred to the LEA; and
 - (j) Other factors that the LEA sets forth.
- (5) The LEA shall establish a competitive range based on the ratings of each proposal.
- (6) Price may be a component in the first evaluation phase of the request for proposals, but is not required. The LEA may exclude price as a factor in the first phase of the request for proposals in order to assess the range of conceptual options that are available for a particular project.

G. Negotiations.

- (1) The primary objective of negotiations is to obtain the most advantageous contract for the LEA.
- (2) The LEA shall undertake negotiations with each offeror in the competitive range. During negotiations, an offeror may revise its proposal.
- (3) During negotiations, the LEA may establish a final competitive range. The LEA may limit the number of offerors that are included in the final competitive range.
- (4) After negotiation, the LEA shall give each offeror in the final competitive range the opportunity for a final proposal revision.

H. Award.

- (1) The LEA shall select the offeror whose proposal is, in the LEA's determination, the most advantageous to the LEA.
- (2) Before seeking approval of the award from the local board of education, the LEA shall:
 - (a) Discuss the project in an open meeting; and
 - (b) Notify the public as to when the proposed contract will be brought before the board of education for approval.
- (3) Following approval of the award by the local board of education, the LEA shall prepare and submit to the IAC or its designee a statement that explains why the proposal is the most advantageous. The explanation shall:
 - (a) Describe the proposed scope of work, including alternative financing arrangements, if applicable;
 - (b) Include a cost schedule, indicating the costs associated with various services to be provided by the vendor or phases of the work, and whether those costs are eligible for State reimbursement;
 - (c) Summarize the evaluation system used to select the offeror;
 - (d) Summarize the apparent successful offeror's proposal; and
 - (e) Describe the MBE plan.

.11 Unsolicited Proposals.

A. Receipt of Unsolicited Proposals; Competing Proposals.

- (1) If an LEA receives a proposal other than one submitted in response to a solicitation and it determines that it is interested in pursuing the unsolicited proposal, the LEA shall:
 - (a) Publish notice that it has received an unsolicited proposal;

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- (b) Briefly describe the nature of the proposal;
- (c) Give any other interested offeror at least 28 days to submit a competing proposal after the public notice is issued; and
- (d) Inform the IAC or its designee of its intention and provide a description of the proposed method to procure the project.

(2) The unsolicited proposal and any competing proposals shall be in writing and sufficiently detailed to permit the LEA to determine if it is advantageous and should be the basis for a contract award.

B. Notice. Notices required under this regulation shall be placed in:

- (1) eMaryland Marketplace;
- (2) An electronic posting or a physical posting on the LEA's bid board; or
- (3) A newspaper of general circulation in the LEA's region.

C. If the LEA receives one or more competing proposals, the LEA shall evaluate and negotiate the proposals consistent with Regulations .09F and G of this regulation.

D. Award.

(1) The LEA may award a contract that it determines to be advantageous based on an unsolicited proposal or a competing proposal.

(2) The LEA shall prepare and submit to the IAC or its designee a statement that explains why the proposal is the most advantageous. The explanation shall:

- (a) Describe the proposed scope of work or services, including alternative financing if applicable;
 - (b) Include a cost schedule, indicating the costs associated with various services to be provided by the vendor or phases of the work, and whether those costs are eligible for State reimbursement;
 - (c) Summarize the evaluation system used to select the offeror;
 - (d) Summarize the apparent successful offeror's proposal; and
 - (e) Describe the MBE plan, if applicable.
- (3) Before seeking approval from the Board of Education, the LEA shall:
- (a) Discuss the project in an open meeting; and
 - (b) Notify the public as to when the proposed contract will be brought before the Board of Education for approval.

.12 Intergovernmental Cooperative Purchasing.

A. General. Intergovernmental cooperative purchasing means a method of source selection that permits an LEA to aggregate with other government entities their common requirements for purposes of maximizing economies of scale when soliciting bids or proposals for goods and commodities or to purchase its requirements from another governmental entity's contract if that contract is an intergovernmental cooperative purchasing agreement.

B. An LEA may use the intergovernmental cooperative purchasing method if it determines that the method:

- (1) Will provide cost benefits, promote administrative efficiencies, or promote governmental cooperation; and
- (2) Is not intended to avoid competition.

C. Types. An LEA may use the following types of intergovernmental cooperative purchasing method:

- (1) Pooling, a method that includes the following steps:
 - (a) Each participating governmental entity agrees to procure its respective requirements from the successful bidder or offeror;
 - (b) A lead jurisdiction conducts the procurement on behalf of all participants; and
 - (c) Either a master contract award or awards is made by the lead jurisdiction on behalf of all participants or each participant awards its own contract; and

(2) Piggybacking, a method wherein an LEA purchases its requirements from another governmental entity's contract if that contract contains an intergovernmental cooperative purchasing clause.

.13 Sole Source.

- A. Sole source procurement is permissible if a requirement is available from only a single vendor.
- B. Examples of circumstances that might necessitate a sole source procurement are as follows:
 - (1) Only one source exists which meets the requirements;
 - (2) The compatibility of equipment, accessories, or replacement parts is the paramount consideration;
 - (3) A sole vendor's item is needed for trial use or testing; or
 - (4) Public or regulated utility services are to be procured and only one source exists.
- C. The LEA shall submit a written sole source justification to the IAC or its designee.

.14 Negotiated Award After Unsatisfactory Competitive Sealed Bidding.

A. General. An LEA may make a negotiated award after unsatisfactory competitive sealed bidding if, after bids have been opened, the LEA:

- (1) Rejects all bids pursuant to Regulation .07F(2) or .08G(2) of this chapter; and
- (2) Determines that:

(a) Funding does not permit an award to the lowest responsible and responsive bidder;

(b) Any delay resulting from a resolicitation with revised specifications under competitive sealed bidding would be fiscally disadvantageous or would not otherwise be in the best interest of the LEA or the State; or

(c) Both.

B. Invitation for Revised Bids. The LEA shall:

- (1) Issue an invitation for revised bids based on revised specifications to the original bidders as promptly as possible; and
- (2) Require a prompt response.

C. Discussion. Discussion may not be conducted with bidders after revised bids have been submitted unless the LEA determines that there is compelling need for further negotiation. Any discussion concerning revised specifications shall be conducted with all responsible bidders in a fair and equal manner.

D. Award. The LEA shall award the contract to the lowest responsive and responsible bidder whose bid meets the invitation for revised bids.

Administrative History

Effective date: May 21, 2007 (34:10 Md. R. 891)

Regulation .04C amended effective November 14, 2011 (38:23 Md. R. 1423)

Title 23
BOARD OF PUBLIC WORKS
Subtitle 03 PUBLIC SCHOOL CONSTRUCTION
Chapter 04 Project Delivery Methods

Authority: Education Article, §§4-126, 5-112, and 5-301,
Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

- (1) Exceeds \$25,000 and has Board of Public Works planning or funding approval; or
- (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.

B. This chapter does not apply to a project in a building that is not used primarily for the instruction of students, including an office building, warehouse, or vehicle maintenance or repair building.

C. In this chapter, "IAC or its designee" includes "State Superintendent or designee" if State Superintendent approval is required by Education Article, §2-303(f), Annotated Code of Maryland.

.02 Project Delivery Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing project delivery proposals.

.03 Methods of Project Delivery.

A. For a public school construction project, an LEA may use one of the following methods:

- (1) General contracting; or
- (2) Alternative project delivery including:
 - (a) Construction management agency;
 - (b) Construction management at risk;
 - (c) Design build; and
 - (d) Job order contracting.

B. The LEA may use fast track to accelerate project delivery in accordance with Regulation .09 of this chapter.

.04 Other Requirements.

A. The requirements of COMAR 23.03.03 apply to all projects conducted under this chapter.

B. All projects regardless of delivery method shall comply with State procedures for project design review.

C. Regardless of project delivery method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.

D. The IAC may specifically designate an individual or group to act on requests, provide the State approvals on behalf of the IAC, or both, as required in this chapter.

.05 Construction Management Agency.

A. General. Construction management agency (CMA) means a project delivery method in which the LEA:

- (1) Directly contracts with trade contractors; and
- (2) Either:
 - (a) Engages a construction manager as its agent to manage the project; or
 - (b) Acts as the construction manager.

B. Notice to the IAC.

(1) Not later than 2 months before the release of the solicitation documents to offerors, the LEA shall provide written notice to the IAC or its designee that the CMA method will be used.

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(2) The LEA shall acknowledge in the notice that the State is not responsible for any project cost overruns.

C. The LEA shall disclose in the solicitation documents if the project may be converted to the construction management at risk method or other project delivery method.

D. State Reimbursement.

(1) If the LEA is not acting as construction manager, State funds may be used to reimburse allowable CMA costs associated with procuring and managing trade contracts, as defined by the IAC or its designee.

(2) The IAC or its designee shall maintain a list of CMA services that are eligible for State reimbursement.

(3) CMA services provided during the design phase of the project are not eligible for State reimbursement.

(4) If the LEA intends to seek reimbursement of CMA costs with State funds, the LEA shall:

(a) Submit the solicitation documents to the IAC or its designee for review not later than 1 month before the documents are released to offerors; and

(b) Identify in the solicitation documents the construction management services that are eligible for State reimbursement.

(5) An LEA intending to seek State reimbursement for construction manager services shall procure a construction manager in accordance with COMAR 23.03.03.

E. Trade Contracts.

(1) Trade contracts may be procured concurrently or over the life of the project.

(2) The LEA shall submit the bidding schedule for the trade packages with proposed bid dates to the IAC or its designee and provide notice of any changes.

(3) The LEA shall procure each trade contract in accordance with COMAR 23.03.03.

(4) The LEA shall submit each trade contract to the IAC for approval.

(5) The LEA shall submit change orders for approval by the IAC or its designee and clearly indicate the contract to which the change order applies.

(6) If the project is subject to prevailing wage rate requirements, each trade contract within the project is subject to prevailing wage rate requirements.

(7) MBE goals shall be based on the total project price, but MBE goals may vary in individual trade contracts if the overall MBE project goal is acknowledged.

.06 Construction Management At Risk.

A. General.

(1) Construction management at risk means a project delivery method in which the LEA engages a construction manager at risk (CMR) to:

(a) Contract directly with trade contractors; and

(b) Provide a guaranteed maximum price for project procurement and construction.

(2) The CMR warrants that the work will be completed at or below the guaranteed maximum price with provisions for change order adjustments for work that is outside the agreed-upon work scope.

(3) Cost savings resulting from projects completed below the guaranteed maximum price may be shared between the LEA and the CMR.

B. Guaranteed Maximum Price.

(1) Guaranteed maximum price (GMP) means an arrangement between the LEA and the CMR in which the total amount payable to the CMR for the project is restricted to a pre-agreed maximum and includes the cost of construction and construction management services that is generally determined before the design is complete.

(2) The LEA and CMR may determine the guaranteed maximum price as follows:

(a) In competitive sealed bidding or quality based selection, the guaranteed maximum price is based on construction documents that are sufficiently developed to allow bidders to reasonably estimate and include costs for unspecified items, and includes:

- (i) Cost of the work;
- (ii) Construction management fee; and
- (iii) General conditions; and

(b) In competitive negotiation, including projects in which a construction manager has provided pre-GMP services, the LEA may begin negotiations to establish a guaranteed maximum price with the construction manager only after:

- (i) The LEA has provided public notice of its intent and a request for competing proposals; and
- (ii) At least 28 days have elapsed for receipt of competing proposals.

(3) If the LEA receives competing proposals, the proposals shall be evaluated in accordance with COMAR 23.03.03.

C. Notice to IAC.

(1) Not later than 2 months before the release of solicitation documents to offerors, the LEA shall provide written notice to the IAC or its designee that the CMR method will be used.

(2) The LEA shall acknowledge in the notice that the State is not responsible for any project cost overruns.

(3) Not later than 1 month before release to offerors, the LEA shall submit the solicitation documents to the IAC or its designee for approval.

D. State Reimbursement.

(1) State funds may be used to reimburse:

- (a) Allowable pre-GMP costs only if related to the solicitation of trade packages; and
- (b) Allowable post-GMP costs.

(2) Allowable post-GMP construction management services, as determined by the IAC, shall be included in total construction cost as if the CMR were a general contractor for purposes of determining the maximum State construction allocation, payment of requisitions, and project close out.

(3) Total State reimbursement of eligible costs may not exceed the lesser of:

- (a) The State's share of the guaranteed maximum price based on the cost-share formula; or
- (b) The maximum State construction allocation.

(4) If an LEA intends to seek State reimbursement of any of the construction management services, the services shall be procured through one of the procurement methods provided in COMAR 23.03.03.

E. Trade Contracts.

(1) The CMR assumes all risk for cost, schedule, and performance of the trade contracts except for a trade contract that the LEA separately procures.

(2) Trade contracts may be procured concurrently or over the life of the project.

(3) After the guaranteed maximum price is finalized, any trade contract previously awarded by the LEA may be assigned to the CMR who then assumes all risk for coordination and completion of the trade contracts.

(4) Subcontracts solicited by the CMR as components of the final guaranteed maximum price do not require IAC approval.

(5) If the LEA intends to award a separate trade contract, the LEA shall submit the trade contract to the IAC for approval notwithstanding the subsequent inclusion of the trade contract in the guaranteed maximum price.

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.07 Design-Build.

A. General.

(1) Design-build means a project delivery method in which a single entity is contractually responsible for both design and construction of a project.

(2) The LEA provides sufficient information to the design-build entity to guide it in the design of the project and specifies the reviews and approvals that will be required of the project.

(3) The design-build entity is responsible for the following:

- (a) Quality of the design;
- (b) Project costs;
- (c) Construction quality;
- (d) Adherence to the LEA's schedule for project completion and occupancy; and
- (e) Other factors the LEA requires.

(4) Design-build may extend beyond the design and construction phases of a project to include:

- (a) Financing, in which case the method is called finance-design-build; or
- (b) Provision of furniture and equipment, occupant move-in, or other post-construction tasks, except as limited by §A(5) of this regulation.

(5) The design-build entity may not perform the routine maintenance and operation of a school building after occupancy.

B. IAC Approval.

(1) If the LEA decides to use the design-build method, the LEA:

- (a) Shall request approval from the IAC or its designee 2 months prior to the release of the solicitation; and
- (b) May not proceed with the design-build method until approval is obtained from the IAC or its designee.

(2) The request for approval shall at a minimum include the proposed:

- (a) Brief description of the scope of work;
- (b) Project phasing;
- (c) Schedule for the submission of plans and specifications for review by the IAC or its designee;
- (d) Solicitation schedule;
- (e) Procurement method;
- (f) Financing arrangement, if applicable; and
- (g) Performance expectations.

(3) The LEA shall acknowledge in the request for approval that the State is not responsible for any project cost overruns.

(4) The LEA shall send the draft design-build solicitation to the IAC or its designee for approval not later than 1 month before it is released to bidders.

(5) Authorization by the IAC or its designee to proceed with the design-build method is independent of approvals of project planning and funding. If the IAC or its designee authorizes the use of the design-build method but project planning is not approved, the project may proceed as a locally funded project.

C. Design-Build Procurement.

(1) The LEA may develop a design-build solicitation based on:

- (a) Performance specification;
- (b) Performance specification combined with concept or schematic design; or
- (c) Performance specification combined with the LEA's prototype design.

(2) The performance specification shall include at a minimum:

- (a) Educational specifications;
- (b) Performance characteristics of the school facility;
- (c) A schedule for completion and occupancy; and
- (d) General conditions that clearly describe the respective responsibilities of the LEA and the design-build entity.

D. State Reimbursement.

(1) If the LEA intends to seek State reimbursement, the LEA shall distinguish between preconstruction and construction scopes of work to allow the IAC or its designee to determine the costs that are eligible for State reimbursement.

(2) The State's maximum participation in the project is calculated when:

- (a) The construction documents are complete; and
- (b) The full scope of the project is known including ineligible items.

(3) Allowable preconstruction services, as determined by the IAC, shall be included in total construction cost.

(4) Final adjustment of the State's participation shall be made at project closeout.

(5) Total State reimbursement of eligible costs may not exceed the lesser of:

- (a) The State's share of the guaranteed maximum price based on the cost-share formula; or
- (b) The maximum State construction allocation.

.08 Job Order Contracting.

A. In this regulation, the following term has the meaning indicated.

B. Term Defined. "Job order contracting (JOC)" means a project delivery method in which the LEA selects a contractor through a competitive procurement process based on a multiplier or coefficient that:

- (1) Reflects the bidder's determination of the actual cost to perform the work plus overhead and profit; and
- (2) Is applied to a fixed-price list of construction items and activities.

C. The fixed prices of the construction items and activities are defined by the LEA or through a standard project cost source.

D. The schedule of fixed prices may include a construction escalation factor for multiyear contracts.

E. Procurement and Award.

(1) An LEA shall obtain a JOC through a competitive procurement process, whether or not the LEA intends to execute State-funded projects through the JOC.

(2) The JOC may include extension clauses, but the State may not participate in a project executed under a JOC that:

- (a) Has more than three annual extensions; or

(b) Has been increased by change order above the maximum combined price indicated in the solicitation, including all potential extensions, except for changes of scope to individual projects already begun before completion of the final annual extension.

F. Approvals.

(1) If an LEA intends to execute a State-funded project through the JOC, it:

(a) Shall provide the IAC or its designee with evidence that the JOC was procured competitively, including the solicitation documents and the submissions from bidders or offerors;

(b) Shall provide the IAC or its designee with a brief description of the anticipated scope of work, the duration of the JOC contract, the number of annual extensions, and the maximum combined cost of the projects to be performed under the JOC; and

(c) May also include the anticipated minimum cost of each project and the estimated cost of all projects to be performed in each fiscal or calendar year.

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(2) The LEA shall notify the IAC or its designee of its intention to use the JOC to execute a State-funded project at the earliest possible date, and shall provide the information required under §F(1)(a) of this regulation.

(3) The LEA shall acknowledge in the notification that the State is not responsible for any project cost overruns.

(4) Approval of Contracts or Reimbursement.

(a) The LEA shall obtain approval of project award, reimbursement, or both, in the manner and time frame required for all projects funded under the relevant program.

(b) Design review prior to the start of construction shall be required if it would be required for similar projects funded through the same State funding program.

(c) If approval is requested for a project to be executed through a JOC under which a State-funded project was previously approved, the LEA may reference the earlier approval and the JOC solicitation, but is not required to resubmit all relevant information.

(d) For design-build JOC projects, the request for approval of project award or for reimbursement shall clearly indicate those portions of the project cost that are associated with preconstruction activities in order to allow the IAC or its designee to determine which costs are eligible for State reimbursement.

(e) Allowable preconstruction services, as determined by the IAC, shall be included in total construction cost.

(f) Final adjustment of the State's participation shall be made at project closeout.

.09 Fast Track.

A. General. Fast track means a modification to a project delivery method in which portions of a project begin construction while other portions of the project are still in the design phase.

B. Notice to IAC.

(1) The LEA shall submit written notice to the IAC or its designee of its intent to use fast track not later than 3 months before the start of construction.

(2) The LEA may request a shorter notice period which the IAC or its designee may approve in its sole discretion.

(3) The written notice shall include at a minimum the proposed:

(a) Brief description of the overall project phasing;

(b) Schedule for the submission of plans and specifications for review by IAC or its designee; and

(c) Solicitation schedule.

(4) The LEA shall acknowledge in the notice that the State is not responsible for any project cost overruns.

(5) The LEA shall notify the IAC or its designee of any schedule changes.

(6) The LEA shall ensure that local permit agencies will accept the phasing schedule proposed by the LEA.

Administrative History

Effective date: May 21, 2007 (34:10 Md. R. 891)

Title 23
BOARD OF PUBLIC WORKS
Subtitle 03 PUBLIC SCHOOL CONSTRUCTION
Chapter 05 Alternative Financing

Authority: Education Article, §§4-126, 5-112, and 5-301, Annotated Code of Maryland

.01 Scope.

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment if it:

- (1) Exceeds \$25,000 and has Board of Public Works planning or funding approval; or
- (2) Requires review by the State Superintendent of Schools under Education Article, §2-303, Annotated Code of Maryland.

B. This chapter does not apply to a project in a building that is not used primarily for the instruction of students, including an office building, warehouse, or vehicle maintenance or repair building.

C. In this chapter, "IAC or its designee" includes "State Superintendent or designee" if State Superintendent approval is required by Education Article, §2-303(f), Annotated Code of Maryland.

.02 Alternative Project Proposal Review Assistance.

The State Superintendent or designee may request assistance from the IAC or its designee when reviewing alternative project financing proposals.

.03 Educational and Design Standards Apply.

All projects financed through alternative methods shall comply with State procedures for project design review.

.04 Use of Alternative Financing Methods.

A. A county or an LEA may use alternative financing methods for public school construction.

B. An LEA shall obtain the approval of the county governing body to use an alternative financing method.

.05 Types of Alternative Financing Methods.

A. A county or an LEA may fund all or a portion of one or more public school construction projects using one or more of the following alternative financing methods:

(1) A lease-leaseback, in which a private entity undertakes a public school construction project on property leased from, and subleased back to, an LEA if the property leased from the LEA reverts to the LEA upon a date certain;

(2) A sale-leaseback, in which a private entity undertakes a public school construction project on property purchased from, and leased back to, an LEA, if:

(a) The property purchased from the LEA reverts to the LEA upon a date certain;

(b) The LEA and the county have determined that the property is eligible for conveyance under Education Article, §§4-114(c)(3) and 4-115, Annotated Code of Maryland; and

(c) The IAC and the Board of Public Works approve the conveyance;

(3) Performance-based contracting, in which the LEA and a private entity enter into a contract such as an energy-performance contract funded by guaranteed savings over a specific time period;

(4) Public-private partnerships, in which the LEA and a private entity enter into a shared use arrangement of one or more portions of one or more public school facilities in return for public school property enhancement, revenue, or both;

(5) Donation or gift, in which a private entity contributes toward the cost of a project, either through donation of funds to the LEA or through in-kind contribution of materials, equipment, building services, or all three; and

(6) With the concurrence of both the county and the IAC or its designee, such other financing methods as the LEA may deem appropriate for public school construction projects.

.06 State Notifications and Approvals.

A. Alternative Financing Notification. An LEA shall notify the IAC or its designee of the proposed use of an alternative financing method for the construction of a public school by submitting a written determination.

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B. The determination shall include:

- (1) Justification for the use of alternative financing, including the advantages the method will provide to the public;
- (2) A description of the method to be used;
- (3) A description of the method proposed to procure the alternatively financed project;
- (4) The estimated project cost; and
- (5) The scope of work eligible for State reimbursement.

C. The submission shall also:

- (1) Acknowledge that the State is not responsible for any costs associated with financing, interest payments, design services, or project cost overruns; and
- (2) Include a letter from the county approving the use of the alternative financing method.

D. IAC or Designee Approval to Construct. Regardless of project financing method, the LEA may not begin construction until the IAC or its designee has authorized the LEA to proceed.

.07 State Funding.

The State may award funds for an alternatively-financed project only up to the maximum amount that the State would fund if the project were financed conventionally.

.08 Procurement.

A. An LEA or county may procure an alternative financing arrangement for construction of public school facilities in accordance with COMAR 23.03.03.

B. In addition to complying with requirements set forth in COMAR 23.03.03, an LEA shall evaluate the following when procuring an alternative-financing arrangement for construction of public school facilities:

- (1) The cost benefit to the LEA and county;
 - (2) The impact on local financing and on the debt or debt burden of the LEA and county;
 - (3) A detailed analysis of whether the proposed project financing will preclude use of tax-exempt bond proceeds for the proposed project or any future projects;
 - (4) The estimated project income and its allocation;
 - (5) The financial plan, including:
 - (a) Overall feasibility and reliability of the plan;
 - (b) The offeror's past performance with similar plans and similar projects;
 - (c) The degree to which the offeror has conducted due diligence investigation and analysis of proposed financial plan;
- and
- (d) The results of the analyses.

.09 Comprehensive Agreement.

A. General. The LEA or county and the successful offeror shall enter into a comprehensive agreement regarding the parties' rights and obligations. The LEA or county may not enter into a comprehensive agreement with a private entity until the IAC or the State Superintendent, as applicable, has approved the agreement.

B. The comprehensive agreement shall include:

- (1) Performance, educational standards, or both, as applicable, of the project;
- (2) Time line for completion;
- (3) Security such as performance and payment bonds or letters of credit to assure timely completion;
- (4) The requirements for approval of sites, plans, and specifications by the State or other authorities with jurisdiction;
- (5) The right of the State and other authorities with jurisdiction to periodically examine the project to ensure compliance;

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- (6) Risk allocations, including liability insurance that covers the LEA;
- (7) If applicable, monitoring by the State and local authorities with jurisdiction of the private entity's maintenance to ensure proper maintenance before the responsibility is transferred to the LEA or county;
- (8) Procedures in the event that the comprehensive agreement is terminated with or without cause, or there is a material default by the private entity, which shall include:
 - (a) Conditions governing assumption of the responsibilities of the private entity by the LEA, county, or other designated party, and the transfer or purchase of the private entity's property or other interests by the LEA or county; and
 - (b) Requirements for LEA or county to give notice of default, procedural and response requirements of the private entity, and the LEA or county, and related procedures;
- (9) Periodic reporting of required financial information from the private entity;
- (10) The mechanism by which user fees, lease payments, or service payments, if any, shall be established upon agreement of the parties, including the following:
 - (a) Payments or fees shall be commensurate with those of similar facilities; and
 - (b) The private entity shall make available a schedule of the user fees and payments to the public upon request;
- (11) The terms, if any, under which the LEA or county may be obligated to contribute financial resources;
- (12) Periodic reports by which the private entity describes the project's impact on the LEA or county, the local community, and the State;
- (13) The private entity's certification, including an individual certification from each team member, that:
 - (a) All material representations and material information provided in the proposal remain true and correct; and
 - (b) If material changes occur with respect to any material representation or material information, the private entity shall promptly notify the LEA or county and the IAC or designee; and
- (14) Any other information the LEA requires.

.10 Maintenance and Operations.

The private entity shall turn over to the LEA or county the maintenance and operation of the educational portions of the alternatively financed facility on or before the date the facility is open for its intended use.

.11 Minority Business Enterprise Participation.

All alternatively financed projects shall comply with the Minority Business Enterprise requirements that would apply to similar State-supported projects.

.12 Prevailing Wage.

A. All alternatively financed projects shall comply with the prevailing wage rate requirements that would apply to a similar State-supported project.

B. This obligation does not apply to any part of the project that will not be used for public use or benefit as provided in State Finance and Procurement Article, Title 17, Subtitle 2, Annotated Code of Maryland.

C. Nonconstruction costs, such as movable equipment and move-in costs, are not included in calculating State participation.

Administrative History

Effective date: May 21, 2007 (34:10 Md. R. 891)

Regulation .02 amended effective September 28, 2015 (42:19 Md. R. 1229)

Title 23
BOARD OF PUBLIC WORKS

Subtitle 03 PUBLIC SCHOOL CONSTRUCTION

Chapter 06 Relocatable Classroom Indoor Environmental Quality Standards

Authority: Education Article, §5-301(b-1), Annotated Code of Maryland

.01 Definitions.

A. In this regulation, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Locally-constructed relocatable classroom” means a relocatable classroom that is constructed at the school site.

(2) “Model Performance Code” means the construction standards stated in COMAR 05.02.01.03:

(3) “Pre-manufactured unit” means a relocatable classroom that is constructed off-site and transported to the school site.

(4) “Relocatable classroom” means a classroom unit that is capable of being disconnected and transported from one school site and reinstalled at another school site.

.02 Relocatable Classrooms Indoor Environmental Quality Standards.

A. All relocatable classrooms used for student instruction at public schools must conform to Indoor Environmental Quality Standards that meet the Maryland Green Building Council International Green Construction Code (IgCC) Supplement, Chapter 8, Section 801 through 806, which is incorporated by reference; and

B. One of the following:

(1) The Model Performance Code for pre-manufactured units; or

(2) Local building codes for locally-constructed relocatable classrooms.

.03 Exceptions.

This chapter does not apply to relocatable classrooms constructed before July 1, 2015.

Administrative History

Effective date: September 28, 2015 (42:19 Md. R. 1229)

Item IX. C. Change Orders

Motion:

This item is informational and does not require IAC action.

Summary:

The following statistical information is for Change Order Letters dated August 22, 2018 to be included in the August 30, 2018 Outgoing Agenda for (informal) IAC approval of Contracts & Items; Approval date August 30, 2018.

Number of LEAs Reviewed	3		
Total Change Orders Reviewed	11		
Total Issues Reviewed	11		
Total Credit Returned to the State		\$	0
Total Participation in Change orders by the State		\$	93,643
Net Balance		\$	93,643

Change Order Detail:

Descriptions are provided for all Change Order Items that are \$15,000 and over

		State	Local	Total
<u>Baltimore City</u>				
Furman L. Templeton Elementary School #125 PSC: 30.061.12 SA SR (Windows/Doors)				
C.O. #1	(Window Work)	17,069	9,495	26,564
Baltimore Polytechnic Institute High School #403 PSC: 30.185.12 SA SR (UST Removal)				
C.O. #1	(UST Work)	63,040	30,800	93,840
<u>Cecil</u>				
Cecil Manor Elementary School PSC: 07.030.18 SR (Roof)				
C.O. #1	(Additional Insulation Removal)	13,534	10,220	23,754
C.O. #2		0	5,055	5,055
Frederick				
Hillcrest Elementary School PSC: 10.039.17 SR (Windows/Doors)				
C.O. #1	(Doors and Entry Work)	0	31,522	31,522
C.O. #2		0	4,887	4,887

Urbana High School
PSC: 10.048.17 SR (Auditorium Lighting)

C.O. #1	(Time Related)	0	0	0
C.O. #2		0	4,338	4,338
C.O. #3		0	4,843	4,843
C.O. #4		0	195	195
C.O. #5		0	<2,227>	<2,227>