

INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



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Meeting Minutes November 12, 2020

Call to Order:

Dr. Karen Salmon called the video-conference meeting of the Interagency Commission on School Construction to order at 9:00 a.m.

Members in Attendance:

Dr. Karen Salmon, State Superintendent of Schools, Chair
Denise Avara, Appointee of the Governor
Secretary Ellington Churchill, Department of General Services
Linda Eberhart, Appointee of the Speaker of the House
Brian Gibbons, Appointee of the Speaker of the House
Edward Kasemeyer, Appointee of the President of the Senate
Secretary Robert S. McCord, Maryland Department of Planning

Members Not in Attendance:

Dick Lombardo, Appointee of the Governor
Gloria Lawlah, Appointee of the President of the Senate

Revisions to the Agenda:

None

Public Comment:

None

IAC Correspondence:

None

I. Consent Agenda

Motion Carried

Upon a motion by Ms. Avara and a second by Ms. Eberhart, the IAC voted unanimously to approve the consent agenda.

A. Approval of October 15, 2020 Minutes

To approve the minutes of the October 15, 2020 Interagency Commission on School Construction Meeting.

B. Summary of Contracts Awards

To approve contract procurement as presented.

C. Approval of Revisions to Previously Approved Contracts

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

II. Prince George’s County – Rescission of FY 2018 and FY 2019 CIP Projects

Motion Carried

Wanda Ascencio, Manager of Fiscal Services, presented a request for rescission of five CIP systemic renovation projects. These projects expired, and in accordance with Education Article §5-303(j)(3), in May of 2019 and May of 2020, as shown in the table in the agenda item. Four of the projects are eligible for an extension of deadlines under the Governors Executive Order entitled “Extending Certain Licenses, Permits, Registrations, and Other Governmental Authorizations, and Authorizing Suspension of Legal Time Requirements,” However, Prince George’s has requested rescission of these projects, indicating that they have either already successfully executed the projects with other facility related improvements or that significant modification to the scope for the project require a new funding plan.

Upon a motion from Mr. Gibbons and a second from Mr. Kasemeyer, the IAC voted unanimously to approve:

- 1) An accounting adjustment to show the reversion of \$533,000 for the Prince George’s County Dwight D. Eisenhower Chilling/Cooling Tower Project as required by Education Article §5-303(j)(3);
- 2) The rescission of funding approval for the four (4) projects listed below totaling \$16,518,000 for Prince George’s County Public Schools; and
- 3) The transfer of the FY 2018 CIP allocation of \$533,000 and FY 2019 CIP allocation of \$16,518,000 to the Statewide Reserved Appropriations Account for Prince George’s County Public Schools.

III. Approval of Property Disposition – Baltimore City - #005 Langston Hughes Building

Motion Carried

Kim Spivey, Deputy Director of Administration, presented a property disposition request from Baltimore City. The property has been closed and has all required local approvals. Baltimore City is requesting a transfer of ownership by sale of \$1 to the non-profit organization “Youth Education Services.”

Upon a motion from Ms. Eberhart and a second from Mr. Gibbons, the IAC voted unanimously to approve the disposition of the #005 Langston Hughes Building, located at 5001 Reisterstown Road, Baltimore, MD 21215, by the Mayor and City Council of Baltimore, to the “Youth Educational Services,” a 501 (c)(3) nonprofit organization for \$1.

IV. Request for COMAR Waiver for Anne Arundel North County High HVAC/Fire Safety and Electrical TIMS Projects **Motion Carried**

Fred Mason, School Facilities Branch Chief for the Maryland State Department of Education, reported a request for a COMAR waiver from Anne Arundel County. The request is to waive certain sections of COMAR and enable the eligibility of state funding in FY 2022 of HVAC, fire safety, and electrical Technology in Maryland Schools (TIMS) projects in North County High School. Currently COMAR does not allow for state funding of systemic renovations projects if a school system proceeds to bid before IAC approval of the project. These projects had received a B rating in the FY 2021 Capital Improvement Program, meaning the projects were eligible for funding, but deferred due to State Fiscal Constraints. Anne Arundel County interpreted this as akin to approval, and proceeded with designing and bidding, with the projects now underway. They have requested funding for the projects in the FY 2022 CIP. Because of the circumstances described in this agenda item and because award of a waiver would not be inconsistent with State statutes, IAC staff recommends that the IAC allow a waiver under COMAR 14.39.02.28 to allow the projects to become eligible in the FY 2022 CIP cycle. The IAC's Assistant Attorney General reviewed the waiver request and approved the waiver for form and legal sufficiency.

Upon a motion from Mr. Kasemeyer and a second from Ms. Eberhart, the IAC voted unanimously to approve the waiver of COMAR 14.39.02.14C(1) and COMAR 14.39.02.03D(2) as requested by Anne Arundel County Public Schools so that the FY 2022 Capital Improvement Program (CIP) request for Priority #2 North County High HVAC/Fire Safety and Priority #3 North County High TIMS projects will be eligible for State Funding.

V. Facility Status Change Items

Michael Bayer, Manager of Infrastructure and Development at the Maryland Department of Planning, presented four facility status change items to the IAC.

A. Site Approval – Washington County Public Schools – Elementary School #1 **Motion Carried**

Upon a motion from Ms. Avara and a second from Ms. Eberhart, the IAC voted unanimously to approve the use by the Washington County Board of Education (CCBOE) of 15 acres of land at 10435 Downsville Pike, Hagerstown, MD, 21740, for the construction of a new elementary school to replace two existing elementary schools; adhering to the actions identified in the state clearinghouse review, state identifier MD20200707-0581.

B. Site Acquisition and Approval – Montgomery County Public Schools – Gaithersburg Cluster Elementary School #8 **Motion Carried**

Upon a motion from Mr. Kasemeyer and a second from Ms. Avara, the IAC voted unanimously to approve the acquisition by the Montgomery County Board of Education (MCBOE) of 5.71 acres of land known as Kelley Park, at 400 Victory Farm Lane, Gaithersburg, Maryland, 20877, from the City of Gaithersburg, for the construction of and future use by Gaithersburg Cluster Elementary School #8; adhering to the actions identified in the state clearinghouse review, state identifier MD20200914-0782.

C. Easement – Montgomery County Public Schools – John F. Kennedy High School **Motion Carried**

Upon a motion from Ms. Eberhart and a second from Ms. Avara, the IAC voted unanimously to approve the dedication of a forest conservation easement by the Montgomery County Board of Education (MCBOE) of 2.17 acres of land adjacent to John F Kennedy High School, 1901 Randolph Road, Wheaton, Maryland, 20902, to the Maryland-National Park and Planning Commission (M-NCPPC) to protect and prevent the alteration, construction or destruction of sensitive environmental forest buffers at the John F. Kennedy High School site, as required by M-NCPPC's development approval process and Montgomery County Code.

D. Informational Property Change Item – Easement – Montgomery County **Informational Only**

Michael Bayer, Manager of Infrastructure and Development, presented an informational easement item regarding a forest conservation of .31 acres to the Maryland-National Capital Park and Planning Commission to support a facility upgrade project at Col. E. Broke Lee Middle School, 11800 Monticello Avenue, Silver Spring, Maryland.

VI. FY 2018 Qualified Zone Academy Bond Program **Motion Carried**

Arabia Davis, Funding Program Manager, presented a report on a remaining \$220,000 of Qualified Zone Academy Bond (QZAB) funding available for immediate distribution that must be allocated by December 15, 2020. Therefore, an LEA seeking funding through this program must have a project that is ready to move forward expeditiously. Montgomery County identified five projects that met this criteria.

Upon a motion from Mr. Gibbons and a second from Secretary Churchill, the IAC voted unanimously to approve the FY 2018 QZAB funding totaling \$220,000 for five (5) projects in Montgomery County as presented in the item.

VII. FY 2022 Capital Improvement Program Preliminary Requests **Informational Only**

Ms. Davis presented a report on the preliminary requests for the FY 2022 Capital Improvement Program. Education Article, §5-304 Annotated Code of Maryland requires the IAC to approve a Capital Improvement Program (CIP) each year. The agenda item shows preliminary project requests as submitted by the LEAs.

Director Gorrell mentioned the importance of Total Cost of Ownership and spoke on efforts to maximize funding by emphasizing projects with the greatest use of State and Local dollars. Secretary McCord spoke on the need to plan for future enrollment changes, and warned not to place too much emphasis on current conditions due to the COVID-19 crisis, as enrollments may rebound in coming years.

VIII. Report on Status of the IAC Statewide Facilities Assessment **Informational Only**

Alex Donahue, Deputy Director of Field Operations presented a report on the status of the Statewide Facilities Assessment. On Sept. 23, 2020, the Board of Public Works approved the IAC's \$5.8M contract with Bureau Veritas Technical Assessments, LLC of Maryland. On Sept. 30, IAC staff and Bureau Veritas staff launched the project and set a schedule to physically assess each active K-12 public school facility over the course of 10 months. IAC staff is pleased to report that the IAC's Statewide Facilities Assessment is now in the pilot-assessment phase in which the assessment process is being tested on three pilot schools each in three pilot districts. In December, Bureau Veritas is scheduled to begin assessing the remainder of the

facilities and continue doing so through June 2021. Staff will continue to provide updates to the IAC as the project proceeds.

IX. Baltimore City E15M HVAC Project Status Report

Informational Only

Jamie Bridges, Baltimore City Project Manager, presented a status report on the Baltimore City E15M HVAC allocation.

Adjournment:

Upon a motion from Ms. Avara and a second from Mr. Gibbons, the video-conference meeting of the Interagency Commission on School Construction adjourned at 9:58 a.m.