

## Meeting Minutes – April 14, 2022

### Call to Order:

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

### New Member Announcement

Chair Kasemeyer welcomed Michael Darenberg as the new member of the IAC.

### Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair  
Superintendent Mohammed Choudhury, Maryland State Department of Education  
Secretary Ellington Churchill, Department of General Services  
Michael Darenberg, Appointee of the Governor  
Linda Eberhart, Appointee of the Speaker of the House  
Brian Gibbons, Appointee of the Speaker of the House  
Gloria Lawlah, 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

### Revisions to the Agenda:

There were no revisions to the agenda.

### Public Comment:

There was no public comment.

### IAC Correspondence:

There was no IAC correspondence.

#### 1. Consent Agenda – **[Motion Carried]**

Upon a motion by Ms. Lawlah, seconded by Mr. Gibbons, the IAC voted unanimously to approve the consent agenda.

##### A. Approval of the March 10, 2022 Minutes

To approve the minutes of the March 10, 2022 Interagency Commission on School Construction Meeting.

##### B. Summary of Contract Awards

To approve contract procurement as presented.

**C. Project Allocation Reversion**

To approve the reversion of the amounts identified below to the appropriate statewide contingency accounts.

**D. Project Closeouts**

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

**E. Revisions to Previously Approved Contracts**

To approve revisions to three previously approved contract awards to accurately reflect the reversion of funds to the appropriate reserved appropriation account for the Glendale Elementary Chiller Replacement Contract, Riviera Beach Elementary Chiller Replacement Contract, and the Franklin High Lock Replacement Contract.

**F. St. Mary's Public Schools Easement – [Informational Only]**

**G. Baltimore City E15M Report – [Informational Only]**

**H. Projects Approaching the Deadline for Contract Approval – [Informational Only]**

**2. Built to Learn Act Project Status Report – [Informational Only]**

Bret Waskiewicz, IAC Senior Regional Facilities Manager, presented a status report of Built to Learn Act projects. The report shows the project's delivery method and the percentage complete for each of three phases. Mr. Waskiewicz highlighted several projects that have experienced significant delays in their project schedule.

In response to questions from the Commission, IAC staff explained that Charles County bid three projects at the same time rather than spreading them out because they wanted to get all the projects under contract as quickly as possible in order to have final bid amounts to inform their memorandum of understanding (MOU) with the Maryland Stadium Authority (MSA). Members expressed concern with the supply chain of construction material and the impact on school construction. Staff confirmed that LEAs have experienced a shortage of construction materials. To mitigate supply chain issues, the LEAs have ordered supplies prior to construction to allow for long lead times. Members directed IAC staff to reach out to MSA to discuss the possibility of the state buying certain materials that are difficult to obtain in bulk to assist LEAs in acquiring needed materials. In response to questions from the Commission, staff stated the opening date for the Lansdowne High School project is August 2026.

**3. Built to Learn Project Approvals – [Motion Carried]**

Arabia Davis, IAC Funding Programs Manager, presented recommendations for the approval of two new BTL projects, Green Valley and Valley Elementary Schools in Frederick County, and revision of two previously approved projects. The revision for Anne Arundel County's New West County Elementary School project amended the gross square footage of the facility to include additional classrooms that were not a part of the LEA's original allocation request. The additional square footage was used to calculate the revised Maximum State Construction Costs, which increased the State's share by \$994,000 more than the original project allocation approval. Charles County's J.P. Ryon Elementary PreK-K Addition project original estimated construction budget did not include eligible Design and FF&E funding. The recommended increase is to increase the previously approved allocation by \$371,000 to include these eligible cost components.

Upon a motion by Ms. Eberhart, seconded by Superintendent Choudhury, the IAC voted unanimously to approve project allocations and revisions as presented to be funded and executed through the Built

to Learn Act, with new allocations estimated to total \$53,513,000 and revised allocations that increase the estimated total allocations by \$1,365,000. Final funding amounts are subject to adjustment based upon finalization of project worksheets and review of project eligibility.

**4. Amendment of Prince George's FY21 and FY23 CIP – [Motion Carried]**

Gene Shanholtz, IAC Regional Facilities Manager, presented Prince George's County Public Schools (PGCPS) request to cancel the FY 2021 Systemic HVAC project at Charles H. Flowers High School and amend the FY 2023 Systemic Roof project at Charles H. Flowers High School to include the HVAC scope of work. The two projects were originally developed by different planning teams and resulted in submission of two separate requests. PGCPS decided to combine the two projects for better project coordination and execution.

Upon a motion by Secretary McCord, seconded by Superintendent Choudhury, the IAC voted unanimously to:

1. Approve the cancellation of Prince George's County Public School (PGCPS) FY 2021 Charles H. Flowers High School HVAC Project (PSC# 16.174.21 SR);
2. Transfer the State allocation totaling \$4,819,000 to the LEA's Reserved Prior Year Appropriations Account;
3. Amend the FY 2023 CIP Charles H. Flowers Roof project to include the HVAC scope of work; and,
4. Apply \$4,819,000 from the Reserved Prior Year Appropriations account to the FY 2023 Charles H. Flowers HVAC/Roof project (PSC# 16.174.23 SR).

**5. Cancellation of Frederick County FY21 Middletown High School CIP – [Motion Carried]**

Ms. Davis presented Frederick County Public School's (FCPS) request to cancel the FY 2021 Capital Improvement Program roof project at Middletown High School. FCPS re-evaluated the needs of the school and determined that it would need to be renovated or replaced within the next 10 years. FCPS confirmed that they will use local funds to make the necessary repairs to extend the life of the building system.

Upon a motion by Secretary McCord, seconded by Ms. Eberhart, the IAC voted unanimously to approve the cancellation of Frederick County Public School's (FCPS) FY 2021 Middletown High School Roof Replacement Project (PSC# 10.005.21 SR) and transfer the State's allocation totaling \$168,320 to the LEAs Reserved Prior Year Appropriations Account.

**6. FY 2023 HSFF Schedule for Allocation and Revision to Procedures - [Motion Carried]**

Cassandra Viscarra, IAC Deputy Director for Administration, provided a summary of the draft revisions to the Health School Facility Fund Administrative Procedures Guides and available funding for FY 2023.

Upon a motion by Secretary Churchill, seconded by Mr. Gibbons, the IAC voted unanimously to approve changes to the Healthy School Facility Fund (HSFF) Administrative Procedures Guide as presented and to authorize staff to solicit FY 2023 applications from LEAs and the Maryland School for the Blind for projects that will improve the health of school facilities. Additionally, to authorize IAC staff to make non-substantive edits as necessary.

**7. FY23 Aging Schools Program Revision to Procedures - [Motion Carried]**

Ms. Viscarra provided a summary of the draft revisions to the Aging Schools Program (ASP) Administrative Procedures Guides and available funding for FY 2023. Upon questions from the Commission members, IAC staff explained that the deletion of references to window air conditioning is because more sophisticated and effective technology has become available to serve the same purpose, making the references outdated. Members requested a clarification on change order eligibility. Staff explained that, following a recommendation from the Knott Commission, the General Assembly in 2018 enacted Chapter 14 which prohibited the IAC from funding, reviewing, or approving Change Orders. Removing the reference brings the ASP procedures into alignment with statute.

Upon a motion by Ms. Eberhart, seconded by Secretary Churchill, the IAC voted unanimously:

1. To approve the Aging Schools Program (ASP) Administrative Procedures Guide, pending non-substantive edits by staff;
2. To direct staff to solicit ASP projects from LEAs with a maximum total allocation of \$6,109,000 in accordance with the FY 2023 State budget, plus any available funds from prior year allocations.; and
3. To delegate authority to approve eligible projects within the total LEA allocation to IAC staff and IAC designees, with a report of project allocations submitted to the IAC periodically at regularly scheduled meetings.

**8. FY22 Non-Public School Aging Program Project Approvals and Allocations - [Motion Carried]**

Myron Mason, MSDE School Facility Program Officer, presented the FY 2022 allocations for the Nonpublic Aging Schools Program, totaling \$3,499,524. Upon questions from Commission members staff confirmed that the program follows the same non-discrimination requirements as the MSDE BOOST program.

Upon a motion by Ms. Lawlah, seconded by Secretary McCord, the IAC voted unanimously to approve FY 2022 Senator James E. "Ed" DeGrange Nonpublic Aging Schools Program project allocations as presented, totaling \$3,499,524.

**9. Draft IAC Meeting Bylaws – [Informational Only]**

Ms. Eberhart presented the Draft IAC Meeting Bylaws to the IAC for review. The bylaws incorporate procedures currently in use by the IAC and practiced in other similar commissions, and will create a procedure to elect a Vice Chair. Ms. Eberhart requested that members review the bylaws and provide their comments back in order to make revisions and potentially to approve the bylaws at their May meeting.

**10. Legislative Update – [Informational Only]**

Heidi Dudderar, Assistant Attorney General for the IAC, presented an overview of the bills of interest to the IAC and their enrollment and passage status.

**Miscellaneous:**

Ms. Viscarra explained that a provision added to the Capital Budget near the end of session provided \$270 million for school construction earmarked for Baltimore City, Baltimore County, Charles County, Howard County, Frederick County, and Prince George's County for majority of the funding. An additional \$2 million was allocated to the rest of the counties, and the IAC is responsible for determining its

distribution. The funding is required to be provided with 100% state share, the projects are selected by the County and not by the County's Board of Education, and the funding must be used for projects that did not receive IAC funding in FY 23 or prior. IAC staff are working with the Department of Legislative Services and the IAC's Assistant Attorney General to clarify specific funding requirements, which will be reported to the IAC at the May meeting. Members asked if this allocation will be an annual funding or a one time allocation, staff believes that this will be a one time allocation. Discussing the entire Capital Budget, members requested if CIP had additional funding, staff noted that there was a \$5 million increase in CIP and additional funding in relocatable classrooms and other programs.

Bob Gorrell, IAC Executive Director, provided a summary of recent discussions that staff had with external stakeholders. Executive Director Gorrell and Ms. Viscarra attended the Eastern Shore Superintendent Meeting. The IAC was able to gather feedback from the meeting to understand the disconnect between Superintendents and their own staff. Based upon their suggestions, the IAC will begin to coordinate regional meetings in 2022 with Superintendents, their staff, and County representatives to improve communication and understanding of programs across a broader section of LEA staff.

Executive Director Gorrell and Alex Donahue, Deputy Director for Field Operations, provided an update of their meeting with the Maryland Association of Counties (MACo). Additionally, Mr. Donahue provided a summary of discussion with and feedback from Dr. Josh Sharfstein of John Hopkins University about the data from the Statewide Facilities Assessment (SFA). The discussions have been very constructive and the IAC will continue to work with Dr. Sharfstein.

### **Announcements:**

Executive Director Gorrell announced that he will be retiring from State service, effective the end of May, 2022.

### **Adjournment:**

Upon a motion by Ms. Lawlah, with a second by Ms. Eberhart, the IAC voted unanimously to adjourn the meeting at 10:09 AM.