

PUBLIC SCHOOL CONSTRUCTION PROGRAM



ADMINISTRATIVE PROCEDURES GUIDE

STATE OF MARYLAND

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PUBLIC SCHOOL CONSTRUCTION PROGRAM
ADMINISTRATIVE PROCEDURES GUIDE
STATE OF MARYLAND

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Revised 4/17/2017

FOREWORD

The Interagency Committee on School Construction has approved this Administrative Procedures Guide to reflect changes in the operation of the program consistent with the revised Rules, Regulations, and Procedures for the Administration of the School Construction Program as approved by the Board of Public Works, June 10, 1981, and as amended September 21, 1982, September 17, 1986, December 30, 1987, October 11, 1989, and October 6, 1993.

This publication provides State and local personnel, architects, and governmental officials with an understanding of the method of operation and administration of the Public School Construction Program. The material is arranged in sequential order and follows a project from inception through design, construction, and occupancy.

Formal review stages and approvals are required by the Committee in the development of a project. These required approvals are in no way meant to restrain local initiative in program or project development but are instead a means of monitoring the prudent expenditure of State funds.

The guide is organized and presented to facilitate additions or modifications as developed. It can be kept up-to-date with future insertions or changes. We will review the procedures periodically to make them more effective. Suggestions you may have that would add clarity or improve effectiveness are always welcome.

This document should contribute to the improvements in the planning, design, and construction of public school buildings in the State of Maryland. Through the cooperation and interaction of the local school district staffs, architects, and the staff of the committee, improved educational facilities and learning environments can be developed.

Yale Stenzler
Executive Director
September 1994

**PUBLIC SCHOOL CONSTRUCTION PROGRAM
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100 - GENERAL INFORMATION

This section has been revised and replaces previous Section 100.

100.1 AUTHORITY

- A. The authority of the Public School Construction Program (PSCP) is provided in Sections 5-301, 5-302, 5-303, 5-307, 5-308, 5-309 and 5-310 of the Education Article of the Annotated Code of Maryland. Related statutes and regulations are listed in Appendix #TBD.
- B. History of the Authorization
 - 1. The State Legislature, through Chapter 624 of the Acts of 1971, added Section 130A to Article 77 of the Annotated Code of Maryland providing for a program of State assumption, under certain conditions, of the costs of public school construction and public school capital improvements. This statute was subsequently recodified in 1978 and is now in Sections 5-301, 5-302, and 5-303 of the Education Article of the Annotated Code of Maryland. Some of these sections have been modified since that time. Sections 5-301.1, 5-307, 5-308, 5-309 and 5-310 were added to the Education Article, which pertain to the Public School Construction Program.
 - 2. The legislation authorized the Board of Public Works (BPW) to adopt rules, regulations, and procedures for the administration of the school construction and capital improvement program and to establish an Interagency Committee on School Construction (IAC) to administer the Public School Construction Program. Chapter 306/307 of the Acts of 2004, adopted by the General Assembly in April 2004 and signed into law in May 2004, requires that the procedures of the Public School Construction Program, including the procedures described in this *Administrative Procedures Guide*, be incorporated as regulation in the Code of Maryland Regulations (COMAR Chapters 23.03.01 to 23.03.05).

100.2 STATE FUNDING

- A. The enabling legislation that created the Public School Construction Program in 1971 established a program of State funding for school construction under certain conditions.
- B. On the recommendation of the IAC, the Board of Public Works considers and approves certain school projects as part of an annual capital improvement program.¹ These approvals are specific as to a definite project with a prescribed scope and cost. The Public School Construction Program funds the eligible portion of each project, consistent with these approvals.
- C. The Maryland General Assembly receives a budget recommendation from the Governor and provides funding for the program through the enactment of an annual appropriation in the operating budget and/or the capital budget. The General Assembly may increase the capital budget at its discretion.
- D. The Public School Construction Program funds the cost of constructing certain school capital improvements or portions thereof up to the extent of the approvals by the Board of Public Works and consistent with the current regulations, subject to annual appropriations.
- E. The Board of Public Works on December 30, 1987, established a State/local shared cost formula to determine the maximum State construction allocation for the eligible portion of a project. The Board

¹ Exceptions to the general process presented here occurred in the FY 2006 and FY 2007 Capital Improvement Programs, when the General Assembly passed and the Governor enacted capital budgets that allocated specific funding levels to each of the LEAs. These capital budgets authorized the IAC to approve final project allocations and planning approvals. For FY 2008, the General Assembly authorized individual LEA allocations but restored authority to the Board of Public Works to make final project decisions, based on the recommendations of the IAC.

of Public Works, in response to a recommendation from the Governor's Task Force on School Construction, approved a revised State/local shared cost formula on October 6, 1993.² In 2004 the General Assembly passed legislation that established a new cost-share formula, based on the January 2004 recommendation of the Task Force to Study Public School Facilities, and required that the percentages be updated at intervals not to exceed three (3) years. See Appendix #TBD for the current percentage that applies to each school system.

- F. Any costs in excess of those costs considered eligible for State funding are the responsibility of the local jurisdiction.
- G. There may be school construction capital improvement projects planned or constructed by a local jurisdiction that are not eligible for State funding under the regulations. Some of these projects may require the approval of the State Superintendent of Schools as specified under Section 2-303(f) of the State Education Article, and are subject to the requirements for project procurement, delivery and alternative financing of COMAR Chapters 23.03.03 to 23.03.05.

100.3 ORGANIZATIONAL STRUCTURE

- A. The organizational structure of primary responsibilities is shown in Exhibit 1.

100.4 A SCHOOL CAPITAL IMPROVEMENT PROJECT

- A. The outline of procedures and responsibilities for a school capital improvement project is shown in Exhibit 2.
- B. Eligible Project Categories
 - 1. Existing Buildings
 - a. Renovation (R): Projects to fully renovate all or part(s) of schools that have been in use for more than 15 years where the purpose is not to provide significant additional capacity, but to adequately support State and local educational initiatives, to meet current building performance and energy standards, and/or to extend the useful life of the part(s) being renovated. A renovated school or portion of a school is considered to be in an as-new condition and is not eligible for additional State funding for projects within 15 years of the date the building is placed in service.
 - b. Limited Renovation (LR): Projects to partially renovate all or part(s) of schools that have been in use for more than 15 years in order to extend the useful life of the building, improve building performance and/or correct deficiencies, or enhance the setting for educational programs. The project must comprise a minimum of five major building systems and widespread educational and architectural enhancements. A school that is approved for a Limited Renovation project is eligible for further State funding participation within 15 years of the date the building or portion of the building is placed in service, for work not undertaken in the Limited Renovation.
 - c. Renovation/Addition (R/A) or Limited Renovation/Addition (LR/A): Projects that meet the objectives of a renovation or a limited renovation but also construct additions to these schools in order to increase capacity, to support State and local educational initiatives, and to extend the useful life of the building.

² The Maryland General Assembly also approved legislation to modify the percentages for Baltimore City and Prince George's County for a designated amount for a specified period of time.

- d. Addition (A): Projects to construct additions to existing schools to provide space for significant additional student capacity or to enhance educational programs, with preference for basic instructional spaces such as classrooms and laboratories. Limited funding will be provided for portions of the existing building that must be renovated in order to allow connection to the new addition(s).
 - e. Science (Look Of The Future) (SCI): Construction or renovation of high school science classrooms and laboratories in order to provide spaces that support contemporary science instruction.
 - f. Systemic Renovation (SR): Renovation, replacement or enhancement of a specific building system that will extend the useful life of the school facility for a minimum of fifteen (15) years.
2. New Construction
- a. New: Projects to build new schools, generally to meet capacity needs, where neither re-districting of school populations nor additions to schools in existing neighborhoods and communities are possible or practical.
 - b. Replacement: Projects to replace the majority or the entirety of an existing school where the cost of renovation is prohibitive, or site/building layout and other technical factors make renovation of the entire structure infeasible. Replacement may include expansion to increase capacity, and must typically be justified on the basis of a feasibility study.
3. Relocatable Classrooms
- a. State-Owned Relocatable Classrooms: Projects to relocate State-owned relocatable classrooms from one site to another, either within a school district or between school districts.
 - b. Repairs to State-Owned Relocatable Classrooms are funded through a separate program.
4. Other: The IAC may recommend that the BPW establish special funding initiatives for designated programs for a limited period of time. .

100.5 PROJECT REVIEW CRITERIA AND PROCESS

- A. The factors used to evaluate and approve projects submitted in the Public School Construction Capital Improvement Program are provided in detail in Section 102.4 Submission Requirements and 102.5 Evaluation and Approval of Project Requests. These factors are applied with the recognition that there are great differences between the facility needs of different school systems: local and community priorities are not the same, local fiscal capacities vary, and the number and scope of projects also varies. Unique programmatic, demographic or facility conditions must also be accounted for. The following types of factors are considered by the PSCP in determining recommendations.
- B. School System Information
- 1. Demographic and Enrollment Information: Includes student enrollment projections indicating the need to build new schools and additions for increased capacity, or the need to consolidate schools where student populations are declining. The number and requirements of students with special needs are also factors for consideration.

2. Educational Programs: Includes the need to build new schools and additions for changing educational programs, the need to renovate or replace obsolete facilities that do not meet current educational standards or do not accommodate special programs, and the overall grade organization of the school system.
 3. Financial Information: Includes local government priorities for public school capital expenditures, local capacity and commitment to provide matching funds, and local capacity to locally fund projects prior to or in the absence of State funding.
 4. Environmental and Planning Information: Includes geographic, topographic, and soils information, overall land uses, existing comprehensive plans, transportation and mobility connections, water and sewer availability, the location of priority funding areas, as well as the presence of sensitive environmental areas or sites of historic and archeological interest.
 5. Existing Facility Conditions: Includes the age and condition of public school facilities, their capacity to accommodate both enrollment changes and current educational programs, and their possible historic value and interest.
- C. General Project and Program Information
1. Approved Projects: Status of projects that have been previously approved for planning and funding within the LEA and within the state, and estimated capacity of the State to assume new obligations in relation to projects previously approved.
 2. Estimated Cost: Estimated cost of individual school system requests, and of total statewide request.
 3. Available Funding: Total available State funds anticipated, including new bond authorization, "Pay-go" funds, and Statewide Contingency Account funds.
 4. State Educational Priorities and Initiatives: Examples include kindergarten and pre-kindergarten projects in compliance with State legislation, or Look of the Future High School Science Classroom renovations.
 5. Planning Approvals: To prioritize recommendations for planning approval, the PSCP utilizes a process that considers the educational impact of the program, the number of students with special learning needs, the age of the facility, its utilization, and its impact on State planning goals related to community development, as well as other factors.
- D. Specific Project Criteria.
1. Eligibility for State Funding: Inclusion of a project within an eligible project category, prior year funding, and State and local project priority (generally the LEA's highest ranking requests will be given preference for approval).
 2. Local Approvals: All projects must be approved by the Board of Education by the date in early October specified in July by the PSCP, and amended by the date in late November or early December (if necessary) specified in July by the PSCP, and must also be approved by the local government by same date in November or December . The local government must indicate its commitment of local funds for the State match and for ineligible items.
 3. Requests for Planning Approval (See Section 102.4 for specific requirements): The site must be approved by the local board of education and by State agencies and the IAC, and the scope must be justified by student enrollments at the school and/or at adjacent schools. Factors considered in the site approval process are the relation of the school location to priority funding areas and to existing communities, the availability of water and sewer connections,

transportation and mobility access, site size, adjacent residential density, and the presence of sensitive environmental areas or sites of historic or archeological interest. For facilities that are required to be high performance schools, assurance of the intention to seek high performance certification must be provided. For replacement schools or schools involving major demolition, a feasibility study must be submitted and approved by the Designees. Projects for career and technology education and/or special education must be approved by the respective Assistant State Superintendent of Schools.

4. Requests for Funding for Major Projects (See Section 102.4 for specific requirements): The project must be progressing through the design phase and construction funding must be justified for the following fiscal year. The educational specification must be prepared by the LEA and reviewed by PSCP/MSDE. The scope of work eligible for State funding will be determined based on projected enrollments and the State Rated Capacity (SRC) at the school and/or adjacent schools, the eligible area for renovation, and other factors. If the scope of the project exceeds State parameters, the LEA will pay for excess costs. Prior year State funding will be taken into account, and consideration will be given to whether multi-year funding is appropriate based upon the estimated cash flow required for construction of a larger project. For facilities that are required to be high performance schools, continuing assurance of the intention to seek high performance certification must be provided.
 5. Requests for Funding for Systemic Renovation Projects: The description of the work, age of components, and cost estimate must be appropriate.
 6. Requests for Funding for Educational Initiatives (Kindergarten/Pre-kindergarten, Look of the Future High School Science Projects, other): Information regarding student enrollments and teaching staff must be provided, as well as the area of the school that will be renovated or added to.
- E. Project Approval Status:
- “A” - Approved;
 - “B” - Eligible for approval, but deferred due to fiscal constraints;
 - “C” - Deferred due to technical questions, concerns, or problems; or
 - “D” - Denied because ineligible for State funding.
- F. Steps for recommendations for and/or the approval of projects: See Exhibit 2.

100.6 MAINTENANCE

- A. Maintenance inspections of a sample of all Maryland public schools will be conducted every year.
 1. Items noted must be responded to within 30 days of notification.
 2. Deficiencies in schools that receive a ranking of Not Adequate or Poor must be corrected within 60 days, and these schools will be reinspected to confirm the corrections.
- B. An annual report on school maintenance is provided to the Board of Public Works in the fall, followed by an awards ceremony for those schools that receive a ranking of Superior.

Notes: Abbreviations

A/E Architect/engineer

BPW	Board of Public Works
CIP	Capital Improvement Program
DGS	Department of General Services
EFMP	Educational Facilities Master Plan
IAC	Interagency Committee on School Construction
LEA	Local Education Agency
MDP	Maryland Department of Planning
MSDE	Maryland State Department of Education
PSCP	Public School Construction Program

Exhibit 1

<<Insert organizational chart here>>

Exhibit 2

**GENERAL PROCESS FOR A SCHOOL CAPITAL
IMPROVEMENT PROJECT IN THE STATE SCHOOL CONSTRUCTION PROGRAM**

Notes:

1. Specific requirements and procedures are provided in detail in the referenced sections of the *Administrative Procedures Guide*. Not all requirements below apply to all project categories.
2. For projects that are submitted through other programs administered by the PSCP, see the specific program regulations and procedures that apply.
3. For locally funded projects that are intended to be requested for State planning and funding approval, follow the procedures outlined below. Correspondence on these projects is to be directed to MSDE Facilities Branch, see Exhibit 3, CONTACTS

A. Prerequisites

1. By July 1 of each year: The LEA shall submit or amend its Educational Facilities Master Plan and shall update its facility inventory.
2. The LEA shall submit a feasibility study in support of demolition of more than 50% of an existing facility.
3. By September 1 of each year: The LEA shall submit a schematic design in order to be recommended by staff for funding in the January round of approvals by the Board of Public Works. This requirement does not apply to projects utilizing repeat designs, see Section 301.
4. By November 1 of each year: The LEA shall submit design development documents in order to be recommended by staff for funding in the January round of approvals by the Board of Public Works. This requirement does not apply to projects utilizing repeat designs, see Section 302.

B. Project Planning and Funding Approval

1. By the date in early October specified by the PSCP: LEA submits a request for planning or funding approval to PSCP as part of its consolidated annual CIP (amendments may be submitted until the date in late November or early December specified by the PSCP).
2. Late October/early November: The PSCP staff reviews the request in a work session with the LEA and requests additional and/or clarifying information.
3. Mid-November: The PSCP staff makes recommendations to the IAC for a portion of the anticipated total State funding and conveys the same information to the LEA and local government. Funding recommendations are based on the estimated total funding and on the demonstrated progress of the project.
4. By the date in late November or early December specified by the PSCP: The local government must approve in writing the LEA request and any amendments in order for the request to be considered.
5. Early- to Mid-December: The IAC holds a hearing for LEA representatives to present information on projects that were not recommended for approval by the PSCP staff. The IAC makes decisions regarding projects and specific allocations that will be recommended to the BPW for their approval. By December 31st, the IAC must recommend projects that constitute

75% of the preliminary school construction allocation for the following fiscal year as presented by the Governor prior to October 15. These recommendations are conveyed to the LEA and local government representatives.

6. Late January: The BPW considers the IAC recommendations for planning and funding, approves funding for projects not to exceed 75% of the preliminary capital budget, and hears appeals from school systems on projects that were not recommended for approval by the IAC.
7. March 1: The IAC recommends project allocations for 90% of the submitted public school capital budget. These recommendations are not subject to approval by the BPW until after May 1.
8. Mid- to Late-April: Following the end of the legislative session, the IAC recommends to the Board of Public Works additional projects for funding and planning approval, based on the appeals made by the LEAs at the January meeting of the BPW, on additional information provided by the LEAs, and on the final funding level passed by the General Assembly and enacted by the Governor. Funds may also be added from the Statewide Contingency Account.
9. After May 1: The Board of Public Works approves the final allocation of funds. The total amount of the approved allocation will equal the approved funding. The PSCP sends information regarding the BPW decisions to each LEA, the local governments, and other interested parties. A tentative maximum State construction allocation is established for projects approved for planning, and a maximum State construction allocation, which will not be changed through the life of the project, is established for projects approved for first-time funding.
10. June 1: Allocations for construction are available.

C. Acquisition of School Sites

1. Request for approval of acquisition is submitted by LEA following approval by the local board of education.
2. The site is reviewed by State agencies after submission to State Clearinghouse.
3. Following Clearinghouse approval, the LEA submits a request for site approval to the IAC. The request is reviewed by PSCP/MDP.
4. Material is prepared for approval by the IAC and the State Superintendent of Schools.
5. Site is acquired by LEA after IAC and State Superintendent's approval.

D. Educational Specifications

1. Educational specifications are prepared by the LEA.
2. PSCP/MSDE reviews and comments on educational specifications.

E. Architectural/Engineering (A/E) Consultants for Design

1. A/E is selected by the LEA.
2. Agreement is drawn up between the LEA and the A/E.
3. A/E services are funded by the LEA.

F. Schematic Design (SD)

1. SDs are submitted by LEA prior to September 1 of year in which funding request is made in order for the project to be considered for recommendation for funding approval in the January meeting of the BPW.
2. SDs are reviewed and approved by PSCP/MSDE. Written comments will be provided.

G. Design Development (DD)

1. Pre-design development meeting may be held among the LEA, PSCP/DGS, and the consultant.
2. Documents and required supporting materials are submitted by LEA including life cycle and energy conservation studies (prior to November 1 in order for the project to be considered for recommendation for funding approval in the January meeting of the BPW).
3. Documents are reviewed and written comments are provided by MSDE for locally funded projects, and by PSCP/DGS for projects that have received State planning approval, or planning approval and funding.

H. Construction Documents (CD)

1. CD's and required supporting materials are submitted by LEA.
2. Actual solicitation documents are reviewed by PSCP/DGS and written comments are provided.
3. Documents are reviewed and written comments are provided by MSDE for locally funded projects, and by PSCP/DGS for projects that have received State planning approval, or planning approval and funding.
4. DGS authorizes the project to proceed to solicitation (or construction) if the documents are determined to be complete and if acceptable responses to written comments are provided. (Note: the words "or construction" following the word "solicitation" apply to projects procured and delivered through design-build, job order contracting, intergovernmental purchasing, or other methods in which the award of contract is made before design is completed.)

J. Bidding and Contract Award

1. Project is bid by LEA or procured by other acceptable method.
2. Award of contract is approved by Board, subject to IAC approval.
3. Bid information or other acceptable procurement information is submitted to IAC for approval.
4. Expenses in excess of the State construction cost are a local responsibility.
5. Contract is executed by LEA with record copy submitted to PSCP.

K. Construction

1. School is constructed under sole direction of LEA.
2. Related construction costs, e.g. site survey, test borings, etc., are borne by LEA.
3. Inspection of construction by local inspectors is performed as appropriate.
4. Change Orders

- a. All change orders approved by LEA are to be submitted for information to PSCP.
 - b. Change orders requested for State funding will be reviewed for eligibility, availability of funds, and reasonable pricing.
 - c. The cost of change orders, or the portion thereof that is in excess of the contingency established at the time of contract award approval by the IAC, shall be funded by the LEA.
5. The LEA updates the State's electronic facility inventory database upon substantial completion of each project.

L. Relocatable Classrooms

1. Funds for relocation of State-owned relocatable classrooms are requested as part of the annual capital improvement program.
 - a. Project must be justified with respect to student enrollments and other criteria.
 - b. State participation is based on a fixed cost per relocation.
2. Funds for repair of State-owned relocatable classrooms are provided through the PSCP operating budget, and are applied for separately from CIP funds.

M. Project Close-Out

1. The LEA provides the following information to the PSCP:
 - a. Contractor's final requisition(s), including Minority Business Enterprise (MBE) information.
 - b. Architect's Certificate of Completion (for new construction and/or major renovations/additions)
 - c. LEA Certificate of Acceptance
2. PSCP makes final adjustments in the total State funding for the project, based on review of all project expenses and approval of any deduct change orders.
3. The PSCP conducts an audit of a sample of school construction projects in each LEA to review procurement, construction management, minority business enterprise, close-out, document retention, and other matters, and issues a letter noting any audit exceptions.

Exhibit 3

CONTACTS

PUBLIC SCHOOL CONSTRUCTION PROGRAM (PSCP)

Executive Director:	410-767-0610
Administrative Assistant to the Executive Director	410-767-0611
Deputy Director	410-767-0096
Director of Fiscal Services	410-767-0612
Program Manager	410-767-0742
Chief of Information Technology	410-767-0618
MBE Manager	410-767-0726
Records Manager	410-767-0616
General Office	410-767-0617
FAX	410-333-6522
Website	www.pscp.state.md.us
Address	Public School Construction Program 200 West Baltimore St. Baltimore, MD 21201

**MARYLAND STATE DEPARTMENT OF EDUCATION (MSDE),
SCHOOL FACILITIES BRANCH**

Chief, School Facilities Branch	410-767-0097
School Facilities Architect Supervisor	410-767-0101
School Facilities Architect	410-767-0615
Administrative Specialist	410-767-0612
FAX	410-333-6522
Address	Maryland State Department of Education School Facilities Branch 200 West Baltimore St. Baltimore, MD 21201

DEPARTMENT OF GENERAL SERVICES (DGS)

Program Manager	410-767-4378
Program Administrator	410-767-4246
Administrative Officer	410-767-4152
FAX	410-333-7967
Address	Department of General Services 301 W.Preston St., Room 1207 Baltimore, MD 21201

MARYLAND DEPARTMENT OF PLANNING (MDP)

Director, Infrastructure Planning Division	410-767-4620
Deputy Director of Infrastructure Planning	410-767-4564
Facility Planner	410-767-4613
FAX	410-333-7967
Address	Maryland Department of Planning 301 W.Preston St., 11 th Floor Baltimore, MD 21201

END OF SECTION

101 LOCAL EDUCATION AGENCY EDUCATIONAL FACILITIES MASTER PLAN

101.1 MASTER PLAN REQUIREMENTS

- A. The Rules, Regulations, and Procedures for the Administration of the School Construction Program require each LEA to annually submit or amend its school system's Educational Facilities Master Plan (EFMP). Each LEA's annual and five-year CIP must be in accord with the current EFMP of record.
- B. The master plan shall be submitted or amended by July 1 of each year.
1. Each school system must have a current master plan or plan update on file to be eligible for State project planning approval or construction funding.
 2. Master plans that have been updated by means of amendments, supplements, inserts, etc., shall be completely revised every five years.
 3. Four copies of the master plan or update shall be submitted.
- C. LEA staffs, local planning agencies, and government representatives are responsible for preparation of this planning document. The IAC can provide staff assistance in explaining the master plan format or other procedural questions. The IAC will review and comment upon the plans including an in-depth review where capital funding implications may be imminent. It is not, however, the role of the IAC or its staff to gather the data, to establish the standards, policies and goals, or to formulate the options and conclusions involved in this planning effort.
- D. The required components of an acceptable plan are below. They are developed more completely in Section 101.2.
1. Written verification that the Maryland Office of Planning and LEA agree on the county-wide population and enrollment data on which the plan is predicated.
 2. A letter from the local planning board, commission, or director stating that the EFMP is consistent with the adopted comprehensive plan of the local jurisdiction.
 3. A letter or resolution from the LEA certifying that it accepts the plan as a working document.
 4. The following statement must appear at either the beginning or the end of the plan:

The public school system of _____ City/County does not discriminate on the basis of race, color, sex, age, national origin, religion, or disability in matters affecting the provision of access to educational programs, and nothing in this Educational Facilities Master Plan of _____ City/County is intended to or will be allowed to institute, reinstate, maintain, or further such discrimination.

The statement must be signed by both the president of the board of education and the superintendent of schools.

5. Goals, Standards and Guidelines

These include the organizational pattern for schools (e.g., pre-k-5, 6-8, 9-12; K-6, 7-9, 10-12), staffing ratios, busing guidelines, occupancy levels, provision of special education and career and technology education in the school system.

6. Community Analysis

This section should provide information on the community. In developing this section, use should be made of the adopted comprehensive plan of the local jurisdiction, county population distribution and plans for future population distribution.

7. Inventory and Evaluation

This section should provide the following information on each educational facility: name, location, State Rated Capacity, grade organization, size in gross square feet, date of construction of original building and additions, renovations, acreage of site, enrollment the previous fall, utilization rate, and general physical condition. Use Form 101.1.

8. Enrollment Data

Enrollment projections should be developed for the next five years and the tenth year on a county-wide basis and for each school by year and by grade, (pre-k through 12), including special education and career technology education as appropriate. The tenth year projection is optional for individual schools. The projections should be developed using birth data and the cohort survival method. They may be verified by the use of county population and age groupings. County-wide totals should be agreed to by the Maryland Office of Planning. Use Form 101.2.

9. Facility Needs Analysis

The analysis should be based upon data presented in the preceding sections of the EFMP and show projected future needs for new schools, additions, renovations, replacements, and/or closures. It should include a narrative describing the need, the justification, and the system's solution

to meeting the need. Adjacent schools, actual and projected enrollments, and anticipated completion date of the project should be included. A summary of the analysis (in priority order) should be included. Use form 101.3 for the summary.

- E. The master plan is a planning tool that deals with the LEA's projected facility needs. The analysis and conclusions therein must be able to substantiate each public school capital improvement project.

101.2 OUTLINE FOR THE PREPARATION OF AN EDUCATIONAL FACILITIES MASTER PLAN

- A. An outline for the EFMP is provided in the sections that follow. It identifies the information required in the document.

1. Goals, Standards, and Guidelines

Setting the standards to be achieved is an important step in planning. These should clearly delineate the local board of education policies with respect to school development and utilization.

Policies to be included:

- a. Teacher:student:staff ratios
- b. Transportation policies
- c. Provisions for special education
- d. Provisions for career technology education
- e. Districting and redistricting policies
- f. Grade organization pattern
- g. Other relevant education program policies
- h. School closing procedures

2. Community Analysis

The EFMP should be compatible with community plans, i.e., enrollment at specific facilities should reasonably reflect anticipated development and population patterns at the target date periods.

The analysis shall be done on a county-wide basis. It is, however, desirable whenever possible to also include a focussed analysis of the attendance area for each school.

Use should be made of county population distribution and plans for future population distribution. References shall include:

- a. Current population distribution
- b. Adopted comprehensive plan of the local jurisdiction
- c. Building and subdivision plans
- d. Water and sewer plans

- e. Transportation plans
- f. Shifts in housing and employment pattern

3. Inventory and Evaluation

This is the basic data collection phase to determine what facilities the LEA has and how such facilities are currently used. This inventory should include buildings for which construction money has been appropriated even though the building may not yet be occupied. Use Form 101.1.

a. Basic data should include:

- (1) Name and address
- (2) Grade organization
- (3) State Rated Capacity
- (4) Enrollment (previous September 30)
- (5) Acreage
- (6) The age and square footage of the original construction, additions, renovations, and demolition
- (7) Total square footage
- (8) Physical condition
- (9) Utilization rate

b. An explanation of the system utilized for evaluating the physical conditions should be included.

c. The inventory should indicate the continuing usefulness of each facility.

d. Other relevant information could include:

- (1) Floor plans to scale if possible
- (2) Number of classrooms/teaching stations
- (3) Number and type of special purpose rooms
- (4) Number and intensities of special education classrooms
- (5) A county map showing the location of the facility and the attendance area
- (6) Feeder system for each high school

4. Enrollment Data

- a. Enrollment data shall be developed county-wide and for each school for the next five years and the tenth year. The tenth year is optional for individual schools. This must include projected public school enrollments for each target date by grade population.

This data should be derived from birth data and cohort survivals. This data must be agreed to by the Maryland Office of Planning on a

county-wide basis. Assignment of enrollment within the county is part of the local planning process. Use Form 101.2.

- b. Trend data on population, age, and enrollment should be utilized to support projections. Trend data should include:
 - (1) Overall county population
 - (2) Population by age groups
 - (3) Public school enrollment - by grade, special and career and technology education populations
 - (4) Private and parochial school enrollment

- c. Demographic data should be supported and developed by using information from:
 - (1) Demographic analyses
 - natural increase
 - migration
 - household size
 - housing building permits
 - employment trends
 - pupil yield formulas

 - (2) Community development plans
 - comprehensive plan
 - water and sewer
 - transportation
 - land use

5. Facility Needs Analysis

In this section, the projected enrollments, facility inventory data, and service area information are utilized to determine future facility needs. Steps to be included are:

- a. Analyze the physical condition of existing facilities to determine if there are future renovation, replacement, addition, or systemic renovation projects.

- b. Compare existing capacity to projected enrollments to determine if there is a need for additional capacity projects.

- c. Examine utilization rates. The utilization rate of a building is established by comparing the State rated capacity to the current FTE enrollment and calculating the percentage of the building currently being utilized. Any facility which has operated at less than 60% of the State rated capacity for more than 2 consecutive school years should be reviewed for closure, consolidation or redistricting.

- d. Study former school buildings that have been closed due to declining enrollments for their potential reuse as a public school building. This includes former school buildings that are used for other educational purposes by the board of education and former school buildings that have been transferred to local government.
- e. Describe each project identified. Include:
 - (1) Scope of the project;
 - (2) Description of the community to be served using policies, recommendations and land use designations from the adopted county comprehensive plan, anticipated population distribution, water and sewer capacity, and building and subdivision plans.
 - (3) Adjacent schools which would be impacted; and
 - (4) Options considered to alleviate the projected need, e.g., renovation vs. replacement; addition vs. new school.
- f. Summarize the projected needs. Use Form 101.3.
- g. Submittal of the prior year's capital improvement program will not fulfill the requirements for this section.

B. Master plan updates should include the following sections:

Inventory and Evaluation
Enrollment Data
Facility Needs Analysis

In addition, any changes to BOE goals, standards, and guidelines which impact facilities should be included. Community demographic changes which impact the facility needs must also be amended.

101.3 INTERAGENCY COMMITTEE REVIEW AND RESPONSE

Written comments and recommendations will be returned to the LEA within 60 days of IAC receipt of the plan. The comments will be advisory but may form the basis of recommendations to the BPW with respect to capital improvement projects requested by the LEA.

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102 PUBLIC SCHOOL CONSTRUCTION CAPITAL IMPROVEMENT PROGRAM

102.1 GENERAL

A. Purpose of the Public School Construction Capital Improvement Program

1. The Public School Construction Capital Improvement Program (CIP) is a six-year plan that identifies public school construction needs and establishes a reasonable schedule for funding and implementation.
 - a. The schedule for funding should reflect the anticipated availability of both local and State funds, the required or desired date for implementation of the educational program, and a realistic schedule for the planning, design, and construction of individual projects.
 - b. Since local capital needs for school construction projects far exceed both local and State resources, the CIP should prioritize projects in order to establish realistic expectations for project completion.
2. The CIP consists of the budget year request and anticipated requests for the following five (5) years.
3. Projects within the capital improvement program may be proposed in order to increase capacity, to support the implementation of State and local educational initiatives, or to improve building performance.
 - a. Eligible project categories within the CIP are defined in Section 102.1.C.
 - b. Projects not eligible within the CIP may be eligible in the Aging Schools Program (ASP, see Appendix #TBD), the Qualified Zone Academy Bond program (QZAB, see Appendix #TBD), the Recycled Tire Grant Program (RTG, see Appendix #TBD), or the relocatable classroom repair fund (see Section #TBD).
4. The capital improvement program implements the Educational Facilities Master Plan (EFMP), and consequently should be in alignment with the EFMP (see Section 101).

B. Submittal of Annual Capital Improvement Program

1. See Section 102.7 for typical schedule of CIP submission dates.
2. By mid July of each year, the PSCP will disseminate a letter containing the schedule for submission and meetings for the CIP to be submitted in the following autumn, the cost figure that will be used to calculate the cost of construction, and any special requirements different from or in addition to those in these procedures.
3. By a date in October specified by the PSCP each year, a six-year capital improvement program request approved by the local board of education is to be submitted to the IAC if State PSCP funds are to be requested for any project or projects within the next six years.
 - a. See Section 102.4 for general and specific submission requirements.
 - b. Projects requested in the CIP should be in agreement with the priority and needs described in the Educational Facilities Master Plan (See Section 101)
 - c. Prior to the CIP submission, the IAC staff may discuss with LEA representatives the projects that will be requested for planning and funding approval.

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- (1) This discussion is preliminary in nature and will not be viewed as a statement of the official CIP submission of a board of education.
 - (2) A meeting with IAC staff is strongly recommended if the LEA intends to submit a request for a new project category, if there have been concerns about prior year submissions, or if the LEA contemplates submitting a request for a limited renovation project.
4. During and following the IAC staff review of each LEA's annual program request, and before the staff submits funding recommendations for the next fiscal year to the IAC, meetings may be conducted with the LEA.
 5. By a date established by the PSCP in late November or early December of each year, amendments to the proposed CIP approved by the local board are to be submitted to the IAC.
 6. Written local governmental support for the CIP request and amendments is required in order for the IAC to consider a project as a legitimate request. This letter of support must be received by the Executive Director of the PSCP by the date specified by the PSCP for receipt of final approved CIP amendments (see Section 102.7). The letter of support must address all amended as well as all unchanged project requests. The PSCP may request additional confirmation of support prior to making final recommendations to the IAC and following BPW approvals in May.
 - a. Any submitted project that is not approved by the local government will not be considered for recommendation by the IAC.
 - b. Any submitted project that is withdrawn by the board of education will not be considered for recommendation by the IAC.
- C. Project Classifications. Eligible projects address existing buildings, new construction, and relocatable classrooms. The project classifications under each category are provided below. No priority order is implied in the sequence in which the project classifications are presented.
1. Existing Buildings
 - a. Renovation (R): Includes projects to renovate all or part(s) of schools that have been in use for more than 15 years where the purpose is not to provide significant additional capacity, but to adequately support the educational program and/or extend the useful life of the part(s) being renovated. A renovation project achieves the current educational, building performance, and aesthetic qualities of a new school. Portions of the school may be replaced if dictated by the condition of the facility or by the educational program. A renovation project precludes further participation by the State within 15 years after the project is placed in service.
 - b. Limited Renovation (LR): Includes projects that upgrade or replace a minimum of five major building systems and include widespread educational or architectural enhancements in schools or part(s) of schools that have been in use for more than 15 years. A limited renovation upgrades 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. A limited renovation allows further participation by the State within 15 years after the project is placed in service for projects that were not included in the original awarded scope of the Limited Renovation.
 - c. Addition (A): Includes projects to construct additions to existing schools to provide additional student capacity, to enhance educational programs, or both.

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- (1) Within this classification, preference will be given to projects for kindergarten and pre-kindergarten programs, and to basic instructional spaces such as classrooms and laboratories.
 - (2) Limited funding will be provided for portions of the existing building that must be renovated in order to allow connection to the new addition(s).
 - (3) However, consideration should be given to the impact of the increased capacity on existing core spaces, and an addition or additions that provide additional space while also renovating or enhancing core functions in a significant manner will be eligible for funding as a Renovation/Addition project (see below).
 - (4) Additions for "limited use" such as auditoriums, gymnasiums, locker rooms, swimming pools, kitchens, and cafeterias are also included in this classification, but may be given lower priority than additions that provide instructional space.
 - (5) See Section 105 for high performance school requirements that may apply to addition projects under certain circumstances.
- d. Renovation/Addition (R/A) and Limited Renovation/Addition (LR/A): Includes projects to renovate all or part(s) of existing schools and to construct additions to these schools to provide additional student capacity, to enhance educational programs, or both. See Section 105 for high performance school requirements that may apply to addition projects under certain circumstances.
 - e. Science (Look of the Future) (SCI): Includes renovation of high school science classrooms and laboratories to support contemporary instruction.
 - f. Systemic Renovation (SR): Includes renovation, replacement or enhancement of a specific building system that will extend the useful life of the school facility for a minimum of fifteen (15) years. Systemic renovation projects are to be distinguished from routine corrective or preventive maintenance, which is a local obligation. Eligible project types include roofs, boilers, chillers, architectural and structural repairs, doors and windows, electrical and communication systems, and vertical conveyance systems. See Section 500 for more detail and Section 102.4.C.2.c for submission requirements, Section 102.4.C.3.c for eligibility requirements, and Section 102.6.E.2.f for funding methodology.
2. New Buildings
- a. General
 - (1) All new schools receiving State capital construction funding shall be high performance schools, unless waived by the IAC. See Section 105 for definitions, waiver conditions, and conditions for Additional State Funding.
 - (2) See Planning Options, Section 102.4.B.2
 - b. New School: Includes projects to build new schools where additions for additional capacity to schools in existing neighborhoods and communities are not possible or practical, or where existing schools cannot be renovated to accommodate programmatic requirements.
 - c. Replacement School: Includes projects to replace the majority of an existing school where the cost of renovation is prohibitive, or site and other technical factors make renovation of the entire structure infeasible.

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- (1) Replacement generally occurs on the same site, but a nearby site may be proposed when conditions on the original site are detrimental.
 - (2) Replacement may include expansion to increase capacity, when warranted by enrollment projections and when technically practicable.
 - (3) Replacement must be justified on the basis of a feasibility study (Section 102.4.B.4.c(2)ii and Section 203).
3. Relocatable Classrooms: Includes projects to relocate State-owned relocatable classrooms from one site to another, either within a school district or between school districts, based on projected enrollments, educational programs, or the need for temporary classrooms during construction. See Section 102.4.C.2.f.
- a. Requests for funds to repair or dispose of State-owned relocatable classrooms are made separately, not in the capital improvement program request. See Section #TBD for more detail.
 - b. The purchase or movement of locally owned relocatables are not eligible for State funding.
4. Other: The IAC may recommend that the BPW establish special funding initiatives for designated programs for a limited period of time.
5. Cooperative Use Space
- a. General. "Cooperative Use Space" means up to 3,000 s.f. of co-located or shared space within a school that supports LEA or community initiatives to serve school children and the general community, and which is funded in part by the State.
 - (1) To be eligible for State participation in funding of up to 3,000 s.f. of cooperative use space, the area requested must be in addition to and distinct from square footage typically provided by the Board of Education for the educational program, and must be clearly identified in all design and construction documents that are submitted for review.
 - (2) Examples of cooperative use space include but are not limited to health and wellness clinics, recreation centers, community centers. libraries, and community meeting rooms.
 - b. Additional space for these purposes in excess of 3,000 gross square feet (gsf) may be funded at local expense.
 - c. See Section 102.4.A.5 for submission requirements

D. Definitions

1. "Building Cost" is the cost of constructing a building, not including site work.
2. "Construction Cost" is the cost of constructing a building, including the cost of appropriate site work.
3. "Forward Funded Project" means that the LEA has paid all or some of the State share of a project that has been approved for planning, or partial funding, or both, by the State. (See Sections 102.4.C.2.h and 102.6.E.2.g).
 - a. Normally, the LEA forward funds a project in order to maintain the project schedule and in expectation of eventual reimbursement from the State in future year allocations.

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- b. Forward Funded does not signify the practice by which an LEA pays for the contractor's requisition and shortly thereafter seeks reimbursement from the State for a project that has been funded by the State.

- 4. "Locally Funded Project" means that the LEA has proceeded with a major project prior to receiving State approval for planning. Locally funded systemic renovation projects are not eligible for State funding participation. (See Sections 102.4.B.4.h and 102.6.E.2.g).

- 5. "Maximum Gross Area Allowance" is the maximum number of gross square feet that are eligible for State funding participation. (See Sections 102.6.A and Appendix 102-B).

- 6. "Maximum State Construction Allocation" is the dollar amount approved for State funding, and is established at the time that the project is approved for construction funding by the BPW. (See Section 102.6.E.3).

- 7. "Offsite Work" is work performed outside of the school property.

- 8. "Project Cost" is the cost of constructing a building, including all associated costs for design, survey, permits, furniture, furnishings and equipment (FF&E), financing, move-in and storage, and other project-related costs.

- 9. "Site Work" is generally, but not exclusively, construction work performed on a site five feet or more beyond the perimeter wall of the building.

- 10. "Average statewide per square foot school building cost" is the cost of new construction that is used to calculate project allocations for purposes of State participation.

- 11. "Tentative Maximum State Construction Budget" is the dollar amount that is to be used for design purposes, and is established at the time that the project is approved for planning by the BPW. (See Sections 102.6.E.2).

102.2 REFERENCE

- A. Education Article, §5-301, Annotated Code of Maryland
- B. COMAR 23.03.01 and 23.03.02

102.3 APPLICABILITY

- A. These procedures are applicable to all facilities owned by local boards that are used primarily for educational purposes, including:
 - 1. Charter schools;
 - 2. Facilities owned by a private entity under an alternative financing arrangement that will become the property of the local board at a future date certain. (See COMAR 23.03.05.05)
 - 3. Projects in the Baltimore City 10-year plan funded through bonds issued by the Maryland Stadium Authority, as established by chapter 647, laws of 2013, except as modified by the Memorandum of Understanding approved by the board of public works on October 16, 2013.

- B. These procedures are not applicable to:
 - 1. Administrative and central office buildings that are not used primarily for educational purposes;

2. Projects that are not within the Project Categories described in Section 102.4.
3. Projects funded through other State funded programs (see *Administrative Procedures Guide* for relevant program); nor
4. Projects for the routine maintenance and repair of school facilities.

102.4 SUBMISSION REQUIREMENTS

A. General

1. The CIP is divided into the following six major segments which provide programming information for six fiscal years. The Forms, the attachments, a letter indicating approval by the local Board, and additional supporting documentation where appropriate, constitute a complete CIP submittal.
 - a. Requests for Approval for Planning for the upcoming fiscal year (Forms 102.1, Section 102.4.B)
 - b. Requests for Approval of Funding for the upcoming fiscal year (Forms 102.2, Section 102.4.C)
 - c. Future planning approval and funding requests for the subsequent five consecutive fiscal years (Forms 102.3, See Section 102.4.D)
 - d. Summary of Current and Future Project Requests (Form 102.4, Section 102.4.E.1).
 - e. Status of Previously Approved Projects (Form 102.5, Section 102.4.E.2)
 - f. Status of State-Owned Relocatable Classroom buildings (Form 102.6, Section 102.4.E.3).
2. Forms and Sequence of Priorities
 - a. Materials are to be bound, with separate sections for each section listed in Section 102.4.A.1 above, except that Forms 102.1 and 102.2 may be combined in a single section to preserve priority order among projects.
 - (1) Number all pages consecutively.
 - (2) Provide a table of contents and clearly mark the separate sections, preferably by page tabs or dividers that show the PSCP section (102.1, 102.2, 102.1/102.2, etc.).
 - b. Use the most recent PSCP Forms 102.1–102.6, to be found on the PSCP website at www.pscp.state.md.us. The electronic forms contain formulas that will calculate automatically.
 - c. All projects are to have a separate, unique and sequential priority number.
 - (1) Projects must be submitted in priority order established by the local Board, with a separate request for each project.
 - (2) Each project should have a single priority number, including different numbers for planning and funding requests for the same project. Do not use letters and numbers, number and hyphens, etc.
 - (3) Major projects require a separate submission for planning approval (Form 102.1) and funding (Form 102.2).

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- i. For major projects, receipt of BPW planning approval is a prerequisite to State construction funding.
 - ii. See Section 102.4.B.1.b for project categories that require and do not require planning approval.
 - iii. If requesting planning and construction in the same year for a project, submit a planning request (Form 102.1) and a construction funding request (Form 102.2), each with a separate priority number. A request for planning always precedes a request for funding for the same project, but the requests do not need to be in immediate sequential priority order.
- d. If amendments are submitted prior to the date in November or December established by the IAC that change the priority order of projects, submit the projects in the new priority order, and change the table of contents and Form 102.4 appropriately.
3. Required Information for Forms (General)
- a. Complete all sections of Forms for each project requested. See Sections 102.4.B and 102.4.C for specific submission requirements for each project category.
 - b. The square footage and dates for existing buildings should correspond to those in the PSCP Facility Inventory Database, updated by each LEA as of the previous July.
 - (1) If project information differs from that provided in the Educational Facilities Master Plan (EFMP) of the previous July, provide an explanation of the discrepancy.
 - (2) For each major project, on Form 102.1 or an attachment, indicate a clear and concise linkage to the goals, standards, and timeframes provided in the EFMP .
 - c. For all projects submitted but not approved in a prior CIP, information on project costs, bid dates, enrollments, etc. should be updated.
 - d. For major projects, indicate if the project includes cooperative use space, and how much space.
 - e. The anticipated bid date should be the anticipated bid opening date.
 - f. FY 2010 through FY 2014 only: If project will be a high performance new school building, provide an "X" (capital) in appropriate line.
 - (1) The electronic form will calculate the 2% extra local costs and the State and local share automatically.
 - (2) Provide evidence of continuing commitment to achieve high performance certification.
4. Local Approvals
- a. The submittal must include a letter from the local board or the local superintendent indicating the Board approval of the CIP.
 - b. Original letters of financial support from the local government and addressed to the Executive Director are to be submitted as a separate document no later than the date specified by the IAC.
5. Cooperative Use Space.

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- a. Requests for projects which contain square footage for cooperative arrangements must include a letter of commitment from the Board of Education regarding Board-sponsored activities, or a letter of commitment from a non-profit organization or another governmental agency to the Board, clearly agreeing to establish or continue the program for which the additional square footage is requested.
 - (1) The PSCP must receive such letters of support before it can recommend cooperative arrangement space for *funding* to the IAC; however, it is preferable to obtain such letters of support before requesting *planning* approval.
 - (2) In order for cooperative use space to be excluded from the calculation of State Rated Capacity (SRC) at a later date, the letter of support must indicate the intention of the Board and the non-profit organization or another governmental entity to establish a written agreement that defines mutual responsibilities, the term of the arrangement, and the consideration, if any.
 - b. To be eligible for State participation, the request must show that the area requested will be in addition to and distinct from square footage typically provided by the Board of Education for the educational program, and must be clearly identified in all design and construction documents that are submitted for review.
6. Enrollments
- a. Enrollments should be shown for the school year of the request and for each school year to the 7th year thereafter.
 - b. By May 1, the LEA should review and evaluate the latest public school enrollment projections prepared by the Maryland Department of Planning (MDP).
 - (1) If the LEA agrees with the MDP forecast, submit a written statement of agreement. The written agreement must include a copy of the LEA's enrollment projections.
 - (2) If the LEA disagrees with the MDP forecast, the reply must include an explanation of the methodology used to prepare the projections.
 - (3) If MDP finds, after review of the response, a significant variance (greater than 5%) between the LEA's projections and those of MDP, MDP will schedule a meeting to discuss and resolve the variance.
 - c. The "Proposed Enrollment" figure in the Section "State Scope" is the number of students that are justifiable in the seventh year when the enrollment projection of the subject school is combined with the projections of the adjacent schools and the total is compared with the total current State Rated Capacity (SRC) of the subject school and the adjacent schools.
 - d. The "Proposed Enrollment" figure in the Section "Local Scope" should reflect the number of students the school is designed to house per Board policy or other factors not reflected in the enrollment projections. The school may be designed to house a number of students larger or smaller than the State-justified Proposed Enrollment. The smaller figure will always govern in the calculation of State participation.
 - e. These enrollment figures will not necessarily be the same as the eventual State Rated Capacity of the school, which is calculated during design and after construction to reflect the actual utilization of spaces in the school, and should be periodically updated.

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- f. If the actual enrollment data for the previous September 30 for each school in the school system is not available at the time of the October submission, provide updated information as soon as it is available.
- (1) This information must be submitted by October 31st in order for PSCP staff to consider it in the November recommendations to the IAC.
 - (2) September 30 actual enrollment data and revised projections may be submitted at any time prior to March 31 of the following calendar year in order to be considered by PSCP staff in their interim and final recommendations to the IAC.
7. Adjacent Schools
- a. An adjacent school is an existing school or a proposed new school that:
 - (1) Is of the same type (elementary, middle, high, etc.)
 - (2) Has an attendance area that is geographically contiguous with that of the subject school, or
 - (3) Has an attendance area that is not geographically contiguous with that of the subject school but can be readily accessed for purposes of redistricting; or
 - (4) Forms part of a larger redistricting plan, i.e. houses students who will be sent to a school adjacent to the subject school when the capacity of the subject school becomes available.
 - b. For enrollments and capacities of adjacent schools, indicate if any of the geographically adjacent schools should not be considered in the calculation of available capacity, and why (e.g. board of education policies or practice regarding road crossings). This remark may apply to charter schools, see next item.
 - c. Include in the list of adjacent schools any charter school facilities that have been approved by the Board of Education, including charter schools in leased facilities.
 - d. No adjacent school should be used for more than one project justification unless an explanation is provided that shows that overcrowding at the adjacent school will be relieved by more than one capital project.
8. Costs
- a. Show a breakdown of costs – construction, site development (if applicable), extra local costs associated with high performance school certification (if applicable), contingency, and other – on the appropriate lines of Forms 102.1 and 102.2 for all projects.
 - b. Round all figures to the nearest thousand.
 - c. Include design fees, permit charges, and other miscellaneous local expenses under “Other Costs”.
 - d. Total costs should correspond to total costs shown on Form 102.4.
 - e. Show budget year request on line of Form 102.2.
 - f. High Performance Schools (see Section 105)

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- (1) For schools subject to the high performance schools requirements, the extra local costs and the additional State funding were calculated automatically for fiscal years 2010 through 2014 by use of the electronic Forms 102.1 and 102.2 (available on PSCP website at www.pscp.state.md.us).
- (2) For informational purposes, the LEA shall report to the extent feasible on the real cost of achieving high performance certification as projects move through design, construction, and close-out.

B. Current Year Requests for Local Project Planning Approval (Form 102.1)

1. General

- a. The annual CIP includes projects for which State planning approval is requested, generally for the next fiscal year. For locally funded projects and projects with smaller scope, planning approval may be requested in the same fiscal year as funding approval.
- b. Planning approval is required for all major projects as a precondition for approval of funding. The following categories of projects do not require planning approval:
 - (1) Systemic renovations (Section 500);
 - (2) Science classroom renovations;
 - (3) Open space pod conversions.
 - (4) Movement of State-owned relocatable classrooms;
 - (5) Small addition projects, at the determination of the PSCP/MSDE.
- c. Approval of planning represents a confirmation by the State that the project is needed and that the State will provide funding in a fiscal year, pending eligibility for funding (Section 102.5) and availability of funds at the time of the request.
- d. Planning approval does not guarantee that construction funding will be allocated by the State in a specific fiscal year.
- e. The request for planning approval should be based on a review of current SRCs and current and future facility, enrollment, and programmatic conditions, including the number of projects already approved for planning within the LEA, the capacity of the LEA to move projects previously approved for planning forward to construction, and the potential for future State and local funding at the time that it is needed. These same factors will be considered in the approval of planning by the IAC.
- f. Requests for planning approval must be supported by information provided in the Educational Facilities Master Plan (Section 101).
- g. Approval of planning does not automatically expire after a certain time. However, if a project has not been requested for funding within two years of approval of planning, the Designees may recommend rescission of planning approval to the IAC.
- h. Requests for approval of planning for new schools, and for replacement schools that involve an increase of State Rated Capacity, including replacement schools that have an oversized core area, that are located outside of Priority Funding Areas, are subject to the requirements of Regulations .03, and .28 of COMAR 23.03.02, *Regulations for the Administration of the Public School Construction Program*. See Section 104.

2. Planning Options

- a. Existing public school buildings should be renovated whenever it is possible and economical to retain the school building within the neighborhood or community and preserve and enhance prior State and/or local investments.
- b. The LEA should pursue the following progressive options to address problems related to school overcapacity (excessive enrollment) or educational inadequacy:
 - (1) Redistricting to use existing capacity in adjacent or nearby schools (projects for additional capacity will generally not be recommended for planning approval or funding where adequate capacity is available at adjacent schools, see Section 102.4.A.7);
 - (2) Renovation of an entire facility or a portion thereof, with or without additions as justified by enrollment projections or by the educational program. The availability of previously closed school buildings should be examined to determine if they can be reopened and renovated.
 - (3) Replacement of an existing facility, preferably on the same site, based on a feasibility study to justify the abandonment or demolition of the existing facility, with or without an increase of capacity (Sec. 203); and
 - (4) New school facility.

3. General Submission Requirements

- a. See "Required Information for Forms (General)" (Section 102.4.A.3), Enrollment (Section 102.4.A.6), State Rated Capacity (Section Appendix 102-A), Adjacent Schools (Section 102.4.A.7), and Costs (Section 102.4.A.8). Complete all sections of Forms 102.1 for each project requested.
- b. For planned new construction or replacement projects:
 - (1) Indicate anticipated transportation modal split (percent walking and/or biking, percent being bused and percent arriving by car). Contact the Maryland Department of Planning for further information.
 - (2) Indicate Priority Funding Area (PFA) status, local comprehensive plan designation, and water/sewerage status for each planning request for new construction, replacement, renovation, limited renovation, or addition project.
 - (3) Indicate if project utilizes a prototype or repeat plan,

4. Eligibility and Specific Submission Requirements

- a. General
 - (1) PSCP staff will not recommend planning approval for a new or replacement project until the site has been approved by the IAC. Show date of approval on Form 102.1.
 - i. The site must be reviewed and approved through the State Clearinghouse (or the individual agencies involved) and the site must be subsequently submitted to the IAC for approval no later than the second week of March following the date of the CIP submission in order for the project to be considered in the final round of CIP approvals.

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ii. As the Clearinghouse process can take up to 60 days, it is advisable to submit to the Clearinghouse no later than the first week of the January that follows submission of the request.

(2) A project at an existing school is eligible for funding approval if the facility, portion of the facility to be renovated, or building system to be upgraded or replaced, has been in use for more than 15 years and has not been renovated, upgraded, or replaced within 15 years, measured from the January 1st following submission of the CIP request

Exception: If a project has been previously approved for a Limited Renovation (LR) project, a new project in the area of renovation is eligible for approval if the system to be upgraded or replaced was not part of the approved and awarded scope of the LR project (see Section 102.4.B.4.d).

b. Projects for Enrollment Capacity.

(1) New schools, replacement schools with enlarged capacity, and additions for capacity purposes must be justified on the basis of enrollment for the subject school and adjacent schools.

(2) Such enrollment shall be consistent with the countywide enrollment projections agreed upon by the LEA and the Maryland Department of Planning.

(3) Funding will be based on the projected enrollment, not on the Proposed Scope when the latter exceeds the former.

i. Before requesting funding for a project that has received planning approval, the LEA should verify any revisions to the previously approved enrollment figure based upon the most recent enrollment data.

ii. The approved scope and projected enrollment of a project will be shown in the final approved State CIP.

iii. The final projected enrollment will be determined at the time that funding is approved, and will not be adjusted thereafter, with the exception of a BRAC-related project for capacity, see Section 102.6.E.4.c).

iv. In cases in which the LEA Proposed Enrollment of the school will be less than the number justified by enrollment projections (e.g. because of policies regarding local rated capacity), the lower number will be used to determine State participation.

(4) The majority of the enrollment for a proposed new school should be in the attendance area at the time of proposal. Nearby schools of the same type or grade structure as the proposed new school (elementary, middle, high) should be projected to be fully utilized or overcrowded within seven (7) years of the September 30 prior to the date of submission of the CIP request, and the proposed facility should be projected to be at least 50% utilized at the time of opening.

(5) See Section 105 for requirements regarding High Performance schools.

c. Replacement or Renovation Projects

(1) Conditions at an existing school must be such that work is clearly warranted to correct building or educational inadequacies and there will be continuing occupancy of the replacement or renovated school at reasonable levels.

(2) Feasibility Studies

- i. A feasibility study is recommended in all cases to determine the most educationally effective and cost efficient scope of work.
- ii. A feasibility study, including a 40-year life cycle cost analysis, is required to be submitted and reviewed to justify the abandonment of, or the demolition of more than 50% of, an existing facility. Requirements for the content of the feasibility study are provided in Appendix 203.

(3) For Complete Renovation projects, give the age of each portion of the building. Information should correspond exactly to data in the PSCP Facilities Inventory Database. The age categories and percentages of new construction funding are:

40 years & older	100%
31 – 39 years	85%
26 – 30 years	75%
21 – 25 years	65%
16 – 20 years	50%
0 – 15 years	0%

(4) See Section 105 for requirements regarding High Performance schools.

d. Limited Renovation Projects:

(1) Scope

- i. The scope must include at least five major building systems, as defined by the eligible systemic renovation categories listed in Section 500 (with lighting and electrical power counted as two separate systems). Generally, system upgrades will be considered to be building-wide in scope unless shown to be otherwise.
- ii. The scope must also include widespread educational and architectural enhancements that will benefit most of the students in the facility, consisting of comprehensive improvements to a variety of educational spaces that are distributed throughout the facility, or to selective educational spaces that are more concentrated but which are used by most or all students in the course of the normal school week.
 - Generally, educational enhancements will be specific to defined areas of the building unless shown to be otherwise.
 - A project that is so extensive as to renovate all but a small amount of the existing building will be considered a full renovation.
- iii. Provide clear descriptions of:
 - Building Systems: The major building systems that will be upgraded or replaced, with the same level of specific detail that would be required for an equivalent systemic renovation project (see Section 500);
 - Educational Enhancements: The educational and architectural enhancements . The scope of the educational enhancements must be clearly delineated, preferably using building plans (8-1/2"X11" or 11"X17") or in a feasibility study.

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- Other Work: Minor renovations and upgrades (e.g. lockers) that fall outside of the scope of the minimum of five major building systems.
- (2) Extensive discussion between the LEA and the staff of the PSCP may be required to ascertain the extent of the building and educational enhancements. In order not to impede the determination of eligibility and approval, these discussions should occur in the summer prior to submission of the request for approval of planning in an annual CIP.
 - (3) Following discussion and presentation of documentation, which may include building plans and descriptive material, the determination of the PSCP staff about the eligibility of the scope will be final.
 - (4) The total proposed construction cost of a Limited Renovation must be less than the calculated cost, per the State funding formula, of the complete renovation of the eligible portion of the facility. (Section 102.6.E.2.c).
 - (5) Documentation must be provided to identify previous State-funded work that will be removed or substantially altered by the limited renovation project. Provide:
 - i. Age of building system to be removed or altered;
 - ii. Age of building square footage that will be renovated or demolished;
 - iii. Amount of State funding associated with building systems to be removed or altered, or with square footage to be renovated or demolished.
 - (6) A school that has been approved for a Limited Renovation (LR) project may be eligible for planning approval in a later fiscal year for a portion of the school not previously renovated, or for upgrade or replacement of a building system not included in the approved scope of the LR work. The later request for planning approval should include graphic information that shows the area of the previous LR and the new proposed area of work.
- e. Career Technology Education (CTE) Programs
- (1) Projects involving separate career technology education (CTE) centers must have a letter of support from the Maryland State Department of Education Assistant State Superintendent, Division of Career and College Readiness (DCCR) before local planning approval and/or construction funding will be given by the IAC/BPW.
 - (2) Projects involving CTE programs of study in comprehensive high schools are eligible for local planning approval from the IAC/BPW, but must have a letter of support from the Maryland State Department of Education Assistant State Superintendent Division of Career and College Readiness (DCCR) before schematic design approval and/or construction funding will be given by the IAC/BPW.
 - (3) The MSDE DCCR letter of support indicates agreement with the proposed CTE programs of study in terms of their relevance to the current and projected labor market demand. MSDE DCCR support does not determine specific staffing or enrollment for the programs, guarantee IAC/BPW support for the project, or guarantee IAC/BPW approval at the projected enrollment and square foot area requested.
 - (4) Submission requirements are determined by MSDE/DCCR. PSCP/MSDE will assist the LEA in the review process.

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- (5) Submit a copy of the letter of support with the CIP request and/or the schematic design submission for the project.
- f. Special Education Programs
- (1) Projects involving separate special education day schools must have a letter of support from the Maryland State Department of Education Assistant State Superintendent , Division of Special Education/Early Intervention Services before local planning approval and/or construction funding will be given by the IAC/BPW.
 - (2) Comprehensive schools with special education programs;
 - i. Projects involving regional special education centers are eligible for local planning approval from the IAC/BPW, but must have a letter of support from the Maryland State Department of Education Assistant State Superintendent, Division of Special Education/Early Intervention Services (DSE/EIS) before schematic design approval and/or construction funding will be given by the IAC/BPW.
 - ii. Regional special education center means a special education service location in a comprehensive school that provides special education programs and related services to students from outside their regular attendance area.
 - iii. Projects involving comprehensive schools with special education services only for students within their home attendance area do not require a letter of support.
 - (3) MSDE support will be based on a review of individualized education programs and documentation of the provision of supplementary aids and services as required by 34 Code of Federal Regulations (CFR) 300 Sections 28 and 300.130. MSDE support does not determine specific staffing or enrollment for the programs, guarantee IAC/BPW support for the project, or guarantee IAC/BPW approval at the projected enrollment and square foot area requested.
 - (4) Submission requirements to request a letter of support are determined by MSDE DSE/EIS. PSCP/MSDE staff will assist the LEA in the review process.
 - (5) Submit a copy of the letter of support with the CIP request and/or the schematic design submission for the project.
- g. Additions for programmatic purposes must be justified on the basis of an analysis of the existing school to demonstrate that the required program cannot be accommodated within existing or renovated spaces.
- h. Locally Funded Projects. The LEA may submit a request for planning approval for a locally funded project that has been initiated at the local level and has proceeded into the design phase, and possibly into or through the construction phase without prior IAC/BPW approval.
- (1) The project request will be reviewed without prejudice.
 - (2) The capacity and scope eligible for State participation will be tentatively established when the project is approved for planning by the BPW.
 - (3) Projected Enrollment.
 - i. If the solicitation opening was between Oct. 1 and March 31, use the most recent prior September 30 enrollment.

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- ii. If the solicitation opening was between April 1 and September 30, use the enrollment reported for that same September 30 date. .
- (4) Square Feet per Student. Use the maximum gross area allowance per student figure in the State Space and Capacity Formula that was in effect on the date of the bid opening.
- (5) Cost per Square Foot. Use the PSCP published cost per square foot for the July that falls within the calendar year of the bid opening.
- (6) All MBE Participation information must be submitted with the CIP request for a locally funded project which has been or will be bid prior to the date of anticipated BPW approval. Use the “Minority Business Enterprise Procedures for State Funded Public School Construction Projects” that was in effect on the date of bid opening.
 - i. No locally funded project will be recommended for approval or planning if required MBE documentation has not been submitted.
 - ii. No locally funded project that has been approved for planning will be recommended for award of contract if required MBE documentation has not been submitted.
 - iii. Planning approval will be rescinded for a locally funded project that has been approved for planning but for which required MBE documentation that is submitted with the request for award of contract is found to be deficient.
- (7) For a locally funded new school, replacement, or large addition project that is required to be a high performance building, LEED Silver or comparable certification, evidence of the LEA’s intention to seek certification, or a request for a waiver must be submitted. See High Performance Building requirements, Section 105.
- (8) A locally funded project that is approved by the BPW in an annual CIP may be classified as a forward funded project, depending on the level of prior local construction funding at the time of BPW approval.
 - i. “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.
 - ii. For projects for which only Pay-go funds may be used to reimburse the State portion that has been locally funded, the anticipated availability of Pay-go funding may influence whether a project is recommended for planning approval.

C. Current Year Requests for Project Funding (Form 102.2)

1. General

- a. The annual CIP is a plan that addresses major projects, systemic renovations, and the movement of State-owned relocatables for which State funding approval is requested for the budget year.
- b. The number of projects requested should not exceed the number that can reasonably be executed by the LEA during the fiscal year.
- c. The funds requested should not exceed a reasonable estimate of the State funding that will be available for the LEA.

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- d. The number of projects and their cost should not exceed the capacity of the local government to provide matching funds if the projects are approved by the State.
 - e. Requests for approval of funding for new schools, and for replacement schools that involve an increase of State Rated Capacity, including replacement schools that have an oversized core area, that are located outside of Priority Funding Areas, are subject to the requirements of Regulations .03, and .28 of COMAR 23.03.02, *Regulations for the Administration of the Public School Construction Program*. See Section 104.
2. Submittal Requirements
- a. General:
 - (1) See "Required Information for Forms (General)" Section 102.4.A.3.
 - (2) Complete all sections of Forms 102.2 for each project requested.
 - (3) Funding and Cost Information
 - i. The funding request for the budget year should be shown in the line provided and should correspond to the amount shown in Form 102.4 column H.
 - ii. For each project, the total funding shown in Form 102.2 should correspond to the total shown in Form 102.4 column C.
 - iii. For projects that will require funding in more than one fiscal year, a "draw schedule" showing the anticipated expenditure schedule throughout the requested fiscal year and beyond should be provided. The draw schedule may be based on either monthly or quarterly anticipated requisitions.
 - iv. Budget year funding requests should not exceed the amount that will reasonably be needed during the fiscal year, based on the draw schedule. Proposed bid date should be reviewed in order to confirm that State funds will be needed in the budget year. Design documents and verifiable construction and draw schedules will be relied on to ensure that the progress of the project toward construction will warrant the funding requested in the CIP submission.
 - (4) Additional submittal requirements for specific project categories are shown in the sections below.
 - b. Projects that have received prior year Planning Approval: All information on enrollments, age of component portions (existing buildings), scope of work (Limited Renovations), and Career Technology Education and Special Education populations should be updated.
 - c. Systemic Renovation projects (see also Section 500):
 - (1) Systemic renovation projects require only a submission of Form 102.2. A request for approval of planning (Form 102.1) should not be submitted.
 - (2) Project information should correspond to information provided in the Comprehensive Maintenance Plan (CMP) to be submitted by October 15 of each year.
 - (3) Provide a complete breakdown of costs, including contingency (2.5% of State participation) and "Other" costs (design fees, permits, etc.).

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- (4) Provide a complete description and justification for each project. Describe all work to be included in the project in order to clarify:
 - i. The scope on which the cost estimate is based;
 - ii. If an entire system or portion of a system is to be replaced (e.g., all 37 windows in a school, or all windows (original) in the 1975 south wing, or all windows (1978) in the 1955 east wing); and
 - iii. All ineligible work that is proposed.
 - (5) Provide the age of the building system or the age and number of units (e.g. roof, boilers, windows) to be replaced.
 - (6) Roof Replacement Projects:
 - i. Address how the 1/4 inch-per-foot slope requirement will be met.
 - ii. Provide roof plans of the entire school on 8-1/2" X 11" pages, giving the square footage and age of each identified section and the total.
 - iii. Indicate on the plan the existing slope of the roof.
 - iv. Indicate the existing roof type(s) and the replacement roof type(s).
 - v. Describe any special features or equipment on the roof.
 - vi. Provide the three (3) most recent annual roofing inspection reports completed by the LEA. No roof replacement project will be approved for funding if the roof inspection reports do not demonstrate that roof inspections are conducted at least annually.
 - vii. Provide evidence showing that annual roof inspections conducted by qualified inspectors are scheduled preventive maintenance tasks in the LEA's computerized maintenance management system (CMMS) such that the CMMS automatically generates work orders for the inspections; and
 - viii. Provide evidence showing that all identified deficiencies requiring corrective work have been timely entered as work orders in the LEA's CMMS.
 - (7) Provide SRC and enrollment information only for the requested school. Generally, enrollments must show continuing utilization of at least 60% in order for the project to be justified.
- d. Look of the Future High School Science Classroom Projects. Provide for each request:
- (1) One or more 8 1/2"x11", single line drawing of the floor plan of the school with gross square feet (GSF) of the area for the proposed science project.
 - (2) List of existing and proposed science spaces with net square footages.
 - (3) Estimated cost and basis for estimate.
- e. Prekindergarten/Kindergarten Requests
- (1) For each prekindergarten and/or kindergarten project request, provide:

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- i. Number of classrooms at the school currently used for prekindergarten and/or kindergarten.
 - ii. Number of these classrooms that do not meet criteria defined in the Final Report of the Task Force to Study Public School Facilities (February 2004) for prekindergarten and/or kindergarten, including square footage, storage, adjacent toilet room, child height sink, and access to age-appropriate outdoor play equipment.
 - iii. Current number of students in other grades occupying relocatable classrooms who could be moved into appropriate permanent space after construction of prekindergarten and/or kindergarten addition(s) or renovation of other space(s).
- (2) On page 2 of Form 102.1 and Form 102.2:
- i. Current number of students in mandated prekindergarten and kindergarten.
 - ii. Projections of number of students in mandated prekindergarten and/or kindergarten programs for 7th year.
 - iii. Current State Rated Capacity of school.
 - iv. Projection of total number of students in all grades in the school for 7th year. It is not necessary to show adjacent schools.
- (3) Provide one or more 8 1/2"x11", single-line drawing(s) of the floor plan of the school with GSF of the area for the proposed kindergarten/prekindergarten project and related work, identification of existing and proposed K/PK spaces with net square footages, identification of existing and proposed spaces for grades 1-5 or 1-6 with net square footages, and the estimated cost and basis for estimate. Clearly label all spaces.
- (4) In some cases, the PSCP may request a listing of all kindergarten and/or prekindergarten spaces within a school district or school cluster in order to determine the total number of available and projected kindergarten and/or prekindergarten seats measured against the projected number of kindergarten and/or prekindergarten students.
- f. Relocatable Classrooms:
- (1) State-Owned Relocatables
 - i. Show the same information as for a classroom addition project (i.e., description, justification, SRC of subject and adjacent schools, etc., see Section 102.4.B.4.b above).
 - ii. State-owned relocatable classrooms may also be used to provide temporary space during renovation of an existing facility.
 - iii. Requests should be budgeted at the LEA estimated cost but not to exceed \$50,000 total per classroom, with the State share based on the cost-share formula.
 - (2) LEA-Owned Relocatables: State funding is not available for the purchase of LEA-Owned relocatable classrooms.
- g. Locally Funded Projects: The LEA may submit a request for funding approval concurrent with a request for planning approval for a locally funded project that has been initiated at the local level and has proceeded into the design or the construction phase without prior IAC/BPW approval.

- (1) The project request will be reviewed without prejudice.
 - (2) Clearly indicate the dates when local funds were provided.
 - (3) The capacity and scope eligible for State participation will be established when the project is approved for funding by the BPW.
 - (4) Projected enrollment:
 - i. If the solicitation opening was between Oct. 1 and March 31, use the most recent prior September 30 enrollment.
 - ii. If the solicitation opening was between April 1 and September 30, use enrollment reported for that same September 30 date.
 - (5) Use the Square Feet per Student, the Cost per Square Foot, and the State-local cost-share percentage that were used for the request for approval of planning .
 - (6) All MBE Participation information must be submitted with the CIP request for a locally funded project which has been or will be bid prior to the date of anticipated BPW approval. Use the "Minority Business Enterprise Procedures for State Funded Public School Construction Projects" that was in effect on the date of bid opening.
 - i. No locally funded project that has been recommended for approval of planning will be recommended for approval of funding if required MBE documentation has not been submitted.
 - ii. Planning approval will be rescinded for a locally funded project that has been approved for planning but for which required MBE documentation that is submitted with the request for approval of funding is found to be deficient.
 - (7) Other Submissions. Submit all the appropriate drawings, specifications, high performance building information if applicable, forms, cost estimates, life cycle cost analysis (LCCA), and energy conservation studies, bidding documents, bid tabulations, contracts, or other information normally submitted for projects prior to or after contract award (depending upon the current status of the project).
 - (8) Submit revised Assurance Form no later than date of final submission of amendments and local government assurance, accepting potential federal tax consequences associated with reimbursement of forward funded projects with State tax-exempt bond proceeds. The form will be provided no later than October 30 following the submission date.
- h. Forward Funded Projects:
- (1) For locally funded projects for which bids have been or will be issued prior to the anticipated date of BPW approval of funding, provide all required MBE Participation documentation to PSCP.
 - (2) Projected Enrollment, Square Feet per Student, Cost per Square Foot, and State-Local Cost Share Percentage. Follow the same procedures as for Locally Funded projects described in 102.4.C.2.g above.
 - (3) Submit revised Assurance Form no later than date of final submission of amendments and local government assurance, accepting potential federal tax consequences

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associated with reimbursement of forward funded projects with State tax-exempt bond proceeds. The form will be provided no later than October 30 following the submission date.

- (4) All MBE Participation information must be submitted with the CIP request for a forward funded project which has been or will be bid prior to the date of anticipated BPW approval. Use the "Minority Business Enterprise Procedures for State Funded Public School Construction Projects" that was in effect on the date of bid opening.
 - i. No forward funded project that has been recommended for or approved for planning will be recommended for award of contract if required MBE documentation has not been submitted.
 - ii. Planning approval will be rescinded for a forward funded project that has been approved for planning but for which required MBE documentation that is submitted with the request for award of funding is found to be deficient.

3. Eligibility

a. General

- (1) A project at an existing school is eligible for funding approval if the facility, portion of the facility to be renovated, or building system to be upgraded or replaced, has been in use for more than 15 years and has not been renovated, upgraded, or replaced within 15 years, measured from the January 1st following submission of the CIP request

Exception: If a project has been previously approved for a Limited Renovation (LR) project, a new project in the area of renovation is eligible for approval if the system to be upgraded or replaced was not part of the approved and awarded scope of the LR project (see Section 102.4.B.4.d).

- (2) Need for Funds. A request for funding will only be approved on evidence that the funds will be needed and expended in the fiscal year.
- (3) Provision of the detailed information outlined below will expedite project review, increasing the likelihood that a high-priority project can be recommended for approval in the January round of BPW approvals in order to be constructed during the following summer.

b. For major projects (renovation, limited renovation, renovation/addition, limited renovation/addition, addition, new, and replacement):

- (1) Submit educational specifications a minimum of 30 days prior to submission of the schematic design documents (see Section 102.7 below. See also Section 202 and Appendix 202).
- (2) Planning approval is a pre-requisite for approval of funding.
- (3) Submission of design documents:
 - i. To be considered for recommendation of funding in the January round of BPW approvals, submit schematic designs by September 1 and design development documents by November 1. Projects that do not meet these deadlines are still eligible for consideration in the final round of BPW approvals in May.

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- ii. Submit schematic design documents no later than March 15 of the following year in order for a project to be considered for recommendation of funding in the final round of BPW approvals.

 - c. A systemic renovation project is eligible for funding approval if the building system to be upgraded or replaced has been in use for more than 15 years and has not been upgraded or replaced within 15 years, measured from the January following submission of the Capital Improvement Program request
- D. Future Project Requests – Form 102.3
- 1. Use Form 102.3 to provide information on the anticipated requests for the next five future fiscal years. A single Form 102.3 may be used to show more than one year's anticipated requests for a single project as long as the appropriate amounts and fiscal years are made clear.
 - a. The number of projects requested in each future year should not exceed the number that can reasonably be executed by the LEA during the fiscal year.
 - b. The funds requested in each future fiscal year should not exceed a reasonable estimate of the State funding that will be available for the LEA.
 - c. The number of projects and their cost should not exceed the capacity of the local government to provide matching funds if the projects are approved by the State.
 - 2. For major projects, show specific projects rather than generalized categories of projects.
 - 3. For smaller projects:
 - a. Use one Form 102.3 to show all systemic renovation requests for each single year, a separate Form 102.3 for all science classroom renovations for each single year, etc.
 - b. Whenever possible, identify specific projects and list them individually on the form, with estimated costs and State-local shares.
 - 3. For major projects, use a separate Form 102.3 for each project, but showing planning and funding for each project on the same form.
 - 4. All anticipated requests for future projects should be in constant current dollars.
 - a. Use the cost calculation methods outlined in Section 102.6 to determine the estimated future State and local costs.
 - b. Total estimated project costs should correspond to costs shown on Form 102.4.
 - 5. All anticipated requests for future projects should be consistent with the EFMP.
- E. Summary and Status Forms – Forms 102.4, 102.5, 102.6
- 1. Summary of Current and Future Project Requests (Form 102.4)
 - a. Use Form 102.4 to summarize the current requests for the next fiscal year and the requests anticipated for the succeeding five years.
 - b. Project priority, titles, descriptions, current year budget request, and total project cost on Form 102.4 should correspond to the information shown on Forms 102.1, 102.2 and 102.3. If

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discrepancies are found between Form 102.4 and other forms, the information provided in Forms 102.1, 102.2 and 102.3 will be used.

- c. Future project needs on Form 102.4 should preferably refer to specific projects. If future requests are not yet well defined, provide place holders with an estimated cost for generic needs such as "Systemic Renovations TBD."
- d. Indicate the planning year as LP (local planning). If LP and funding are anticipated to fall in the same year, provide two lines for the project.
- e. When possible, spread project funding requests over two or three years on the 102.4 form. The amount shown for the budget year should correspond to the requested funding figure shown on Form 102.2.
- f. Submit Form 102.4 in paper format with your CIP submission, and also electronically to the CIP Program Manager.

2. Status of Previously Approved Projects – Form 102.5

- a. Show all projects funded through State programs, including the Capital Improvement Program (CIP), the Aging School Program (ASP), Qualified Zone Academy Bond program (QZAB), and Emergency Repair Fund (ERP). Do not show projects in the Recycled Tire Grant (RTG) program.
- b. Show actual dates for approval by the IAC of SD, DD, CD, and contract, as appropriate, not the dates of local board approval.
- c. In column 7:
 - (1) If a project is not contractually closed out, show completion at 99%.
 - (2) If a project has been contractually closed out since the previous year's submission, show completion at 100%.
 - (3) Do not show projects that were closed out (100%) in Form 102.5 in the previous year CIP submission.

3. Status of State Owned Relocatable Classrooms – Form 102.6

- a. Use Form 102.6 to report the status of State-owned relocatable classrooms.
- b. Provide information in Form 102.6 on the current use and the justification for keeping each State-owned relocatable which has been sited for more than two years. For relocatables that are justified by a need for additional seats, include the State Rated Capacity, FTE enrollment and two years of projections for the school and adjacent schools.

F. Amendments

1. Amendments to Capital Improvement Program Requests.

- a. Amendments to the CIP request must be received by the date in late November/early December specified by the PSCP in the letter of the previous July.
 - (1) An original and six (6) copies should be submitted, preferably on colored paper to distinguish them from the original, and should be clearly marked "REVISED" and showing the date of their submission.

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- (2) Amendments must follow the same procedural steps as the original requests. The appropriate forms must be completed showing the amendments and must be clearly marked as amendments. All forms affected by the amendment must be revised, including Form 102.4.
 - (3) If amendments change the priority order of projects, submit the projects in new priority order, and change the Table of Contents and Form 102.4 appropriately.
- b. All amendments must be approved by the local board of education. A cover letter signed by the superintendent indicating local board approval is sufficient.
 - c. The letter of support from the local government (see Section 102.1.B.6) must address all amended as well as unchanged project requests.
 - d. Late submission of extensive amendments to the scope or priority of projects, or inclusion of new projects, may jeopardize the inclusion of these projects in the recommendations that the PSCP staff will make to the IAC in early December for January approval by the BPW.
2. Amendments to an Approved Capital Improvement Program
 - a. Amendments to an approved CIP may be requested at any time.
 - b. The LEA should prepare the appropriate Forms 102.1, 102.2, and 102.4, and submit them along with appropriate justification and back-up information.
 - (1) Forms shall be clearly marked "Amendment," dated, and must be approved in writing by the board of education and the local government.
 - (2) After review, the LEA will be informed of IAC staff recommendations and IAC and BPW action. Opportunities for LEA appeal before the IAC and the BPW are the same as for the normal CIP approval process.

102.5 EVALUATION AND APPROVAL OF PROJECT REQUESTS

A. General

1. Projects will generally be evaluated on the basis of past and projected enrollments, not only at the school in question, but at adjacent or nearby schools, and on consistency with the EFMP.
 - a. Projects for additional capacity may not be recommended for planning approval or funding where adequate capacity is available at adjacent schools. See Section 102.4.B.2. and 102.4.B.4.b.
 - b. In most cases, enrollment projections of the subject and adjacent schools must show that the school will be at least 50% occupied at the completion of the project and will be fully utilized within seven years of the date of project submission.
2. Priority Order.
 - a. Although the LEA establishes priorities for its local capital program, the evaluation of these priorities with respect to other projects in the State and the limited State funds available is a function of the IAC and the BPW.

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- b. Generally, the IAC will follow the local priority order to the extent that projects are eligible and funds are anticipated to be available. Exceptions may be made:
 - (1) To approve projects that address State statutory mandates (e.g. full day kindergarten or prekindergarten for economically disadvantaged children) or State initiatives (e.g. high school science classroom renovations).
 - (2) At the request of the local Board, with concurrence by the local government.
- c. Projects may be recommended for deferral or modification so that the most critically needed projects in the subdivision or in other subdivisions may proceed.
- d. The IAC may also place a higher priority on projects that respond to State mandates or initiatives.

B. Procedure

- 1. Projects will be evaluated and assigned a project status code of "A," "B," "C," or "D." Project approval status is determined and assigned to a project based upon an evaluation of project merit and a number of technical factors specific to the project type, as follows:
 - a. "A" - Approved for planning or construction funding. All PSCP and LEA staff questions, problems, or comments are currently resolved; the project is approved; and project development should proceed. (Note: Projects will be shown as "A" in CIP documents submitted to the BPW following IAC approval, pending approval by the BPW.)
 - b. "B" - Deferred but eligible for planning or construction funding. All PSCP and LEA staff questions, problems, or comments are resolved; the project is eligible for funding but is deferred due to fiscal constraints.
 - c. "C" - Deferred based on issues yet to be resolved. The project as currently proposed or as it currently stands in the planning process is not eligible for approval until outstanding technical questions or problems have been resolved. Problem areas differ for different types of projects, and may include but are not necessarily limited to: site approval, capacity/enrollment, scope, estimated cost, availability of local funds, alternative solutions available, master plan inconsistency, other agency approvals, and progress of educational specifications or design documents,.
 - d. "D" - Denied: Ineligible project. The Project does not meet PSCP funding guidelines and is therefore ineligible for State approval of planning or funding. Typical causes for denial include but are not limited to:
 - (1) Systemic Renovation project has a total construction value less than the required minimum;
 - (2) Project type does not correspond to a CIP category (Section 102.1.C). The project may be eligible through another State funding program.
 - (3) School was renovated or system was installed too recently (Section 102.1.C.1)
- 2. All projects will be reviewed periodically prior to mid-April based on the stated criteria in order to be considered for planning approval or funding in the next fiscal year. New information submitted by the LEA may be considered for reclassification of project approval status. LEAs will be regularly notified of project status and outstanding issues of concern through formal and informal communications.

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3. All requests will be reviewed for consistency with existing State and local priorities, rules, regulations, procedures, and laws that are applicable to State funded public school construction projects.

C. State Prioritization Methodology for Planning Requests

1. Steps in the Planning Prioritization Process

- a. For each submitted CIP project that is eligible for planning approval (Project Status Code B, see above Section 102.5.B.1), a numerical score will be calculated based on the factors in 2. below, and the criteria factors that involve judgment outlined in 3. below will also be reviewed.
- b. The points are intended to provide guidance to the staff of the Program in developing recommendations for consideration by the IAC. Other factors, including the judgment factors cited below as well as knowledge of each school system's needs and priorities, will influence the recommendations.
- c. For each LEA that submits a request for planning, the eligible project that has the highest local priority will be assessed in order to ensure that each LEA that makes a request for planning approval receives consideration for at least one project.
- d. The prioritized list that results from Step (3) will be continually revised until early April to incorporate new project information received during the CIP process as well as new estimates of total project funding.

2. Quantifiable Planning Criteria (each factor has a range of 1 to 5 (low to high))

- a. State Educational Priority. Reflects scope of the project in terms of minor or major impact on educational programs and numbers of students, and whether the project addresses State educational mandates or initiatives, such as full day kindergarten, pre-kindergarten for economically disadvantaged children, or high school science.
- b. Enrollment Priority. This factor measures the degree of overcrowding at a proposed school and its adjacent schools.
 - (1) For a renovation or addition project, the projected enrollment of the school for the seventh school year following the year of submission is divided by the current State Rated Capacity (SRC) to arrive at a decimal figure.
 - (2) For new schools, the aggregate projected enrollment of the adjacent schools for the seventh school year as shown in Form 102.2 is divided by their respective SRCs.
 - (3) The highest points go to the 20% of projects that have the greatest impacts, with lower point values awarded similarly by quintiles.
- c. State Planning Goals. Reflects the impact that the proposed project will have on statewide planning goals to foster communities and mitigate sprawl. The possible points are awarded for school location as follows:

5 points: Community location (within Designated Neighborhoods or within corporate limits).
4 points: Certified Priority Funding Area adjacent to residential development.
3 points: Certified Priority Funding Area not adjacent to residential development.
2 points: County Growth Area with water and sewer planned.
1 point: Rural Area

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- d. Average Age of Building Area - This factor gives priority to older buildings. In order to determine the average age of the square footage for each building, the date of each addition and renovation is listed with its respective square footage. To determine the average of square footage:
 - (1) The proportion of area built or renovated in each year, based on the total square footage, is calculated.
 - (2) The age of each area of the building is multiplied by the proportion of total area it represents; the sum of these calculations is the average age of the building.
 - e. Special Populations - Beyond a certain threshold for each category of student, this factor reflects the percentage of students at the school who are receiving special education services outside the regular classroom, are eligible for free and reduced price meals (FRPM), and/or are English language learners reported as Limited English Proficient (LEP). The respective thresholds are:
 - (1) Greater than 10% of students receive special education services outside of the regular classroom more than 60% of the time;
 - (2) Greater than 40% of students receive FRPM; and/or
 - (3) Greater than 10% of students are LEP.
 - f. Other factors determined by the IAC, e.g.: One additional point for capacity projects that remove adequate public facility ordinance closure of housing in designated growth areas.
3. Planning Factors That Entail Judgment.
- a. LEA's Backlog of Previously Approved Projects. If an LEA has a large backlog of projects to which the State has committed funds, additional projects will generally not be added to the list. If, however, the LEA is able to carry projects in the backlog to construction without immediate reimbursement from the State, planning approval for pressing new projects may be considered. Planning approval may also be considered to ensure that all LEAs that need them have future projects at some stage of development.
 - b. Local Capacity to Proceed with the Project. Some LEAs and local governments may have the capacity to proceed with the design of a project even if they do not receive State planning approval; others may require the commitment of funding implicit in State planning approval before they will proceed.
 - c. Total Cost of the Project, and When State Funds Will Be Required. A very large project, although it has a high priority, may block several other projects of lower priority; in this case, the State may, in consultation with the LEA, consider by passing the higher priority project. On the other hand, it may be that the costly project will extend over several years, and the impact on State funds will be relatively small in any one funding year.
 - d. Eligibility for State Reimbursement Using Bond Proceeds. For a locally funded project that is submitted for both planning and funding approval, if a project schedule indicates that delayed approval will require the use of State Pay-go funds rather than bond proceeds for reimbursement, the project may receive higher consideration. However, a locally funded project that has been completed and is only eligible for reimbursement with State Pay-go funds will generally receive lower consideration, based on an assessment of Pay-go fund availability.

- e. Impact on Local Growth Outside of Priority Funding Areas. A capacity project in a county-designated growth area that is currently closed because of a local Adequate Public Facility Ordinance restriction may receive higher consideration.
- f. Other. Other factors will be considered that may be specific to a school system or to a particular school project. These may include the impact that the proposed school project will have on the fiscal viability of the school district; the effect of the project on significant student behavior and/or achievement issues; the requirements of rural schools; and schools where a safety issue is present.

102.6 STATE MAXIMUM CONSTRUCTION ALLOCATION

A. Maximum Gross Area Allowance

1. General

- a. The Maximum Gross Area Allowance is the size of the facility that, in the judgment of the IAC, can reasonably accommodate the number of students and the educational program.
- b. The Maximum Gross Area Allowance is the product of the approved student enrollment and the maximum gross area allowance per student.
 - (1) The maximum gross area allowance per student is set by the Board of Public works upon recommendation of the IAC.
 - (2) The PSCP will periodically review the allocation of area per student for different grade levels and for different educational programs and may recommend changes to the IAC. The review will be based on current educational practice.
 - (3) See Appendix 102-B for:
 - i. Currently approved gross area allowance per student.
 - ii. Gross area allowance for specific program elements.
- c. The maximum gross area allowance is the limit for State participation in a project. Costs of that part of a project which exceeds the maximum gross area allowance will be a local responsibility.
- d. The maximum gross area allowance shall not be considered a minimum State space design standard. An LEA may build a school to a size larger or smaller than that determined through the calculation of the Maximum Gross Area Allowance.
 - (1) If the project area is larger than the Maximum Gross Area Allowance, the excess area is ineligible for State participation.
 - (2) If the project area is smaller than the Maximum Gross Area Allowance, the State participation will be based on the actual size of the project.
- e. In some circumstances, the IAC may approve a Maximum Gross Area Allowance in excess of that derived from the Capacity and Space Formula. Examples include but are not limited to:
 - (1) Additions for programmatic purposes that result in a building that is larger than the Maximum Gross Area Allowance.

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- (2) Additions for capacity where the configuration of the existing building precludes renovation of existing spaces.
 2. For new schools, the Maximum Gross Area Allowance is the product of the approved projected enrollment and the square foot allowance per pupil or flat rate if applicable.
 3. For major renovation projects:
 - a. The Maximum Gross Area Allowance is the same as for a comparable new school of the same approved capacity.
 - b. Areas 15 years of age or less, including areas that have received major renovation within 15 years, are ineligible for State funding and will be deducted from the maximum gross area allowance.
 4. For additions to increase capacity, the Maximum Gross Area Allowance of the addition will be computed on the basis of the maximum gross area allowance for a comparable new school of the same approved capacity, less the area of the existing school that will remain.
 5. For additions for other purposes, see Appendix 102-B for gross square foot allowances.
 6. For additions with renovations or limited renovations: See Appendix 102-B.
 7. For Science Classroom Renovations: See Appendix 102-B.
 8. Other: See Section 102-B
- B. State-Local Cost Share Percentage.
1. The appropriate State-local cost share percentage shall be applied to the project costs that are eligible for State participation.
 2. The State-local cost share percentage is recalculated every three years based on the factors described in COMAR 23.03.02.05. See Appendix #TBD for current cost share percentages.
 3. The cost share is established at the time of first-time funding approval and is not changed thereafter. For multi-year projects that received first-time funding in an annual CIP, the cost share will be as shown on the CIP worksheet for the project. A project that received planning approval in an annual CIP without receiving funding will be subject to the cost share percentage applicable to the year in which it receives funding approval, or the year in which the bid is taken if it is a locally funded or forward funded project.
- C. Average Statewide Per Square Foot School Building Cost.
1. The IAC determines the most accurate average statewide per square foot school building cost by reviewing costs experienced by the LEAs in the previous six months for new construction. Various national and local costing services and construction management entities may also be used.
 2. This data is distributed to LEAs in July, and is applicable to projects for which contracts are awarded in the following July.
 3. The PSCP continues to gather information on project costs following distribution of the average statewide per square foot cost, and may make an adjustment prior to the final approval of projects.
- D. Local Costs. The LEA is required to have local funds available for the payment of ineligible project costs.

E. Procedures for Calculation of Tentative and Maximum State Construction Allocation.

1. General

- a. The tentative construction budget with State and local share will be determined prior to the approval of planning by the BPW. The State share of funding will be adjusted when construction funding is approved, and again when the contract is approved.
- b. The PSCP will provide funds for a percentage of the eligible construction costs of an approved project. These percentages are set forth in Appendix #TBD.
- c. The computation of the Tentative and Maximum State Construction Budget is generally based on the approved gross square feet in the project and the appropriate construction cost or building cost figure.
- d. For some project types and in some circumstances, the Tentative and Maximum State Construction Allocation will be based on the estimated or the actual cost of the construction.
- e. Prevailing Wage Rates
 - (1) Prevailing Wage Rates must be used for all State-funded school construction projects in which:
 - i. The total cost of construction exceeds \$500,000; and
 - ii. The State participation in the cost of construction is 50% or greater.
 - (2) A project that is required to have prevailing wage rates but is awarded without these rates will be funded by the State at 49.9% of eligible costs.
 - (3) If, there is uncertainty prior to solicitation whether a project will meet criteria i. or ii. above, bids may be solicited with a requirement for prevailing wage and an alternate removing the requirement (or vice versa), and based on the results of the solicitation, the LEA may:
 - i. Accept the bid or offer with prevailing wages, and receive full State participation; or
 - ii. Accept the bid or offer without prevailing wage rates, and receive State funding at 49.9% of eligible costs.

2. Tentative Maximum State Construction Budget.

a. General

- (1) A tentative maximum State construction budget for a major project will be established when planning approval is recommended by the IAC and the planning project is approved by the BPW.
 - (2) When construction funding is approved, the maximum State construction allocation is established.
 - (3) In an existing building, areas 15 years of age or less, including areas that have received major renovation within 15 years, are ineligible for State funding (See Section 102.1.C.1).
- b. For a new school, replacement school, or major addition for capacity purposes.

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- (1) The computation is the result of:
 - i. Multiplying the approved Maximum Gross Area Allowance by the building cost per square foot;
 - ii. Adding to this a site allocation of 12% of the building cost and a contingency of 2-1/2% applied to the sum of the building and site costs; and
 - iii. Multiplying the sum by the State-local cost share percentage.
 - (2) For replacement projects, the cost of projects approved by the State within the previous 15 years for the facility that is being replaced is not subtracted from the Tentative Maximum State Construction Budget. An exception to this rule may occur when previously approved and executed plans to expand capacity or undertake major renovation did not take into account the future replacement of the facility.
 - (3) For schools required to be high performance schools that were approved for funding during FY 2010 through FY 2014, the State will participate in Additional State Funding equal to 50% of 2% added to the combined cost of building and site (see Section 105 and Forms 102.1 and 102.2 for projects submitted in that timeframe)
 - (4) For an addition to a new or replacement school in which the core area was originally oversized in anticipation of the addition, the State share of the cost of the eligible oversized area will be added to the State share of the addition.
 - i. The State share of the oversized area will be based on the construction costs that applied at the time of original project procurement.
 - ii. Throughout the design review process, the location and size of the oversized area must be clearly shown on design document submissions.
- c. For renovation work within an existing school.
- (1) The computation is the result of:
 - i. Multiplying the approved Maximum Gross Area Allowance by the percentages of the building cost per square foot that vary according to the age of the building;
 - ii. Summing the above products and adding to this a site allocation of 5% of the building cost and a contingency allocation of 2-1/2% applied to the sum of the building and site costs; and
 - iii. Multiplying the sum by the State-local cost share percentage.
 - (2) The percentage of building cost is based upon the age of the existing spaces in which renovation work is to take place. The percentages are:

40 years or more	100%
31 to 39 years	85%
26 to 30 years	75%
21 to 25 years	65%
16 to 20 years	50%
0 to 15 years	0%

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- (3) The age of each building portion is calculated by subtracting the year in which construction was completed or the project was placed in service, whichever was earlier, from the January 1 of the year following submission of the CIP request.
 - (4) The PSCP will provide an updated chart of dates for each age category in the letter that is distributed in July relative to the CIP for the following autumn.
 - (5) If the Maximum Gross Area Allowance is less than the area of the existing building, it will be applied to the oldest portions of the building first, then progressively to newer sections until it is fully used.
- d. An Addition Project Combined with a Renovation Project.
- (1) The renovation portion is calculated in accordance with Sections 102.6.A.3 and 102.6.E.2.c above, and the addition portion is calculated in accordance with Section 102.6.A.4 above.
 - (2) If the Maximum Gross Area Allowance is greater than the area of the existing building, it will be applied to the existing building first, with the remainder applied to the addition until it is fully used.
- e. Limited Renovations. If the total area of the existing school is larger than the Maximum Gross Area Allowance calculated from the projected enrollments, the cost of the work may be determined as a ratio of the Maximum Gross Area Allowance divided by the total area of the building, unless it can be shown that the work is restricted to specific areas of the facility.
- f. Systemic Renovation Projects. State funding shall be based on the State-local shared cost formula applied to the estimated cost of the project. There is no allocation for site work.
- g. Locally funded and forward funded projects.
- (1) The Tentative and Maximum State Construction Allocations will be calculated, as appropriate for the project type, based on either:
 - i. The enrollments, Square Feet per Student, the Cost per Square Foot, and the State-local cost-share percentage that were approved in the request for funding and planning (see Sections 102.4.B and 102.4.C); or
 - ii. The estimated or actual cost of the project, and the State-local cost-share percentage that was in effect at the time of solicitation.
 - (2) State funds, if provided for a contract previously awarded, will not include any financing costs incurred by the LEA.
 - (3) Local Boards and local governments are required to be aware of any tax liabilities that may follow on the use of State tax-exempt bond proceeds to reimburse costs paid for using local tax-exempt bond proceeds.
 - (4) State funds will not be provided for any work or items that are included in the contract documents which are ineligible for State funding at the time of State approval, irrespective of whether they were eligible at the time of project solicitation.
3. Maximum State Construction Allocation.
- a. General

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- (1) The method for determining the Maximum State Construction Allocation for each type of project is the same as for determining the Tentative Maximum State Construction Budget at the time of planning approval.
 - i. New information will be considered, e.g. the current enrollment and projections, the current average State per square foot cost, the current age of building portions, and the current State-local cost share percentage)
 - ii. The estimated or actual cost of construction, if known, may be used in place of the cost developed through formula.
 - (2) At the time that a project is approved for funding by the BPW, a maximum State construction allocation is established for the project. All construction costs in excess of the established State share shall be the sole responsibility of the LEA.
 - (3) This maximum State construction allocation will not be supplemented with additional State funds from another funding program, for example funds from the Aging Schools Program, the Qualified Zone Academy Bond program, or the Emergency Repair Fund.
 - (4) The State share of funding for the project will not be subsequently increased, except for BRAC-related projects (see Section 102.6.E.4.c).
 - (5) If projected enrollments are based on a proposed change of educational program that does not subsequently occur, the State share of funding will be reduced to correspond to the actual enrollments and educational programs.
- b. Adjustments to the Maximum State Construction Allocation
- (1) If bids or proposals are received by the LEA and the cost of the lowest responsible bidder/proposer exceeds the combined State-local allocation, the local jurisdiction can:
 - i. Supplement the allocation (and assume responsibility for all change orders),
 - ii. Revise and solicit anew (with no subsequent adjustment in State funds), or
 - iii. Cancel the project. A letter requesting cancellation should be addressed to the Executive Director of the PSCP. The motion to rescind the project funding will be approved by the IAC.
 - (2) If the cost/proposal of the lowest responsible bidder or offerer is below the State maximum allocation, the maximum State construction allocation will be revised to reflect the State share of the actual construction costs.
 - i. An allowance of up to 2-1/2% will remain in the project's allocation for change orders. The balance, including any unused portion of the contingency, will revert to the Statewide Contingency Account.
 - ii. The LEA will be informed of the revised estimate of total State participation in the program.
 - iii. For funds allocated in fiscal year 2010 and subsequent fiscal years, the reverted funds may be used within two years of the reversion by the LEA for a) an eligible project submitted in one of those fiscal years that was not funded, or b) held in reserve for an eligible future fiscal year project. The LEA will be informed if the reverted funds are subject to these conditions.

4. Special Allocations

- a. For approved replacement or renovation projects where declining enrollment has been experienced, the project capacity, scope, and tentative budget will be based upon a capacity that reflects the level at which the enrollment can reasonably be expected to stabilize.
- b. High Performance Schools: Additional State Funding will be provided for projects that were approved for funding in fiscal years 2010 through 2014 (See Section 105).
- c. Base Realignment and Closure (BRAC) Related Projects.
 - (1) Applicability. This section relates only to school construction projects that are impacted by the 2005 Defense Base Closure and Realignment (BRAC) Commission Report, effective November 9, 2005.
 - (2) Definition of BRAC-Related Project.
 - i. Will provide additional capacity for students directly related to military or contractual employees at a base affected by BRAC, or
 - ii. Will provide new or renovated space for educational programs in preparation for new jobs on military bases that are related, as determined by the IAC or its designee.
 - (3) Criteria for Designation as a BRAC-Related Project.
 - i. School must be located within a certified Priority Funding Area and less than 10 miles from the perimeter of a BRAC-affected military base, or
 - ii. School must be located less than 20 minutes in driving time from the entrance gate of a BRAC-affected military base.
 - (4) For projects other than new, replacement, renovation, or limited renovation, LEA must submit with the local capital improvement program request a comprehensive plan to upgrade the condition of the entire facility to match the final condition of the proposed CIP project within six years of the application, or submit evidence that the facility is already in such condition.
 - (5) If a project that is approved to receive designation as a BRAC-related project is also approved as a project for planning and funding in an annual CIP:
 - i. The LEA may, in an annual capital improvement program, request approval of supplemental funding for the project after the elapse of a period to be determined by the IAC, but not less than 2 years from the time of project completion.
 - ii. No additional request for planning approval is needed.
 - (6) Basis for Supplemental State Funding.
 - 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% of the enrollment projections that applied at the time of approval or bid date of the BRAC-Related project, whichever was earlier.

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- ii. The cost of construction that was applicable on the date of bid, according to either the formulas in Section 102.6 of this procedure, or the actual cost of construction, whichever is less.
 - iii. The cost share percentage that was applicable at the time of bid.
- (7) The request for supplemental funding is to be submitted as a new project request in the annual CIP, and will be considered for approval of funding according to the factors described in Section 102.5 of this procedure.

102.7 CAPITAL IMPROVEMENT PROGRAM APPROVAL PROCEDURE - SUMMARY

- A. By May 1, review the latest public school enrollment projections prepared by MDP.
- B. Educational Facilities Master Plan or amendments must be submitted by July 1.
- C. Discussions between LEA and IAC staffs may take place to provide IAC staff information as to likely LEA high priority requests for the upcoming fiscal year. Review and preparation of CIP materials by both LEA and PSCP continues. Work on schematic and design development drawings continues for LEAs intending to request funds in the fall.
- D. By September 1, schematic documents must be submitted to PSCP (for project recommendations to be submitted by the IAC for approvals in the following January).
- E. By a date in October established by the PSCP, the LEA shall submit the Board of Education approved CIP to the PSCP.
- F. By October 15, the Governor announces the preliminary capital budget for school construction.
- G. During October and November, PSCP-LEA program review meetings take place.
- H. By November 1, design development documents, including cost estimates, life cycle costs, and energy conservation studies, must be submitted to PSCP (for project recommendations to be submitted by the IAC for approvals in the following January).
- I. In mid-November, IAC staff makes its program recommendations to IAC. These recommendations are communicated to each LEA. The LEA will notify the IAC of projects it intends to appeal.
- J. By a date in late November or early December established by the IAC, amendments to the CIP and a local government commitment of support must be submitted to PSCP.
- K. In December, IAC holds a public hearing to hear appeals for projects not recommended by PSCP staff. IAC decides upon the recommendations to be made to the BPW. The LEA and other concerned parties are informed of IAC recommendations and the LEA notifies the IAC of projects that will be appealed to the BPW.
- L. By December 31st, the IAC submits its recommendations to the BPW. Recommendations will account for not less than 75% of the Governor's preliminary public school construction funding for the fiscal year.
- M. In January, the BPW holds a public hearing to receive testimony on IAC recommendations and to hear appeals for projects not recommended by the IAC. The Board of Public works approves funding for projects not exceeding 75% of the Governor's preliminary public school construction funding for the fiscal year.

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- N. Before March 1, the IAC recommends project funding totaling 90% of the Governor's proposed public school construction funding for the fiscal year.
- O. Between January and April, the Legislature considers the Governor's funding recommendations and approves an appropriation for public school construction funding for the upcoming fiscal year.
- P. In mid- to late-April, the IAC recommends to the Board of Public Works additional projects for funding and planning approval, based on the appeals made by the LEAs at the January meeting of the BPW, on additional information provided by the LEAs, and on the final funding level passed by the General Assembly and enacted by the Governor. Funds may also be added from the Statewide Contingency Account.
- Q. The Board of Public Works approves the final allocation of funds. The total amount of the approved allocation will equal the approved funding.
- R. Throughout the year, amendments to the CIP may be submitted to the IAC for consideration as recommendations to the BPW.

END OF SECTION

103 - ARCHITECTURAL AND ENGINEERING SERVICES

103.1 GENERAL

- A. The plans, specifications, and related documents for each State-funded construction project must be developed under the supervision and responsibility of an architect or engineer who is licensed to practice in the State of Maryland.
- B. Unless waived by the IAC or its designee, construction projects that include site development or the design of structural, mechanical, plumbing, or electrical systems must, respectively, include the design services of a professional engineer licensed to practice in the State of Maryland with acceptable experience in civil, structural, mechanical, plumbing, or electrical engineering.

103.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.14B

103.3 APPLICABILITY

- A. This procedure applies to all new construction, renovation, limited renovation, addition, site development, structural, mechanical, plumbing, and electrical system projects, unless waived by the IAC or its designee.

103.4 SELECTION AND AGREEMENT

- A. The process by which the LEA selects an architect or engineer is determined by local statute, policy, or practice.
- B. The payment of all fees related to the selection and employment of the architect, engineer, or other consultants is the sole responsibility of the LEA.
- C. The agreement between the LEA and the Architect/Engineer (A/E) shall include:
 - 1. Provisions for the IAC staff review and approval of the schematic, design development, and construction documents as required by other sections of these procedures;
 - 2. Assurance that the project design is in accordance with the State guidelines for energy usage and DGS standards and procedures for energy conservation, life cycle cost analysis, and roofing, [see Energy Conservation, Implementation of Life Cycle Cost Analysis, and Standards for Roofing, Re-roofing, and Guarantee Requirements in the DGS Procedure Manual for Professional Services];
 - 3. Cost control provisions, such as add alternates to the base bid;
 - 4. Provisions for high performance design and construction as required;
 - 5. Provisions requiring the A/E to obtain separate pricing for any ineligible work or items included in the project that will be locally funded; and

6. Provisions for the A/E to monitor change orders during construction and record the reasons for the change.

103.5 PROCEDURAL STEPS

- A. Prior to the selection of the A/E, the capacity, general scope, area allowance, and preliminary construction budget shall be established and recognized by the LEA and the IAC. At the time planning is approved, a tentative maximum State construction allocation is established by the IAC and provided to the LEA.
- B. The LEA shall notify the PSCP/MSDE when the A/E has been selected and the project design review meetings have been scheduled.
- C. If design work is to be done by an employee of the LEA, the LEA shall identify the Board of Education as the design firm and provide the staff member's name and registration number.
- D. The selected A/E firm may obtain a current copy of the PSCP Administrative Procedures Guide before beginning work.

END OF SECTION

104 – SCHOOL SITE APPROVAL

104.1 GENERAL

- A. The site approval procedure enables the State to objectively review the suitability and sustainability of locally selected school sites as well as their appropriateness to support educational programs.
- B. School facility planners are encouraged to work with planning and zoning officials to develop and use school land banking procedures so that an inventory of future prospective school sites are maintained in each jurisdiction in areas targeted for growth. It is important that future school sites are situated within neighborhood and that the sites be educationally suitable. Emphasis should be given to acquisition of future school sites associated with major subdivision approvals and municipal annexations. Consideration should also be given to school sites in existing communities where appropriate, such as in areas targeted for redevelopment.
- C. School sites should reflect sustainable community planning practices and be consistent with the requirements of the educational program. Community planning practices include: shared locations and use of sites, minimized school site sizes, public transportation, and shared parking options and densities that promote walking and biking. (See Appendix 104)
- D. All new school sites, and sites for replacement schools that have an increased capacity or an expanded core area, shall be located in a PFA unless a waiver is granted by the IAC. COMAR 23.03.03, .13, and 28.
 - 1. A waiver from the IAC will be required for the acquisition of school sites outside of PFAs.
 - 2. “Expanded core area” means core areas of the school, including but not limited to the cafeteria, gymnasium, health suite, library, etc., that exceed space required for the current or projected student enrollment but which may serve an increased occupancy at a later date.
- E. New school sites and reuse of existing school properties located in existing communities should be given preference over sites outside existing communities.

104.2 REFERENCE

- A. COMAR 23.03.02.03, Capital Improvement Program
COMAR 23.03.02.13 Site Selection
COMAR 23.03.02.28 Priority funding Area Waiver Criteria, and

104.3 APPLICABILITY

- A. IAC approval and the approval of the State Superintendent of Schools are required for the acquisition of all new sites, whether for imminent use or site bank purposes, except as described in Section in B, below.
- B. If five acres or less is being added to an existing site, and the property to be acquired will remain unaltered, the acquisition is not subject to formal approval by the State Superintendent. The State Superintendent and IAC must be notified in writing by the LEA of the acquisition.
- C. IAC approval is required for the use of previously approved sites if the approval was given more than five years prior to the date when the LEA requests planning approval for a project at that site in an annual capital improvement program (CIP see section 102.4). The LEA must follow the procedure for new site acquisition as outlined in Section 104.4 below.
- D. Maryland State Clearinghouse review of all sites is required prior to IAC approval except if the site is five acres or less, is being added to an existing site, and the property to be acquired will remain unaltered. See Section 104.5.
- E. Priority Funding Area review shall be conducted by the IAC for sites for new schools and replacement schools on new sites that add capacity, including a school being built with an expanded core to accommodate projected future growth. See Section 104.7.

104.4 SITE VISIT

- A. The LEA shall request a site visit by a representative of the Maryland Department of Planning when an LEA determines that it intends to acquire a site for a new school or for the site bank.
- B. The site visit will occur before or shortly after the submission to the Clearinghouse for review.
- C. Prior to or at the visit, the LEA should be prepared to discuss the following information:
 - 1. The overall property boundaries and existing physical conditions.
 - 2. The LEA's planned acquisition schedule.
 - 3. A description of any potential physical problems with the site.
 - 4. Adjacent schools with boundaries that will be impacted by the new school.
 - 5. Comprehensive Plan Designation, Zoning Designation, Priority Funding Area Designation and Adequate Public Facilities information:
 - a. Explanation of how the proposed site is related to the county or municipal growth plan and to the State's growth policies;

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- b. A site location plan indicating existing or proposed land uses, zoning , roadways, sidewalks, trails, parks and other public uses within a one mile radius of the proposed site;
 - c. Sustainable community planning practices:
 - 1. Site Size;
 - 2. Opportunities for Co-Location/Shared Use of School Facilities;
 - 3. Surrounding Residential Density;
 - 4. Walkability;
 - 5. Public Transportation Options;
 - 6. Parking options;
 - 7. Parks, Recreation Areas, Sidewalks, Trails and Bicycle Lanes.
 - d. The PFA status for the proposed school site;
 - e. Adequate Public Facility Ordinances (APFO). If a county has an APFO for schools, and a development moratorium is in place inside a PFA, evidence that this site will address APFO restrictions inside the PFA and how the county will mitigate potential growth impacts outside the PFA resulting from the new school.
6. Sewer and Water Service. Indicate the existing or planned water and sewer service area for the site as defined in the water and sewer plan approved by the Maryland Department of the Environment.
7. A description of the proposed travel patterns for the site area consistent with the policies of the County Transportation Plan.
8. For high school sites, describe efforts to be made to minimize the amount of planned motorized vehicular travel.

104.5 MARYLAND STATE CLEARINGHOUSE REVIEW

- A. The LEA shall submit site selection materials to the Maryland State Clearinghouse with a cover letter requesting a review-
 - 1. Address: Maryland State Clearinghouse
Maryland Department of Planning
301 West Preston Street
Baltimore MD 21201

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2. Seven (7) copies of the Site Analysis Report (Form 104.1) and of the following attachments should be sent (copies also may be submitted electronically via e-mail, as a PDF file, or sent as a CD):
 - a. Small scale location/vicinity map;
 - b. Site plan showing:
 1. Metes and bounds;
 2. Topography;
 3. Floodplains and wetlands;
 4. Easements and rights-of-way affecting property;
 5. Sewer and water;
 6. Gas and electricity service;
 7. Sidewalks;
 8. Storm drains and swales;
 9. General features of land abutting property including existing and/or proposed street layout;
 10. The probable location of the building, parking and play fields.
 - c. A site location plan indicating:
 1. Existing or proposed land uses (1/2 mile radius of proposed site);
 2. Roadways, sidewalks, and trails (1/2 mile radius of proposed site);
 3. Public transit routes and stops (1/2 mile radius of proposed site);
 4. Parks and other public uses within the vicinity.
 - d. A letter from the LEA Superintendent indicating Board of Education approval of the site acquisition pending IAC approval;
 - e. IAC/PSCP Environmental Assessment Form (EAF) 104.2 required by the Maryland Environmental Policy Act;
 - f. A map indicating the Priority Funding Area status of the site;
 - g. Any other appropriate attachments.
3. Test borings and a preliminary environmental study are recommended for all new sites and all additions to existing sites if there is to be building construction on the

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additional land. The engineering summary report shall be submitted along with the site review materials, if available.

- B. The State Clearinghouse will disseminate copies of the above to the appropriate agencies requesting that comments and requirements be returned within 60 days. These comments and requirements will be forwarded to the LEA for inclusion with the site selection materials sent to the IAC for review and approval.
- C. State Clearinghouse review does not constitute approval of the site. Separate approval by the IAC is required following receipt of comments from the State Clearinghouse.

104.6 IAC APPROVAL

- A. Upon receipt of State Clearinghouse comments on the proposed site, and resolution of any issues brought up in the State Clearinghouse review, the package of site selection approval materials shall be submitted to the IAC for approval. The package shall include:
 - 1. A letter to the Executive Director of the PSCP requesting IAC approval to acquire the site. The letter should indicate the probable timetable for acquisition of the site and the proposed use, including acquisition for land banking purposes.
 - 2. IAC/PCP Forms 104.1 (Site Analysis Report) and 104.2 (Environmental Assessment Form) with the required attachments as listed on the forms, including the letter from the Clearinghouse with the comments and requirements for site approval.
 - 3. The Local Board of Education's approval of the site selection.
- B. The State Superintendent of Schools as required by §2-303 of the Education Article, and the IAC as required by Title 23.03.02.13 of COMAR, will both review the request for approval. The school system will be notified of action on the request by means of a single letter from the State Superintendent acting as such and as IAC Chairperson.
- C. The IAC shall consider information provided in Section 104.4 and 104.5 when approving a site.
- D. Approval by the State Superintendent and the IAC of the site does not imply agreement with the need for a new school on that site or in its general area, nor does it imply a State commitment to fund any improvements on the site.
 - 1. Site approval is a precondition for approval of planning for a new school or a replacement school on a new site in an annual CIP (See Section 102.4).
 - 2. In order for planning to be approved in an annual CIP:
 - a. The submission to the State Clearinghouse should occur no later than the first week of January that follows the submission of the request for planning approval;

- b. The request for IAC approval should occur no later than the following March 15.

104.7 Priority Funding Area Review

Priority Funding Area review shall be conducted by the IAC for sites for new schools and replacement schools on new sites that add capacity, including a school being built with an expanded core to accommodate projected future growth.

A. Priority Funding Area Waiver Procedure.

1. An LEA may request in writing a waiver of site acquisition for a new school, or for a replacement school that adds capacity, located outside of a Priority Funding Area. See section 104.7 B., Priority Funding Area Criteria, for information that must be addressed in the request.
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 IAC's 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 to acquire a site for a new school, or for a replacement school that adds capacity, outside of a Priority Funding Area.
4. After considering the criteria for a waiver in §B of this section, the IAC may:
 - a. Approve acquisition of a site for the new school, or for the replacement school that adds capacity;
 - b. Approve acquisition of a site for the new school, or for the replacement school that adds capacity with conditions; or
 - c. Deny acquisition of a site for the new school, or for the replacement school that adds capacity.
5. When considering whether to grant a waiver for acquisition of a site for a new school, or for 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.

B. Priority Funding Area Waiver Criteria.

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When requesting a waiver to the requirement that a site for a new school or for a replacement school that adds capacity be located inside a Priority Funding Area, the LEA shall provide to the Maryland Department of Planning the following information

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 cost 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 for a new school or for a replacement school that adds capacity is located as proximate to the Priority Funding Area as possible;
 - b. How 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, that will 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 approved 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.

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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 deemed appropriate by the LEA, or upon request from MDP or the IAC.

END OF SECTION

105 – HIGH PERFORMANCE SCHOOLS

105.1 GENERAL

- A. All new schools receiving State capital construction funding shall be high performance schools unless waived by the Interagency Committee on School Construction (IAC).
- B. A high performance school is defined as meeting or exceeding the requirements for a Silver rating in the LEED (Leadership in Energy and Environmental Design) for Schools rating system of the United States Green Building Council (USGBC), or achieves at least a comparable numeric rating according to a nationally recognized numeric sustainable rating system, guideline, or standard approved by the Secretaries of the Department of General Services and the Department of Budget and Management on the recommendation of the IAC.
- C. Certification shall be performed by a third party and is a requirement for compliance with State statute, regulation, and this procedure.

105.2 REFERENCE

- A. Article – State Finance and Procurement
 - 1. Section 3-602.1
- B. Article – Education
 - 1. Section 5-301 (d), 5-312
- C. COMAR 23.03.02

105.3 APPLICABILITY

- A. This procedure applies to all new school construction projects receiving any State Public School Construction Program (PSCP) capital funding for which the Request for Proposal (RFP) for architecture and engineering (A/E) design services is issued after July 1, 2009, unless waived by the IAC.
 - 1. An RFP is for specific design services for a specific project.
 - 2. Issuance of a generalized Request for Qualifications (RFQ) to pre-qualify A/E firms for upcoming work, or issuance of an RFP for a feasibility study to determine the scope of a proposed project, does not constitute an RFP under the requirements of this section.
- B. New schools include projects to expand or replace existing schools, or replace portions of existing schools, when more than 80% of the final built square footage is new. “Replace” means that all portions of the work are new, including foundations and all structural elements.
- C. This procedure does not apply to additions less than 80% of the total final built square footage or to complete renovations, limited renovations or systemic renovations.
- D. This procedure applies to locally-funded school construction projects, as defined above, that will be included in future CIP requests to the IAC.

105.4 PROCEDURAL STEPS

- A. Other Than USGBC Certification. If an LEA wishes to use a nationally recognized numeric sustainable rating system, guideline, or standard (“comparable certification”) other than USGBC LEED for Schools Silver Certification, the following procedures must be followed:
1. The LEA should request the IAC to accept the comparable certification;
 2. The LEA shall submit the request and documentation of the comparable certification to the IAC prior to submission of the schematic design;
 3. The IAC may consult with the Maryland Green Building Council (MGBC) to determine acceptability of the proposed comparable certification;
 4. The IAC will recommend action on the comparable certification to the Secretary of the Department of General Services and the Secretary of the Department of Budget and Management;
 5. Use of the comparable certification will be granted on approval by the Secretary of the Department of General Services and the Secretary of the Department of Budget and Management;
 6. The LEA must have State approval of comparable certification for each specific project not later than approval to go to solicitation;
 7. The IAC will state in writing the reasons for disapproval.
- B. Planning, Design, Construction
1. The LEA shall notify PSCP of its intention to certify individual projects with USGBC or other certification, and include a statement of intent in its Capital Improvement Program (CIP) request, educational specifications and A/E selection documents.
 - a. PSCP will verify inclusion of statements in each submission.
 - b. Inclusion of statements will be a condition for eligibility for planning and funding approval (with other factors described in Section 102).
 2. The LEA shall submit at each stage of design a written description of high performance design principles that will be incorporated into the project, similar to the “Green Building Plan” required in the DGS Procedure Manual for Professional Services. This plan may take the form of preliminary and interim LEED scorecards, certified by a LEED-Accredited Professional.
 3. PSCP will review the documentation to verify progress toward certification. Notification of deficiencies in documentation will be included in comment and review letters at each phase.
- C. Certification
1. The LEA shall submit the project to the certifying entity for evaluation as required by the certifying entity.
 2. The LEA shall send PSCP a copy of the final certification notice.
- D. Additional State Funding (ASF)

1. The State will allocate additional funds for 50% of the extra local costs during FYs 2010-2014 only. Extra local costs eligible for State participation will be as shown in the list of eligible items in the *Administrative Procedures Guide* that is current at the time of approval of project funding.
 - a. Additional funds will be allocated only for applicable schools, as defined in Section 105.3 above.
 - b. If an applicable school that is approved for funding in FY 2010 meets the requirements for certification as a high performance school, it will be eligible for additional State funding even if the RFP for A/E design services is issued before July 1, 2009.
 2. Calculation of Additional State Funding.
 - a. Forms 102.1 and 102.2 will automatically calculate 2% of the combined building and site construction costs for the project.
 - b. The ASF will be calculated as 50% of the resultant amount shown.
 - c. The ASF will be added to the State cost for construction, site, and contingency to establish the maximum State construction allocation.
 3. The ASF will be shown in the project worksheet, and will be included in the approved allocation, pending availability of funds.
 4. The LEA may request reimbursement of the Additional State Funding (ASF) upon presentation of final certification from the certifying entity.
- E. Locally Funded Projects to Be Included in Future Year CIP Requests
1. The LEA shall notify MSDE of its intention to certify individual projects with USGBC or other certification, and include a statement of intent in its educational specifications and A/E selection documents.
 - a. MSDE will verify inclusion of statements in each submission.
 - b. Inclusion of statements will be a condition for eligibility for planning and funding approval by the IAC (with other factors described in Section 102).
 2. The LEA shall submit at each stage of design a written description of high performance design principles that will be incorporated into the project, similar to the "Green Building Plan" required in the DGS Procedure Manual for Professional Services. This plan may take the form of preliminary and interim LEED scorecards, certified by a LEED-Accredited Professional.
 3. MSDE will review the documentation to verify progress toward certification. Notification of deficiencies in documentation will be included in comment and review letters at each phase requiring approval by the State Superintendent of Schools.
- F. Waiver
1. The LEA may request a waiver of the requirement for high performance school certification. A waiver should not be assumed to be granted resulting from a failure of the LEA to achieve high performance building certification.
 - a. The request should be submitted with the request for planning or funding.

- b. The request may be made after completion of the project if, following submission of all high performance documentation including interim certification scores, the certifying entity does not grant certification or if less than a LEED Silver or comparable certification level is achieved.
2. The LEA shall submit justification for the waiver in letter form to the Executive Director.
3. PSCP shall evaluate the request and recommend action to the IAC within 30 days.
 - a. Waivers will be granted only on demonstration of substantial cause that achieving certification is not practicable.
 - b. The request must demonstrate that alternative approaches to achieving the needed points for LEED Silver certification or comparable certification have been fully explored.
 - c. Additional costs involved in achieving high performance certification will not be accepted as a cause for granting a waiver.
4. The IAC may approve or not approve the waiver. The IAC will state in writing the reasons for disapproval.
 - a. If the waiver is approved at the time of planning or funding approval, the project may proceed without high performance certification, and will be eligible for the maximum State construction allocation without the ASF.
 - b. If the waiver is granted at the completion of the project (see 1.b above), no penalty of State funding will be assessed, and a determination will be made by the IAC as to the eligibility of the ASF. The LEA will be required to do the following:
 - (1) Provide information explaining why the certification was denied;
 - (2) Submit a copy of the certification to the IAC if certification is achieved in the future through additional local capital project funding;
 - (3) Document compliance with all third party certification prerequisites of the rating system (e.g. commissioning, ASHRAE compliance), certified by the A/E;
 - (4) Document that at minimum an Indoor Air Quality (IAQ) Management and Construction Waste Management Plan for the project has been implemented, and that the project has been designed to achieve an Energy Star rating from the Environmental Protection Agency (EPA).
 - c. If the IAC does not approve the request for waiver, the LEA may:
 - (1) Revise the scope of the project to achieve high performance certification, submitting appropriate documentation;
 - (2) Withdraw the project and proceed with it as a locally funded project which may not be submitted for PSCP funding in the future.
 - d. If the IAC does not approve the waiver and the LEA proceeds with the project without modification, the project will be deemed ineligible for State participation. If planning approval has been previously granted, it will be rescinded.

END OF SECTION

106 – EMERGENCY SHELTER COMPLIANCE PROCESS

106.1 GENERAL

- A. COMAR 23.03.02.29 states that for every school that undertakes a project involving a replacement or upgrade of the electrical system, the Local Educational Agency (LEA) is required to consult with the Maryland Emergency Management Agency (MEMA) to determine which area of the school may be used for public shelter during a national, state, or local emergency event. In addition, the public school construction project is to include the electrical capability to fully power those areas designated by MEMA.
- B. Purpose. The following steps outline the specific process that the Interagency Committee on School Construction (IAC) will require all LEAs to complete in order to comply with the COMAR regulation 23.03.02.29.
- C. Definitions.
 - 1. See Administrative Procedures Guide (APG) Appendix 106 Emergency Shelter Compliance Process, Paragraph A.
 - 2. Emergency Shelter Compliance Process: All steps described in Section 106.4 below. These steps are applicable to all projects that involve electrical work, whether determined to be subject to the Emergency Shelter Requirement or not.
 - 3. Emergency Shelter Requirement: All steps described in Sections 106.4.B.2 through 106.4.F below, applicable to projects that are determined to involve an Upgrade or Replacement of the electrical system as defined in Appendix 106, and resulting in a facility that can be used for public shelter during a national, state, or local emergency event, and which is fully powered in the areas designated by MEMA.

106.2 REFERENCE

- A. COMAR 23.03.02.29

106.3 APPLICABILITY

- A. This procedure is applicable to all projects that receive State funding participation in the Capital Improvement Program (CIP), the Aging Schools Program (ASP), the Qualified Zone Academy Bond (QZAB) program, and other State funding programs, that involve electrical work, irrespective of whether they are determined to be subject to the Emergency Shelter Requirement or not.
- B. The criteria set forth in APG Appendix 106 Emergency Shelter Compliance Process, Paragraphs B and C are to be used for guidance only; final determinations as to the Emergency Shelter Requirement will be made by the Public School Construction Program in collaboration with MEMA, the Department of Human Resources (DHR), and others.

106.4 STEPS OF THE EMERGENCY SHELTER COMPLIANCE PROCESS

- A. General

1. Upon completion of each step of the Emergency Shelter Compliance Process, the party responsible for completing that step must record the date of completion in the PSCP SharePoint list. Guidance will be provided for the use of SharePoint.
2. LEAs are encouraged to complete the Pre-Application Emergency Shelter Compliance Process (106.B below) as early as possible before submission of application to the IAC for approval of planning and/or funding.
 - a. IAC Recommendations for Project Approval:
 - i. No project that is determined to be subject to the Emergency Shelter Requirement will be recommended for final planning and/or funding until steps 106.4.B.2 through 106.4.B.5 of the required Compliance Process are complete.
 - ii. If progress is demonstrated toward completion of steps 106.4.B.2 through 106.4.B.5 of the required Compliance Process, the IAC may recommend conditional approval, subject to completion of the Compliance Process steps prior to final Board of Public Works approval of the annual Capital Improvement Program.
 - b. Projects that are determined to be subject to the Emergency Shelter Requirement but have been submitted for planning approval or funding approval prior to completion of steps 106.4.B.2 through 106.4.B.5 will be reviewed without prejudice for compliance with other IAC requirements, but will not be recommended for final approval until the steps are completed.

B. Pre-Application Process Prior to Application for State Approval of Planning and/or Funding

1. LEA makes an initial assessment as to whether the project is required to meet the Emergency Shelter Requirement based on the criteria for Upgrade or Replacement of the electrical system as set forth in APG Appendix 106, Paragraph C. Consultation with the IAC-PSCP is strongly encouraged.
 - a. If the LEA considers that the project is not required to meet the Emergency Shelter Requirement:
 - i. If the IAC agrees, no further action is needed. IAC will add a note to the project's application file indicating that the project is compliant with the Emergency Shelter Compliance Process, and no other actions under the Process are necessary.
 - ii. Upon review of the application, IAC may determine that the project must meet the Emergency Shelter Requirement. The project will then proceed under steps 106.4.B.2 through 106.4.F below.
 - iii. For projects in which it is unclear if the project involves Replacement or Upgrade of the electrical system as defined in Appendix 106, IAC will discuss applications with the LEA during the pre-application or application processes, and may require reconsideration of the application or additional information.
 - b. If the LEA considers that the project is required to meet the Emergency Shelter Requirement, the Emergency Shelter Compliance Process will continue under steps 106.4.B.2 through 106.4.F below.
2. LEA Contacts the Director of the Preparedness Directorate at MEMA to formally ask for a site survey of the facility and submits to MEMA's Preparedness Director (copy to PSCP) documentation required to complete the Emergency Shelter Compliance Process. Documentation required prior to a site survey is as follows:

- a. Floodplain map of facility site
 - b. Site plan showing the relation of the facility to roads, sidewalks and various exterior features;
 - c. Floor plan of any existing or planned structures involved in the project; and
 - d. Any documentation that the LEA or other local parties wish to be considered in making a determination under 106.4.B.5.b below.
3. MEMA schedules site visit:
- a. The MEMA Regional Liaison Officer coordinates the performance of a site visit and walkthrough which will occur 2-3 weeks after MEMA was first contacted by the LEA. MEMA enters the date of the site visit into the SharePoint list.
 - b. Site visits and walkthroughs are to be held at the project site, unless the parties designated in 106.4.B.3.c below agree that the purposes of the regulation are better served by meeting at the offices of the LEA.
 - c. The site visit will include representatives from the following:
 - i. Department of Human Resources (DHR) – Office of Emergency Operations (OEO);
 - ii. Maryland Emergency Management Agency (MEMA) – Regional Liaison Officer (RLO); and
 - iii. Local Educational Agency (LEA).
 - d. The Local Emergency Manager (LEM) will be invited to participate in the site visit.
 - e. The site visit may also include representatives from the following:
 - i. Local Department of Social Services (DSS);
 - ii. Public School Construction Program (PSCP); and/or
 - iii. Other relevant organizations as necessary.
 - f. MEMA's Preparedness Director must have received the required documents listed in subparagraph 2 before the site visit can occur.
 - g. MEMA and DHR will provide information on current shelter guidance and best practices under consideration in section 106.4.B.4.c below to meeting participants at the time that the meeting is scheduled.
4. Site Visit and Walkthrough. The site visit and walkthrough is performed by the personnel outlined in subparagraph 3; the maximum time expected is 2-3 hours.
- a. Site visits and walkthroughs will contain informal discussions regarding the identification of those areas that would be used for sheltering before, during, or after an emergency event, and the requirements for back-up power.

- b. These discussions will not constitute formal guidance or decisions of any kind; formal guidance and decision will be provided in the Emergency Shelter Compliance letter (see subparagraph 5).
 - c. Criteria for consideration will be drawn from Federal and State Emergency Management guidance and plans, and nationwide best practices.
5. MEMA submits Emergency Shelter Compliance Letter to LEA:
- a. MEMA and DHR will work in close coordination to complete a formal letter which designates the area that is to be fully powered pursuant to COMAR 23.03.02.29. This designation is to be made on the best professional judgment of MEMA and DHR about which portions of the building would be used for public sheltering if events require use of this facility.
 - b. MEMA and DHR will consider any evidence that the facility could not be safely used under any circumstances as a public shelter in the foreseeable future. If this evidence of lack of safety under all circumstances for the foreseeable future is compelling, then no areas of the facility are to be designated as necessary for public safety when used as a public shelter.
 - c. MEMA will submit the letter to the LEA and copy the PSCP, DHR, DGS and the LEM within four weeks of the site visit.
 - i. This letter will include a floor plan with shelter areas highlighted for the LEA's reference.
 - ii. MEMA will upload the letter to the PSCP SharePoint portal and enter the date of the compliance letter in the SharePoint list.
- C. Application for Planning Approval and/or Funding. LEA submits application for a school construction project to IAC.
- 1. LEA indicates on application if project requires a Replacement of the electrical system or an Upgrade of electrical system.
 - 2. For projects that are considered by the LEA to be subject to the Shelter Compliance Requirement, or for projects which the IAC has determined are subject to the Shelter Compliance Requirement under 106.4.B.1.a above, LEA includes the MEMA Emergency Shelter Compliance Letter (106.4.B.5 above) in the application.
 - 3. IAC will require completion of the Emergency Shelter Compliance Process as a condition for approval of the project.
- D. Project Application Data .
- 1. In order to maintain accountability and transparency throughout the entire process, PSCP will immediately make application data specific to electrical and emergency shelter information available through the PSCP SharePoint portal.
 - 2. Reports of application status, site visit reports, and other relevant information will be made available as needed.
- E. Construction design plans with backup power capabilities submitted to IAC.
- 1. Following project approval, LEAs will submit design plans to the IAC-MSDE and IAC-DGS which include provisions to fully power those areas designated in the Emergency Shelter Compliance Letter from MEMA. These plans must clearly indicate which specific electrical

devices/mechanisms support backup power, thereby distinguishing them from other devices/mechanisms in close proximity which do not.

2. PSCP will review the design plans and cross-reference them with the MEMA Emergency Shelter Compliance Letter and attached floor plan to ensure total compliance with the regulation.
3. IAC-DGS will note any questions or deficiencies; when addressed in the LEA response, IAC-DGS will notify LEA.

F. LEA submits final project close-out documents for approval. Following the completion of construction the LEA will submit final project close-out documents to the IAC-PSCP for approval, including proof of backup power installation. The close-out documents must be signed by the superintendent or the superintendent's designee, verifying compliance with the Emergency Shelter Requirement.

106.5 CONTINGENCIES

A. Appeal of MEMA's Decision

1. LEA may request an appeal of MEMA's School Emergency Shelter Compliance decision concurrently to MEMA and the IAC. Requests for consideration should be addressed to:
 - a. MEMA: Director of the Preparedness Directorate; and
 - b. IAC: Executive Director (copy Executive Director's Assistant).
2. The LEA will then be asked to replicate the Process outlined in Section 106.B.2 – 4. MEMA will coordinate an additional site assessment in accordance with Section 106.B.4.
3. The Executive Director of MEMA will then make the final determination based on both site assessments and any additional information provided by the LEA.
4. MEMA will send a final Emergency Shelter Compliance Letter to the LEA and upload the letter to SharePoint.

B. Accelerated Emergency Shelter Compliance Process

1. In the event that an urgent school construction project is submitted to the PSCP, there may be a need to accelerate the Emergency Shelter Compliance Process. All appeals to accelerate the Process will be made to the IAC directly.
2. The following changes will occur in the accelerated Process:
 - a. LEA will indicate upon its first contact with MEMA that this is an accelerated project.
 - b. The site visit will be conducted within 1-2 weeks after the LEA contacts MEMA.
 - c. MEMA's Emergency Shelter Compliance Letter will be completed 3-4 weeks after the site visit.
3. The IAC shall make the determination as to which projects are "Urgent" based on internal criteria and comparisons with other project applications.

END OF SECTION

107 - SUSTAINABLE COMMUNITY PROJECTS

107.1 GENERAL

- A. The Sustainable Communities Program was established within the Maryland Department of Housing and Community Development (DHCD) by the Maryland General Assembly per the Sustainable Communities Act of 2010. Sustainable Communities (SC) is a place-based community revitalization designation offering a comprehensive package of State resources. Municipal and county governments wishing to participate identify local areas in need of revitalization and create a comprehensive revitalization strategy or "Action Plan" guiding investment in accordance with the principles of sustainability with the aim to increase economic, transportation and housing choices, and improve environmental quality and health outcomes among other locally identified goals. Designation applications are reviewed by an interagency panel led by DHCD and are then approved by the Governor's Smart Growth Subcabinet. Once approved, newly designated Sustainable Communities will retain their designation for a period of five years.
- B. Because the decision to invest in existing schools is critical to the continued success and vitality of Maryland's communities and municipalities, the IAC adopted this Sustainable Communities Policy to facilitate certain major school construction projects in areas formally designated for State and local revitalization efforts under the Sustainable Communities Program.

107.3 APPLICABILITY.

- A. This section applies to a new school, replacement school, major renovation, or addition school construction project that is:
1. Located in a Sustainable Community within a Priority Funding Area;
 2. In which the projected enrollments for the subject and adjacent schools at the opening of the school will be less than 50% of the State Rated Capacity, and in which the seven-year combined enrollments for the subject and adjacent schools do not indicate a trend toward full utilization of the capacity.
- B. A list of approved Sustainable Communities and interactive maps are posted on the Maryland Department of Housing and Community Development website.

107.4 PROCEDURAL STEPS

A. Planning Approval

1. Criteria for Planning Approval:
 - a. School is located in a Priority Funding Area.
 - b. School is located in a State approved Sustainable Community.
 - c. The Sustainable Community Plan for the area in which the project school is located identifies strategies related to attracting residential growth.
 - d. There is no other school building in the same Sustainable Community that has been approved as a Sustainable Community project and which has received funding in the

past five years. (Note: Additional projects located in a Sustainable Community but not seeking the Sustainable Community project approval are still eligible under standard eligibility procedures).

- e. The LEA must have in place strategies to improve capacity at the project school, i.e. educational changes, redistricting, school closures, etc.
 - f. The project school plays an integral part in the Sustainable Community at large.
 - g. County and (where applicable) Municipality land use controls complement the strategies of the Sustainable Community Plan by directing and supporting growth to targeted growth areas and away from rural areas.
2. The IAC will also consider:
 - a. The total number of Sustainable Communities projects in any jurisdiction and the status of the enrollments in the SC schools in determining additional approval.
 - b. All LEA CIP priorities when considering planning or funding approval for SC projects.
 3. A Sustainable Community project school will continue to be considered as an adjacent school for other school project requests of its type under standard eligibility procedures.
 4. Gross Area Allowance Eligibility.
 - a. If a Sustainable Community based replacement or renovation project, which is projected to have less than 50% enrollment when it opens, is approved in a local annual CIP, the eligibility of the project and the State funding will be based upon the Gross Area Allowance that is associated with one-half of the 7th year projected enrollment for that school alone.
- B. Funding approval
1. Criteria for Funding Approval: Same as Criteria for Planning Approval.
 2. First year funding must be obtained within the same five (5) year Sustainable Community designation period in which planning approval was given.
- C. CIP submission requirements
1. IAC/PSCP Form 102.1 Request for Approval of Planning or Form 102.2 Request for Approval of Funding.
 2. A written request for consideration of the project as a Sustainable Communities project.
 3. A map showing the location of the project school within the Sustainable Community area.
 4. The date of State designation of the Sustainable Community Area.
 5. A copy of the strategies from the Sustainable Community Plan in which the project is located which are targeted towards residential growth.
 6. A written explanation as to how the school project and the Sustainable Community complement one another.

7. Evidence of LEA strategies to improve capacity at the project school, i.e., educational changes, redistricting, school closures, etc.
8. Evidence that the project school is integral to the SC community at large by documentation of its use by the community.
9. Evidence that County and (where applicable) Municipality land use controls complement the strategies of the Sustainable Community Plan by directing and supporting growth to targeted growth areas and away from rural areas. This could include information from Comprehensive Plans, Area Plans, Functional Plans, and Zoning and Subdivision regulations, Septic Tier maps.
10. Evidence that the project is supported as part of the overall LEA facilities needs assessment for the jurisdiction.

107.5 LEA EDUCATIONAL FACILITIES MASTER PLAN REPORTING REQUIREMENTS

- A. Beginning the first July after first year funding and for each Sustainable Communities project, the LEA shall report on the following in its annual Educational Facilities Master Plan:
 1. The Sustainable Community benchmark quarterly reports as required by DHCD.
 2. Progress of educational strategies to improve capacity.
 3. Evidence of continued use of the school by the community.
 4. Any changes in land use policy that may impact the goals of the Sustainable Community.

107.6 POLICY REVIEW

- A. This policy shall be reviewed annually by the IAC.
- B. IAC staff will track and report on the following:
 1. Total number of Sustainable Communities by jurisdiction.
 2. Changes in project school and in jurisdictional enrollment projections over time.
 3. Total funding dollars allocated to Sustainable Community schools and schools at full capacity by jurisdiction.
 4. Other as required.

201 – CAPITAL PROJECT PLANNING

201.1 GENERAL

- A. The IAC recommends the LEA follow a comprehensive, interdisciplinary, collaborative and integrated planning and design process for each project.
- B. Refer to other sections of this Guide for requirements for specific project types.
- C. The IAC recommends the establishment of a planning committee for all major projects.

201.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.02, 03, 13, and 14

201.3 APPLICABILITY

- A. This procedure applies to all new construction, renovation, limited renovation, and addition projects affecting schools, except those affecting building systems only (systemic renovation projects).

201.4 PROCEDURAL STEPS

- A. The LEA may identify the need for a project and undertake demographic studies, facility assessments, feasibility studies, site selection, and analysis as needed to justify, define, and budget the project.
- B. The LEA shall identify the project in its Educational Facilities Master Plan (EFMP).
- C. The LEA shall include the project in its six year CIP and request local planning approval and construction funding in sequence.
- D. The PSCP shall provide the LEA with the approved scope and the tentative maximum State construction allocation for projects approved by the BPW.
- E. The LEA may appoint, convene, and charge a planning committee with developing educational specifications for the project.
- F. The LEA or the local board of education may approve the educational specifications.
- G. The LEA shall submit the approved educational specifications to PSCP/MSDE for review and comment.
- H. The PSCP/MSDE shall provide written comments on the educational specifications to the LEA.
- I. The LEA shall hire an architect/engineer.
- J. The LEA planning committee may stay actively involved throughout the design process or may be reconvened as necessary during construction and post occupancy phases.

201.5 PLANNING COMMITTEE

A. Organization

1. The LEA may establish a project planning committee including school and community members to inform all participants of the planning process and proposed timeline.
2. The LEA may provide project information including both State and locally-approved scopes of work, estimated construction budgets, and project schedules to all committee members prior to the start of educational specifications.

B. Responsibilities

1. The LEA may determine the educational program, staffing, organization, enrollment projections, etc. based on local board of education policy and provide this information to the planning committee.
2. The planning committee may visit recently constructed and renovated schools.
3. The planning committee may write, oversee the writing of, or review and amend existing educational specifications for the project.

C. Membership

1. The membership of the committee may become a part of the project record.
2. The PSCP/MSDE school facilities architect shall be an ex officio member of the committee. The LEA may include the PSCP/MSDE school facilities architect in all committee business and meetings.
3. The following LEA individuals may be represented on the planning committee: the local superintendent, the director of facilities planning, the director of maintenance and operations, the current principal of the school or a similar school, the curriculum and instructional specialists, pupil services specialists, supporting services staff, teachers, custodial staff, and parents.
4. Representatives of local government agencies, community organizations, State agencies, and other MSDE specialists may be involved as full or consulting members.
5. The PSCP/MSDE school facilities architect is shall interpret PSCP parameters and procedures, interpret MSDE and State Board of Education facility guidelines and standards, review drafts of the educational specifications, and provide written comments on the final educational specifications.

END OF SECTION

202 – EDUCATIONAL SPECIFICATIONS

202.1 GENERAL

- A. Educational specifications describe the proposed educational programs, activities, area requirements, and the performance expectations of the proposed capital project.
- B. Educational specifications are provided to the architect/engineer as the basis for the design.
- C. Educational specifications also serve as a tool for evaluation after construction and occupancy.

202.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.14C

202.3 APPLICABILITY

- A. Educational specifications are required for all new construction, renovation, limited renovation, and addition projects affecting schools.
- B. Abbreviated educational specifications are required for partial building renovation and addition projects such as science laboratory upgrades, open space classroom conversions, and kindergarten classroom renovations and additions.
- C. Educational specifications are not required for projects limited to upgrades or replacements of building components and/or systems.

202.4 CONTENT

- A. The LEA shall reference Public School Construction Program regulations and procedures and Maryland State Board of Education school facilities planning guidelines and standards in the educational specifications.
- B. See Appendix 202APP for a recommended content outline. Items with asterisks are required for abbreviated educational specifications.
- C. The scope, complexity, and length of educational specifications will vary with the scope of the project.
- D. The approved educational specifications may be amended during the design process.

202.5 PROCEDURAL STEPS

- A. The LEA shall prepare and approve the educational specifications and submit two hard copies to the PSCP/MSDE for review and comment.
- B. The LEA shall provide an electronic copy of the approved educational specifications to the PSCP/MSDE only when requested.

- C. For major projects, the LEA shall submit approved educational specifications a minimum of thirty days prior to the submission of the schematic design documents.
- D. For projects of limited scope, the LEA may submit abbreviated educational specifications with the schematic design submission.
- E. The PSCP/MSDE school facilities architect shall review the submission and provide written comments back to the LEA. PSCP/MSDE review typically requires ten to fifteen working days.
- F. The PSCP/MSDE review will be based on the project scope, proposed capacity, budget, compliance with the recommended content outline, and on MSDE school facilities guidelines and standards.
- G. The LEA shall acknowledge and respond to all review comments, either verbally or in writing.
- H. The LEA shall submit one hard copy of any amendments to the PSCP/MSDE school facilities architect as soon as locally approved, for information only.

END OF SECTION

203 – FEASIBILITY STUDIES

203.1 GENERAL

- A. The State gives preference to the rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools. Therefore, feasibility studies are required to justify the replacement or abandonment of existing schools.
- B. Upon review of the feasibility study, the Designees may recommend setting the maximum State construction allocation for an individual project to be based on the cost of renovation, renovation/addition, or replacement of the existing school.
- C. If the State approves and funds renovating, or renovating and building an addition to, an existing school and the LEA builds a replacement school, the Designees may recommend reducing the maximum State construction allocation for the renovation by 15%.

203.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.03B (1) (f), 23.03.02.06J

203.3 APPLICABILITY

- A. This procedure applies to all new construction and major renovation projects seeking State funding that would abandon an existing school building or demolish more than 50% of the existing building area.
- B. Locally funded projects to be included in future year CIP requests are required to comply with this procedure.

203.4 CONTENT

- A. The feasibility study shall include one or more renovation, or renovation/addition, options that satisfy major educational program requirements.
- B. The feasibility study shall include a forty-year life cycle cost comparison of each renovation, renovation/addition, and replacement option considered.
- C. The feasibility study shall include lists of major and minor educational program deficiencies related to each building and site development option considered.
- D. See Appendix 203 for the required content outline.

203.5 PROCEDURAL STEPS

- A. The LEA shall contact the PSCP/MSDE school facilities architect prior to initiating a feasibility study.
- B. The PSCP/MSDE school facilities architect may participate in the development of and provide review comments on drafts of the study.
- C. The LEA may submit the feasibility study to the local board of education for action.

- D. If the local board of education approves a recommendation in the study for abandonment or demolition of more than 50% of the area of an existing school, the LEA shall submit the feasibility study to the PSCP prior to requesting local planning approval in the CIP.
- E. The LEA is encouraged to submit feasibility studies no later than the preceding August 15 for projects for which local planning approval will be requested in the CIP in October.
- F. The LEA shall submit five (5) hard copies of the completed study to the PSCP/MSDE school facilities architect for review and approval by the Designees.
- G. The LEA shall provide an electronic copy of the approved feasibility study to the PSCP only on request.
- H. The PSCP/MSDE school facilities architect shall distribute copies of the study and the PSCP/MSDE recommendation for action to the Designees, the executive director, and the deputy director. The Designees action typically requires thirty working days from receipt of the complete, approved study.
- I. The Designees may request and undertake a site visit to the school and may request information on the proposed use of the existing building to be abandoned, and the proposed new site for a proposed replacement school.
- J. The PSCP Executive Director typically requires 10 working days to convey the Designees decision to the LEA in writing.

203.6 CRITERIA FOR APPROVAL OF ABANDONMENT OR DEMOLITION

- A. The Designees shall approve the abandonment or demolition of a school facility if both of the following are true:
 - 1. The study includes the required content, including at least one renovation, or renovation/addition, option that satisfies major educational program requirements without regard to costs.
 - 2. The study demonstrates that an educationally satisfactory renovation or renovation/addition design solution exceeds the forty-year life cycle cost of a replacement school by more than 10%.
- B. The Designees approval of the feasibility study recommendation does not constitute approval of the CIP request for the proposed project, the proposed use of the existing building to be abandoned, or the proposed new site.

203.7 EXCEPTIONS AND DISCONTINUATION

- A. The LEA may request an exception to the requirement to complete a feasibility study, or request a study be discontinued, at any time it becomes aware of an overriding limitation that would preclude use of the existing building or determines there are no renovation and/or addition options without major educational program deficiencies.
- B. The Designees may approve an exception to, or the discontinuation of, the requirement to complete a feasibility study.

END OF SECTION

301 PRE-DESIGN DEVELOPMENT MEETING

301.1 PROCEDURE

- A. Upon approval of the schematic phase, and prior to proceeding with the design development phase, a pre-design development meeting may be scheduled with the PSCP/DGS staff, project A/Es, and the LEA. Items to be discussed could include design alternatives, trade-off studies, energy conservation, material selection, construction costs, schematic comments, funding, restrictions, procedures and other requirements related to subsequent submissions.
- B. The request for a meeting shall be made by the LEA.

302 DESIGN DEVELOPMENT DOCUMENTS

302.1 DESIGN DEVELOPMENT

- A. Design development includes the technical studies the architect and consultants make to analyze and evaluate the various systems available in order to select the most advantageous and cost beneficial system for the building design.
- B. The design development documents prepared by the architect for review by the LEA and the IAC shall be based on the approved schematics, the pre-design development conference, and other information furnished by LEA staff. Three complete sets shall be forwarded to the IAC for review and comment with Form 302.1.
- C. Throughout the design process, the architect shall take such necessary cost control measures required by the current circumstances of the construction market so that at the time of bid the total cost of the project shall be below the fixed limit of the construction cost as established by the LEA. The architect has the responsibility for the preparation and submission of the detailed cost estimate. The cost data shall be verified for thoroughness and signed by the architect.
- D. The design development submission shall include detailed narrative descriptions of architectural, site, civil, structural, mechanical, and electrical design/systems.
- E. The contents of the design development submission shall include the following:
 1. Site and Civil
 - a. Site plan including basic topographical detail with contours, vegetation, floor elevations, sewer inverts, utility service lines and points of connection, easements, rights-of-way, access roads, storm water and sediment control, fire hydrant locations, geotechnical report with test borings, and area of site in acres. Site plans shall be at a scale of 1" = 40'.
 - b. The geotechnical report shall address those issues as outlined in the Department of General Services Procedure Manual for Professional Services.
 - c. A written statement of project approval intent from the local Soil Conservation Service (S.C.S.). In the event S.C.S. directs that public hearings be held, the arrangements are to be made jointly between S.C.S. and the LEA.

- d. LEA is responsible for project complying with local, state or federal regulations dealing with forestation, storm water management, sediment control and other environmental issues.

2. Architectural

- a. Floor plans and elevations, minimum scale $1/8" = 1'-0"$. Each major space shall be appropriately identified by name. Indicate gross square foot area per floor and net square feet of each space. Gross area of the building shall be computed according to the AIA Standard Area Method, except that interior uncovered courts, canopies, open-sided covered walkways, and building eaves shall be excluded from the calculations.
- b. Transverse and longitudinal sections, minimum scale $1/8" = 1'-0"$. Indicate ceiling heights of various spaces. If the project involves interior renovation, develop as many sections as required to show the full scope of the work.
- c. Exterior wall sections, minimum scale $1/2" = 1'-0"$, indicating typical conditions at floor(s) and roof.
- d. Indication of gross area of building on cover sheet.
- e. Alternates shall be established to ensure approval of a contract award to be within the total allocation without the necessity to revise and rebid. Alternates shall be "add-on" types and should be listed in the order of their importance for bidding acceptance and/or rejection. This shall not preclude the selection (at time of contract award) of an add alternate of a lesser priority but attainable within the funds available. The alternates must be described with estimated costs and shown for either State eligibility or local funding.

3. Structural

- a. Foundation system - spread footings, piles, caissons, etc.
- b. Schematic framing plans - roof and floor systems. Indicate approximate size and spacing of structural members.
- c. Assumed live loads and soil bearing values for footing design.

4. Mechanical and Plumbing

- a. Schematic layout of Heating, Ventilation, Air Conditioning (HVAC) and Plumbing.
- b. Engineering drawings submitted as a minimum shall consist of single line drawings of each system. Drawings shall show equipment

layouts for specialized areas such as mechanical rooms, kitchens, etc. Drawings shall show equipment located outside the building and/or on the roof. The drawings shall be in sufficient detail as to convey the intent of the selected system.

- c. Heating and cooling loads, ventilation requirements.
- d. Mechanical Calculations: One copy of building and system load calculations of HVAC and plumbing systems shall be submitted.

5. Electrical

- a. Electrical schematic service and feeder diagrams.
- b. Typical lighting fixture and receptacle layouts.
- c. Typical telecommunications, fire alarm, and other special systems layouts.
- d. Engineering drawings submitted as a minimum shall consist of single line drawings of each system. Drawings shall show equipment layouts for specialized areas such as electrical rooms, kitchens, etc. Drawings shall show equipment located outside the building and/or on the roof. The drawings shall be in sufficient detail as to convey the intent of the selected system.
- e. Electrical Calculations
 - (1) Requirements: One copy of the following preliminary calculations are to be submitted.
 - (a) Load and demand analysis
 - (b) Load analysis for stand-by power systems
 - (c) Lighting power budget per latest revisions of ASHRAE/IES 90.1
 - (d) Lightning risk assessment per NFPA 78, Appendix I
 - (2) Format: All calculations are to be presented on an applicable form; all literature used in the determination of the calculations shall be referenced.

6. Energy Conservation

The design of any new structure, additions, and renovations shall demonstrate cost effectiveness and energy consumption efficiency through life cycle cost analysis specified in Department of General Services' Procedures For The Implementation of Life Cycle Cost Analysis

and Energy Conservation. The submission of Form 302.2 should summarize the results of the studies and be consistent with Appendix G herein.

7. Support Data

- a. Complete Form 302.3 "Design Development Analysis" and Form 302.4 "Cost Estimate Summary and Worksheet."
- b. Comparative and life cycle cost studies substantiating selection of architectural, structural, mechanical, and electrical systems as specified in the Department of General Services' Procedures For The Implementation of Life Cycle Cost Analysis and Energy Conservation.
- c. Electrical power requirements - relation to operating costs.

8. Outline Specifications

- a. Scope of work.
- b. General information as to construction materials and systems.
- c. Indicate general room finishes to be used and locations.
- d. Outline specifications for HVAC, electrical, plumbing, fire protection and underground utilities shall clearly define the components of each system, as well as all materials and methods of installation.

9. Special Conditions

- a. For additions and alterations, indicate existing conditions; i.e., class of construction, structural system, wall and roof construction, heating and ventilating systems, etc.
- b. Schedules and phasing of construction, as applicable.
- c. Separate contracts must be identified and considered for eligibility. Separate contracts anticipating State funding must be approved in writing prior to proceeding.

10. Cost Control

- a. For all projects, a detailed cost estimate on Form 302.4 shall be prepared at design development and updated periodically through the construction document stage. State and local costs shall be identified and listed separately.
- b. If at any time during the design process, the ongoing cost estimates indicate a disparity between the approved maximum State and local construction budgets and the anticipated construction cost at the

time of bid cannot be resolved by the architect without a reduction in the scope of the project, the architect should immediately notify the LEA in writing. All design work should be halted. By mutual agreement, the architect and the LEA should take corrective and appropriate measures to resolve this disparity.

11. Optimization

- a. Cost savings can be achieved by evaluating, through a system of alternate proposals, the major cost areas. A number of factors must be considered. Principal among them is the "total cost concept," the ultimate costs to construct, operate, maintain, and replace a facility or system for a specified life cycle.
- b. Cost analysis as required in 7. Support Data above should be made on the basis of the total cost concept.
- c. For uniformity and comparative analysis, life cycle cost studies should be based on the DGS standards and procedures as required by Procedures For The Implementation of Life Cycle Cost Analysis and Energy Conservation.
- d. Value Engineering should be utilized as a cost control technique during the various phases of the design process. It is based upon an analysis of the functions and design of a project with the objective of identifying unnecessary or high cost elements.

302.2 REVIEW PROCESS

- A. After LEA approval, send or deliver three (3) complete sets of the design development documents to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

- B. Forward each set with Form 302.1, "Design Development Document Submission"; Form 302.2, "Life Cycle Cost Analysis Summary"; Form 302.3, "Design Development Document Analysis"; and Form 302.4, "Cost Estimate Summary and Worksheet."
- C. Forward also: Narrative Descriptions, Geotechnical Report, listing of alternates, Electrical and Mechanical Calculations, life cycle cost analysis, and electrical power requirements.

- D. Within twenty-two (22) working days after receipt of the complete submission, which includes the life cycle cost and energy conservation analysis, the LEA shall be notified in writing of the review comments and recommendations of the IAC staff.
- E. Authorization to proceed with the preparation of the construction documents may then be given to the project architect.

303 CONSTRUCTION DOCUMENTS

303.1 CONSTRUCTION DOCUMENTS SUBMISSION (BIDDING DOCUMENTS)

- A. Prior to bidding release, three (3) sets of the FULLY COMPLETED construction documents, READY FOR BIDDING, are to be forwarded to the IAC, using Form 303.1, for final review and comment. When completing the form, indicate any change(s) made since the design development submission. The construction documents are to be the same documents issued to contractors.

1. Send or deliver two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

and

2. Send or deliver one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, Maryland 21201

- B. All submittals should have prior LEA review for coordination by project architect and consultant.
- C. Incomplete submissions, or drawings and documents which reflect a lack of coordination and are not ready for bidding will not be reviewed.
- D. Projects shall not be released for bidding until authorized by the IAC.
- E. The construction documents shall include all drawings, specifications, general conditions, alternates, informational prices, bid proposals, minority business enterprise requirements, prevailing wage rates (when appropriate), and a revised and updated Cost Estimate Summary, Form 302.4, etc., as required to obtain accurate, competitive bids. The drawings shall bear the Maryland registration seal of the architect; if consulting engineers are used, their drawings shall also bear their Maryland registration seal. The documents shall include all necessary approvals by appropriate State and/or local agencies responsible for fire, health, energy, storm water management, and sediment control. Such approvals will be final except for subsequent inspection as to compliance.
- F. The LEA, in the construction of new, or remodeling of existing buildings, shall conform to all applicable building regulations, whether issued by the Federal, State, county, or city government, including but not limited to building,

electrical, health, safety, fire, handicapped, and plumbing codes. The project shall be designed and constructed in accordance with the latest edition of the BOCA Code as amended to date and current ASHRAE standards, with all appendices, references and additions incorporated. Compliance with all regulations of local and service district utility companies (electric, water, sewage) where work is to be located is required.

G. Specifications should be written using the current format of the Construction Specification Institute.

H. Electrical Calculations

1. One copy of the following calculations are to be submitted with the 100% construction documents. Those calculations previously submitted at the DD phase shall be updated for this submission:

- a. Load and demand analysis
- b. Load analysis for stand-by power systems, including sizing calculations for stand-by equipment
- c. Lighting power budget per latest revision of ASHRAE/IES 90.1
- d. Short circuit analysis using ohmic or per-unit method depending on complexity of the system (Reference IEEE Transactions on Industry and General Applications, Vol. 3, Number 2, March/April 1967)
- e. Voltage drop analysis
- f. Power factor correction
- g. Lighting calculations (interior and exterior)
- h. Pole classifications, guy vector diagrams and guy strength when overhead transmission systems are involved

2. All calculations are to be presented on an applicable form; all literature used in the determination of the calculations shall be referenced.

I. Mechanical Calculations: Submit final load calculations of HVAC & Plumbing and equipment selection.

J. The general conditions to the contract may be the latest edition of AIA Document A201. The AIA General Conditions should be supplemented as required and necessary by the unique conditions in each local subdivision.

K. Materials, fixed equipment, construction, and review services must be specified in a manner that will permit competitive bidding, in accordance with

Education Article, Section 5-110 of the Annotated Code of Maryland, and other State and local procurement requirements. See Appendix F for State requirements.

- L. Allowances that will be permitted in the construction contract are Inspections and Testing allowances (listed separately) for steel, soils, concrete, and carpet. They are subject to review and approval of the IAC. Any funds that are not expended for this purpose will not be used to increase the project's contingency for change orders but will revert to the Statewide Contingency Account when the project is completed.
- M. Alternates should be established to ensure the approval of a contract award to be within the total project allocation without the necessity to revise and rebid the project. Alternates should be "add-on" types only and shall be listed in the order of their importance for bidding acceptance and/or rejection. It shall not preclude the selection (at time of contract award) of an add alternate of a lesser priority but still within the project allocation. The alternates must be described on Form 303.2 for State and local funding.
- N. Each bid proposal shall include an informational price for site development work ten (10) feet beyond the building perimeter and within the property line and including but not limited to outdoor educational facilities, demolition, landscaping, grading, paving, fencing, water, sanitary, gas, electric, septic, retention ponds, telecommunications, seeding, sodding work, etc. Alternately, this informational price could be obtained from the apparent low bidder within 2 working days of the notification of the award.
- O. The title sheet of the drawings shall contain the following professional certification signed by the architect:

PROFESSIONAL CERTIFICATION

These contract documents for the

_____ were prepared under my supervision and to the best of my knowledge, information, and belief, they comply with the relevant building codes of the State of Maryland.

/s/ _____ (date) _____

Maryland Registration No. _____

- P. Built-in or fixed equipment shall be indicated on the drawings and in the specifications.

Built-in equipment is either built into buildings or into grounds. Equipment that is built into buildings consists of items that are integral parts of buildings. That is, the equipment is permanently fastened to the building, functions as part of the building, has a useful life approximately equal to that of the

building, and causes appreciable damage to the building if removed. Examples of such equipment are walk-in refrigerators and freezers, bulletin boards, counters, basketball backboards, and building service systems, such as ventilating, heating, lighting, communication, and water systems. Equipment which is built into grounds consists of equipment items that are permanently attached to the grounds and function as part of the grounds. Examples of such equipment are flagpoles, gates, goal posts, and underground storage tanks which are part of a building service system.

Q. Movable Furniture and Equipment

1. Movable furniture and equipment are items that are transportable from one location to another without appreciable damage or change to the location from which they are removed or to the location where they are installed. They do not function as integral parts of the building or grounds and are not permanently fastened or attached to the building or grounds. A piece of furniture or equipment that is simply bolted or screwed to the floor, such as a heavy lathe or a desk, which can be moved as a unit once these bolts have been removed is "movable furniture or equipment." See Appendix B.
 2. Movable furniture and equipment is not eligible for State funding. These items should be shown in dotted outline form on the construction documents and identified as:
 - a. "Not In Contract" (N.I.C.)
 - b. as an add alternate(s) for local funding, or
 - c. the project architect shall identify and list (including the quantity) the ineligible items in the bid documents and require the apparent successful contractor to provide the unit price and total cost within two (2) working days after the apparent low bidder is notified. This would be subject to IAC review of both quantity and price.
- R. The costs of permits, owner's liability insurance, and builder's risk insurance are not eligible for State funding. If these items are included in the construction documents, the bid proposal form shall include either an informational price or an add alternate for local funding.**
- S. All off-site work should be bid as an add alternate for local funding.**
- T. Each State funded school construction project shall have a construction sign on the site and a plaque for installation in the school as identified in Appendix E.**

303.2 INTERAGENCY COMMITTEE REVIEW AND COMMENT

- A. The 100% complete construction documents shall be submitted to the IAC for final review, comment, and authorization to bid. The review will include a comparison to the project's approved maximum State and local construction allocations, alternates, and local approvals.
- B. If the updated cost estimate and the construction documents review indicate the project can be bid within the total project allocation, the Executive Director, within fifteen (15) working days after receipt of the completed construction document submission, will inform the LEA in writing that the project can proceed into the bidding phase.
- C. If as a result of IAC comments or further review by the LEA or A/E, a revised set of bid documents (plans and/or specifications) are prepared for release to contractors, revised documents with a letter identifying all changes shall be submitted.

- 1. Send or deliver one (1) complete set to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

and

- 2. Send or deliver one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, Maryland 21201

- D. If the updated cost estimate indicates the anticipated construction cost will exceed the maximum State financial allocation and the local financial participation, the Executive Director will inform the LEA that the project will not be released for bidding until a letter of funding commitment from the local governing authority is received indicating that it will make up the indicated shortfall.
- E. The IAC review and comments shall not relieve the architect of sole responsibility for the project design, cost, performance of specified building systems, sub-systems, and materials; compliance with applicable State and local building, fire, health, and safety codes. The IAC review should not be construed as an approval of technical compliance and design accuracy or adequacy.
- F. The DGS/PSCP staff is available for technical advice and assistance as requested.

- G. Two copies of each addendum issued by the LEA shall be submitted to the IAC (1 copy to 200 West Baltimore Street and 1 copy to 301 West Preston Street) at the same time they are distributed to contractors.

303.3 PRE-QUALIFYING OF BIDDERS

- A. Each LEA is required to have a pre-qualification procedure to pre-qualify bidders for all State funded public school construction projects.
- B. The evaluation of qualifications and eligibility of a prospective bidder is to be determined by the LEA.

303.4 MINORITY BUSINESS ENTERPRISE PROGRAM

- A. Each LEA shall have a Minority Business Enterprise Procedure in effect to be eligible for State funding. It should be utilized for all State funded public school construction projects.
- B. The procedure should be in conformance with the requirements established by the Board of Public Works and the applicable State laws, regulations, and procedures.

303.5 APPROVAL FOR CONSTRUCTION CONTRACT AWARD

- A. The request for approval of the construction contract award shall be submitted to the IAC with the information shown on Form 303.3. This information shall include a copy of the bid tabulations, a copy of the recommended contractors bid package, LEA recommendation of accepted and rejected alternates, and information prices, one of which shall be the price for site work ten (10) feet beyond the building perimeter. It shall further list the funding responsibility and allocations from the State and local jurisdictions for such items as ineligible work, off-site work, movable furniture and equipment, and park/recreational work.
- B. If the lowest responsible bidder's proposal exceeds the maximum State construction allocation and the local funds available, the local jurisdiction can:
 - 1. Supplement the State/local funds available and assume the responsibility for all change orders.
 - 2. Revise and rebid with no subsequent adjustment in State funds.
 - 3. Cancel the project with the State allocation reverting to the Statewide Contingency Account.
- C. The request for the contract award should include the minority business enterprise participation information provided by the contractor. The submission of this information shall be in compliance with the LEA's administrative procedures.

- D. A copy of the signed contract of agreement between owner and contractor should be submitted to the IAC for filing using Form 303.4. A copy of the Performance Bond and a Labor and Material Payment Bond should also be submitted reflecting the State of Maryland as co-obligee.
- E. Fourteen days after contract award, the contractor shall complete Form 306.4 Standard Monthly Contractor's Requisition For Payment. The LEA shall approve and submit this form to the PSCP.

304 ALTERNATIVE CONSTRUCTION METHODS

304.1 CONSTRUCTION MANAGEMENT

- A. Construction Management (CM) is a method by which a project is divided into several bid packages and bid without a general contractor responsible for the overall cost and contract for the project. The successful bidders (usually the subcontractors for conventional construction) for the specific trades or work have a direct contract with the LEA. All of the bid packages can be bid at one time or spread over a number of days or weeks.
- B. The CM method may be utilized by an LEA for a State funded public school construction project. The LEA can serve as the construction manager or obtain the services of an outside firm.
- C. If the LEA elects to proceed with the CM method, prior written approval must be requested and obtained from the IAC. This request should be made no later than the date of the submission of a request for State funding of the project in the annual capital improvement program.
- D. If an LEA intends to utilize State funds to pay the CM fee then the services must be obtained through a competitive process with sealed bids.
 1. State funds can not be utilized for any A/E services, county government employees, LEA employees, or any services that would otherwise be performed by these entities.
 2. The LEA is required to submit the CM bid documents to the IAC for review and written approval prior to the release of the material. The bid documents must clearly identify the work and responsibilities of the Construction Manager and the associated costs that would be eligible for State funding.
 3. The IAC reserves the right prior to the release of the CM bid documents and after the receipt of the submissions to review and analyze the scope of work, reasonableness of proposed costs, and eligibility for State funding.
- E. The written request to utilize a CM method must include a statement that the LEA will assume responsibility for any and all cost overruns.
- F. Once the construction manager has developed a bidding schedule the LEA must submit this information including a list and brief description of the bid packages that will be developed, the proposed schedule for the submission of plans and specification for IAC review, and proposed bid dates.
- G. The primary consideration for IAC approval of a request for a construction manager, is that State funding and participation is limited to the State maximum construction allocation. This includes and is limited to the BPW

approved construction allocation for eligible work in the bid documents, based upon the State/local shared cost formula and a 1 ½ percent contingency for eligible change orders.

- H. Projects that are approved by the IAC to utilize a construction manager shall follow the appropriate procedures specified for all State funded public school construction projects. This applies to educational specifications, schematics, Design Development Documents, Construction Documents, addendums, contract awards, and change orders.
- I. Three (3) complete sets of construction documents for the project ready for bidding must be submitted to the IAC.

- 1. Send two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, MD 21201

and

- 2. Send one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, MD 21201

- J. Two (2) copies of each addendum issued shall be sent to the IAC at the time of issuance by the LEA, project architect, or CM.
- K. Each construction contract shall be submitted for State approval as they are approved by the LEA, subject to IAC approval prior to entering into any contracts. Change orders should be processed with a clear indication of the contract being amended.

304.2 FAST TRACK

- A. Fast Track (FT) is a method by which a project is bid while portions of the project are still in the design phase. It generally incorporates some aspects of the CM process described above. The LEA and project architect could determine that some work or materials that require a long procurement time should be bid early while the remainder of the project continues into the construction document phase. Work often considered includes but is not limited to the following: site work; structural steel; and mechanical and/or electrical equipment.
- B. If the LEA elects to proceed with the FT method, prior written approval must

be requested and obtained from the IAC. This request should be made no later than the date of the submission of a request for State funding of the project in the annual capital improvement program.

- C. The written request to utilize the FT must include a statement that the LEA will assume responsibility for any and all cost overruns.
- D. The request must include a listing and brief description of the bid packages that will be developed, the proposed schedule for the submission of plans and specifications for IAC review, and proposed bidding schedule.
- E. The primary consideration for IAC approval of the request for an FT is that State funding be limited to the maximum State construction allocation. This includes and is limited to the BPW approved construction allocation for eligible work in the bid documents, based upon the State/local shared cost formula and a 1 ½ percent contingency for eligible change orders.
- F. The aforementioned maximum State construction allocation shall be established by the BPW and shall be accepted by the LEA and the appropriate local government authority prior to initiating the FT process.
- G. Projects that are approved by the IAC to utilize the FT method shall follow the appropriate procedures specified for all State funded public school construction projects. This applies to educational specifications, schematics, Design Development Documents, Construction Documents, addendums, contract awards, and change orders.
- H. The staff of the IAC will work with the LEA and the project architect to expedite the required reviews consistent with the schedule submitted by the LEA and approved by the IAC.
- I. Three (3) complete sets of construction documents for the project ready for bidding must be submitted to the IAC.

- 1. Send two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, MD 21201

and

- 2. Send one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, MD 21201

- J. Two (2) copies of each addendum issued shall be sent to the IAC at the time of issuance by the LEA or project architect.
- K. Each construction contract shall be submitted for State approval as they are approved by the LEA, subject to IAC approval prior to entering into any contracts. Change orders should be processed with clear indication of the contract being amended.

304.3 LEASE-LEASE-BACK

- A. Lease-Lease-Back (LLB) is a method which enables the LEA to acquire a new school building through a combined competitive sealed bid for construction of the school and financing through the private sector. The LEA leases the property that they own (following State approval for acquisition of the school site) to the successful bidder who constructs the new school and then leases the completed building and site back to the LEA for a fixed amount annually (or semi-annually) for a given period of time, i.e., ten years.
- B. The LEA, with county government approval, pays the amount required in the lease to acquire the school rather than utilize the proceeds from the sale of county and State issued bonds to pay a contractor during the time that the school is under construction.
- C. If the LEA desires to proceed with the LLB method, prior written approval must be requested and obtained for the IAC. This request must be made by August 15 prior to the submission of the request for State funding for construction the following fiscal year.
- D. The written request to utilize an LLB must include a statement that the LEA will assume responsibility for any and all costs associated with the financing, interest payments, architectural services, and any work in the construction documents.
- E. The primary consideration for IAC approval of the request for an LLB is the anticipated availability of State funds ("pay-go") for construction in the State operating budget for public school construction projects. Proceeds from the sale of State general obligation bonds can not be utilized for LLB projects.
- F. State funding is limited to the State maximum construction allocation which will be paid to the LEA during the life of the lease, consistent with the annual or semi-annual payments made by the LEA. The State will establish an interest bearing escrow account with a discount investment that when fully paid to the LEA over the length of the lease will equal the BPW approved State maximum construction allocation. This allocation is limited to the eligible work in the bid documents, based upon the State/local shared cost formula and a 1 ½ percent contingency for eligible change orders.
- G. The LEA is required to submit the LLB bid documents to the IAC for review and written approval prior to the release of the material. The bid documents

must clearly identify the State approved scope of work eligible for State funding and those items that are determined to be ineligible for State funding and a local responsibility.

- H. The IAC reserves the right prior to the release of the bid documents and after the receipt of the bids to review and analyze the scope of work, reasonableness of proposed costs, and eligibility for State funding.
- I. Projects that are approved by the IAC to utilize an LLB shall follow the appropriate procedures specified for all State funded public school construction projects. This applies to educational specifications, schematics, Design Development Documents, Construction Documents, addendums, contract awards, and change orders.
- J. Three (3) complete sets of construction documents for the project ready for bidding must be submitted to the IAC.

- 1. Send two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, MD 21201

and

- 2. Send one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, MD 21201

- K. Two (2) copies of each addendum issued shall be sent to the IAC at the time of issuance by the LEA or project architect.
- L. The contract shall be submitted for State approval when approved by the LEA, subject to IAC approval prior to entering into the contract.

305 CHANGE ORDERS

305.1 CHANGE ORDER SUBMITTALS

- A. Change orders should only be used to pay bona fide adjustments to the general contract that rectify unforeseen or conflicting building situations that arise after construction begins. Change orders which increase the cost of the approved construction contract by re-establishing alternates not approved by the IAC at the time of contract award or that are the result of negligent contractual performance by any party will not be eligible for State funding.
- B. A change order shall be written for each separate adjustment to the construction contract and be given a consecutive number. All locally funded change orders must also be in sequence. The change order will include all related work associated with this one change (i.e., site, architectural, structural, mechanical, and electrical) as applicable. Unrelated offsetting adjustments to the construction contract shall not be included in the same change order. If, in the same change order, there are both add-on charges and deductions, the added cost and credits must be shown on the contractor's breakdown. Credit for work deleted without substitution in lieu thereof will be given a separate change order number. Each change order shall be reviewed separately on its own relationship to the project. A credit change order shall not be construed to guarantee the funding of an additional charge which might not be an eligible expenditure.
- C. Form 305.1, "Change Orders," is to be used for transmitting change order documents. Use a separate form for each project. Submit one (1) copy of each change order with a letter from the architect recommending approval with adequate justification for all changes listed and the contractor's itemized cost breakdown for the proposed work listing materials, labor, overhead, and profit.
- D. At the time of contract award, a 1.5% contingency will be established for change orders if funding is available within the State allocation. All change orders or parts of a change order issued by the LEA which exceed the available State contingency funds will not be State funded and become a local obligation.
- E. Change orders in accordance with paragraphs A., B. and D. may be approved by the LEA and issued to the contractor without approval of the Committee as provided herein. At the same time the LEA issues a change order to the contractor, a copy including supporting documentation will be forwarded to the IAC for their records.
- F. The Designees may require the LEA to provide substantiation of compliance with the aforementioned paragraph A. The change order (add or deduct) will be reviewed for eligibility, the reasonableness of cost, and the availability of

State funds in the project contingency. Eligible change orders will be funded based on State/local percent of participation at time of contract award. The Committee will be the final arbitrator of compliance.

- G. Allowances that will be permitted in the construction contract are Inspections and Testing allowances (listed separately) for steel, soils, concrete, and carpet. They are subject to review and approval of the IAC. Any funds that are not expended for this purpose will not be used to increase the project's contingency for change orders but will revert to the Statewide Contingency Account when the project is completed.
- H. The funding of any associated architectural/engineering fees shall be the sole responsibility of the LEA.
- I. Change orders meeting the requirement listed herein will be reviewed by the DGS Designee and reported to the Committee. The DGS Designee will notify the LEA of the funding status of the change orders.
- J. These procedures apply to all change orders - either increases or decreases - whether State or locally funded. These procedures are also applicable if State funding is anticipated for previously approved planning projects.
- K. The LEA should advise each prospective contractor of these change order procedures, particularly B. above.

401 SYSTEMIC RENOVATION PROJECTS

401.1 DEFINITION

A systemic renovation shall be defined for the purposes of this section as the repair or replacement of a major system of a properly maintained facility thereby extending the useful life of the facility or component thereof for a minimum of fifteen (15) years.

401.2 CATEGORIES OF SYSTEMIC RENOVATION PROJECTS

A. Structural

The replacement or renovation of roofs, wall systems, floor, or ceiling systems.

B. Mechanical

The replacement or renovation of heating, ventilating, and air conditioning systems, or mechanical sub-systems.

C. Plumbing

The replacement or renovation of water supply and sanitary systems.

D. Electrical

The replacement or renovation of an electrical system, including the switchgear and distribution system.

E. Fire Safety

The installation, replacement, or renovation of a fire safety system, including sprinklers, fire alarm, and fire detection systems.

F. Conveying Systems

The installation, replacement, or renovation of an elevator system.

401.3 PROJECT ELIGIBILITY

- A. Systemic renovation projects must extend the life of the facility or component at least 15 years.
- B. Total project costs below \$100,000 are not eligible. See exception in E. below.

- C. Combining systemic renovations within a building system category, each costing less than \$100,000 but in combination costing over \$100,000 would not be eligible for State funding except in special cases where other systemic renovations are necessary for supporting the primary renovations.
- D. Combining systemic renovations by consolidating work from more than one building system category with each category costing less than \$100,000 but in combination costing over \$100,000 would not be eligible for State funding.
- E. Small systemic renovation projects costing less than \$100,000 but more than \$50,000 are eligible. This fund source could only be available for a jurisdiction that did not have any requests for systemic projects exceeding \$100,000 in estimated costs.
- F. State funds shall be used only for contractual construction work. Costs for design, consultant fees, or LEA salaries shall not be eligible.
- G. If a school building is renovated through the PSCP within 15 years of completion of a systemic renovation project, the maximum State construction allocation for the renovation of the building shall be adjusted to account for the State's previous systemic renovation allocation(s).
- H. If a school building or component is less than 16 years old, it is not eligible for State funding.
- I. If a school building was approved for renovations through the PSCP prior to January 1, 1987, and the building or component is over 16 years of age and was not included in the renovation work, the work will be considered eligible for State funding.
- J. If a school building was approved for renovations through the PSCP after January 1, 1987 and a building component(s) were not included in the State funded project, the work on these components will not be eligible until 16 years after the completion of the renovation project.
- K. If the building ceases to be used for an educational purpose, the county will be responsible for assuming the outstanding bond debt remaining on the systemic renovation project.

401.4 SYSTEMIC RENOVATION REQUESTS

- A. The eligible cost of an approved systemic renovation project shall be shared by the State and the LEA based upon the State/local shared cost formula.
- B. Upon determination of need to renovate a system within a school, the LEA will submit a request to the IAC as part of the annual and five-year public school capital improvement program. The request shall be supported by fully executed copies of forms 102.2 and 102.3 as described in sections 102.3 and 102.4.

- C. A maximum State allocation will be established when the systemic renovation project is approved by the IAC and the BPW.

401.5 PROJECT DESIGN AND SUBMISSIONS

- A. The following information shall be used in preparing the submissions of documents for all approved systemic renovation projects. The submission of documents shall be done in two stages: the Design Development Submission and the Construction Document Submission (ready for bidding). The documents shall be prepared by a registered architect or engineer, the LEA's in-house design team, or a qualified consultant. The documents should not be proprietary and must be prepared to encourage competition.

- B. Design Development Submission

This submission shall follow the requirements for the Design Development Submission described in Section 302. Complete the applicable portions of IAC/PSCP Form 302.1 (Design Development Document Submission) and Form 302.5 (Cost Estimate Summary and Worksheets) for each project. The submission should be in sufficient detail that the scope of the project can be easily understood, but not detailed to the level that any changes suggested or required would necessitate a great amount of work and time to modify the documents. Responses will generally be provided within 10 working days.

Send or deliver two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

- C. Construction Document Submission

This submission shall follow the requirements for the Construction Document Submission described in Section 303. Complete the applicable portions of IAC/PSCP Forms 302.5 (Cost Estimate Summary and Worksheets) and Form 303.1 (Construction Documents Submission) for each project. The bidding documents shall include the local board of education's minority business enterprise procedures. Responses will generally be provided within 10 working days.

- 1. Send or deliver two (2) complete sets to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

and

2. Send or deliver one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, Maryland 21201

- D. Incomplete submissions, drawings or documents which reflect a lack of coordination and are not ready for bid will not be reviewed.
- E. Projects shall not be released for bidding until authorized by the IAC.
- F. Two copies of any and all addendums issued by the LEA shall be submitted to the IAC (1 copy to 200 West Baltimore Street and 1 copy to 301 West Preston Street) at the time of issuance to the contractors.
- G. Bidding/Award of Contract

After bidding authorization is granted, the project can be bid. Submit Form 303.3 (Approval of Construction Contract Award) and other information as required and described in Section 303.3 for the approval of the award of the contract by the IAC. Following notification of approval of contract award, the LEA may enter into the contract.

405 – FINANCE

405.1 GENERAL

- A. It shall be the responsibility of each LEA that receives State funds for public school construction projects to:
 - 1. Maintain a separate and complete financial accounting of all projects funded by the State;
 - 2. Expend such funds on eligible items as defined in this Administrative Procedures Guide, and
 - 3. Maintain accountability, including identification of the purpose for which these public funds were expended and the manner in which the funds were applied.
- B. The Finance Office of the PSCP shall monitor all expenditures reported by the LEA as applicable to IAC approved contracts and maintain a detailed financial report of all projects funded on a current month basis.
- C. The LEA, as Owner, shall make every possible effort to process construction contractor or vendor invoices to the PSCP so that payments can be made by the State within twenty-five (25) calendar days from contractor submission of a properly executed invoice.
- D. It shall be the responsibility of the LEA to reimburse the State for the State share of energy conservation rebates, Section 405.5.B.3 below.

405.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.25
- B. Code of Maryland Regulation 23.03.03
- C. Code of Maryland Regulation 23.03.04
- D. Code of Maryland Regulation 23.03.05

405.3 APPLICABILITY

- A. The requirements of this section are applicable to all projects that have been approved for State funding and have a construction value greater than \$5,000.
- B. Projects that are procured by the LEA in the expectation that they will be funded in a future year Capital Improvement Program are required to follow State requirements and procedures for project procurement, project delivery, and alternative financing, as applicable.

405.4 PAYMENT PROCEDURES

- A. General
 - 1. It shall be the responsibility of the LEA to:
 - a. Determine the validity of the contractor's requisition for construction or vendor services.

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- i. All construction applications for payment must be certified by the contractor, project architect (if applicable), and an authorized official of the LEA prior to payment.
 - ii. The LEA shall assure that all charges applied to a project as a State expense are eligible for State funding.
 - b. Advise the State of the correctness of the requisition;
 - c. Maintain a detailed accounting of funds on a project specific basis;
 - d. Verify project balances with the State financial record on a monthly and project specific basis;
 - e. Determine the cause of any variances in financial records, and make adjustments where necessary;
 - f. Advise the State of any error on the Detailed Financial Report; and
 - g. Maintain such other fiscal controls as are required by prudent fiscal management and applicable Federal, State and local laws.
- B. Submission for Payment
 - 1. Upon review and approval by the LEA, approved contractor or vendor invoice(s) shall be listed by identifying number and amount on Form 306.1 Request for Payment to Contractor. The invoice(s) shall:
 - a. Be summarized by construction contractor or vendor;
 - b. Include an LEA voucher number and the payee's Federal Identification Number (FIN). If no FIN has been assigned, then include the payee's social security number.
 - c. Be certified by an authorized official of the LEA.
 - 2. Copies of the approved construction requisitions and related invoices shall be submitted to the PSCP for payment on IAC/PSCP Form 306.1 Request for Payment to Contractor and 306.2 Request for Reimbursement to LEA. The following standard forms are required for submission of supporting data:
 - a. "Certificates for Payment" – Current AIA Document or alternate approved by the county board.
 - b. "Standard Monthly Contractor's Requisition for Payment" (IAC/PSCP Form 306.4).
 - 3. A request by the LEA for reimbursement of payments made to contractors or vendors on current projects shall be listed on IAC/PSCP Form 306.2 and must:
 - a. Be supported by photocopies (front and back) of the bank cancelled check reflecting:
 - i. Payment made by the LEA to the construction contractor or vendor; or

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- ii. If payment was made by LEA to contractor through electronic transfer of funds (ACH), proof of transaction from the banking institution.
 - b. Have been paid from funds other than bond sale proceeds; and
 - c. Be certified by an authorized official of the LEA.
- 4. If a project was forward funded by the LEA, a request for reimbursement for the project must be supported by a summary of capital expenditures.
- 5. Requests for reimbursement of Additional State Funds (ASF) for high performance building costs of eligible projects approved during fiscal years FY 10 – FY 14 may be requested upon presentation of final certification from the certifying entity. See Section 105.
- C. Reimbursement to the LEA by the State Treasury for properly approved invoices up to the limit of approved State funding shall be made by:
 - 1. Direct payment in the form of a check drawn on the State Treasury;
 - 2. Direct deposit to the vendor's account by the State Treasury; or
 - 3. Reimbursement to the LEA by the State Treasury.
- D. Eligible payments made by the LEA directly to the construction contractor or vendor for approved State funded projects will be reimbursed by the State Treasury.
- E. Transmittals authorizing payment shall be prepared by PSCP for the State Treasurer weekly (or more frequently if necessary). The transmittal will include all properly executed requests for payment that have been received and reviewed by the PSCP.
- F. Upon receipt of notice from the State Treasury that payment has been made directly to the contractor or vendor, the PSCP shall return a copy of IAC/PSCP Form 306.1 or 306.2 to the LEA showing the warrant number and date of payment.
- G. If State funds are available, all approved invoices shall be paid in full up to the limit of State participation in the contract.
- H. Should the State's portion of the final approved construction cost be less than payments previously made, adjustments shall be made by the LEA accordingly.

405.5 PROJECT CLOSE-OUT

- A. In order for the IAC to verify payments made for work accomplished by the contractor, the procedures in this subsection shall be observed.
- B. Upon receipt of the approved close-out summary, the Finance Office of the PSCP shall review the report for completeness and accuracy of all balances reported.
 - 1. Any charges deemed to be ineligible for State funding will be reported to the LEA for removal from State expenditures.
 - 2. The amount of the ineligible expenditure will be reimbursed to the State by the LEA.

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3. Energy conservation rebates shall be reimbursed by the LEA to the State:
 - a. The calculation of the State's share of the reimbursement is made based on the State/local funding percentages of the original contract award, giving consideration to the base bid and approved alternates.
 - b. Change orders are not included in the calculation.
 - c. Rebates of A/E fees are not to be reimbursed to the State.
- C. Close-Out Cost Summary (IAC/PSCP Form 306.6).
 1. A project shall be considered complete when:
 - a. The construction work has been completed in accordance with the contract documents;
 - b. Final inspection has occurred;
 - c. The architect has issued a certificate of completion (if applicable);
 - d. The contractor has submitted the application for final payment;
 - e. The building is accepted by the LEA; and
 - f. The LEA has made final payment to the contractor.
 2. Upon completion of each project, a "Close-Out Cost Summary" (IAC/PSCP Form 306.6) shall be prepared, including all fiscal years in which the project was funded, and submitted with appropriate documentation to the PSCP Finance Office.
 - a. This submittal shall be made within 180 days after project is completed and/or the building is accepted by the LEA.
 - b. Include copies of the following:
 - i. The general contractor's final standard requisition for payment (ALL pages), including a listing of all approved change orders, distributing costs among the C.S.I. divisions;
 - ii. The Architect's Certificate of Completion (single page invoices may be submitted for systemic renovation, science and wiring projects); and
 - iii. The LEA's Certificate of Acceptance.
- C. A final audit shall be made by PSCP staff after the LEA submits the "Close-Out Cost Summary" (IAC/PSCP Form 306.6).
- D. Upon completion of the final audit, the finance staff will notify the LEA of any changes and submit final project costs to the IAC for approval. This will complete all action on this project.

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405.6 MINORITY BUSINESS ENTERPRISE DOCUMENTATION

- A. The following Minority Business Enterprise documentation is required:
1. Request for Payment/Reimbursement
 - a. Submit IAC/PSCP Form 306.4 Page 3 Certified MBE Participation Standard Monthly Contractor's Requisition for Payment , filled out and signed by contractor on each invoice and submitted with each request for payment;
 - b. Form 306.4 Page 3 must be project specific (i.e., if one bid/contract covered multiple projects, Attachment G must be calculated and submitted by contractor on a per-project basis);
 - c. Form 306.4 Page 3 must list all "Original" and "ADD" MBE sub-contractors, and if any MBE Original subcontractor has been removed, an explanation must be provided;
 - d. LEA should verify all information listed on Form 306.4 Page 3 (i.e. MBE Certification Status is current and valid; information is not duplicated from prior month/invoice; MBE has been paid prior monies due); and
 - e. If no MBE goal (and subgoals, as applicable) were set for the project at the time of solicitation, and/or a full waiver was granted for the solicitation goals and/or subgoals, Form 306.4 Page 3 should still be submitted by the LEA and should state that MBE participation was not applicable to this project.
 2. Close-Out Documents
 - a. Submit IAC-PSCP Form 306.4 Page 3 Certified MBE Participation Standard Monthly Contractor's Requisition for Payment reflecting:
 - i. All "Original" MBE sub-contractors listed at time of contract approval by IAC even if the MBE sub-contractor was not utilized on the project; and
 - ii. Any "ADD" MBE sub-contractors;
 - b. If any MBE sub-contractor listed at time of IAC Contract Approval is not utilized by the prime contractor, submit a letter from the contractor explaining the unavailability of said MBE sub-contractor, as well as documentation from the MBE sub-contractor verifying the statement made by the prime contractor.
 - c. Form 306.4 Page 3 should reflect:
 - i. The final payments made to the contractor, including any and all adjustments; and/or
 - ii. A copy of Form 306.4 Page 3 submitted by the contractor to the LEA with the Final Requisition.
 - d. If the project in question had multiple Trade Packages approved by the IAC, one Form 306.4 Page 3 must be submitted for each trade package.

405.7 AUDITING

- A. The objectives of the PSCP audit are:
1. To review the LEA's internal control and accounting procedures for State-funded school construction projects in accordance with the Laws of Maryland and the *Regulations for the Administration of the Public School Construction Program* (COMAR 23.03.02);
 2. To verify that actual expenditures are in agreement with the IAC approved funding allocations as approved by the Board of Public Works;
 3. To determine that all receipts, expenditures, reversions, cancellations, etc., are properly documented;
 4. To ensure that State laws regarding competitive procurement, the use of prevailing wage rates when applicable, and Minority Business Enterprise requirements have been followed.
- B. The PSCP audit staff may offer suggestions and assistance for improving funding management control techniques within each LEA.
- C. A financial audit will be conducted to encompass:
1. A review and evaluation of the adequacy and application of accounting, financial, and other internal operating controls; and
 2. An examination and testing of such financial transactions, accounts, and reports as are considered necessary in the circumstances.
- D. A compliance audit will be performed in conjunction with the financial audit to include:
1. The applicable Laws of Maryland;
 2. All Regulations that govern public school construction;
 3. The Public School Construction Program Administrative Procedures Guide;
 4. The Public School Construction Program "Minority Business Enterprise Procedures for State Funded Public School Construction Projects"; and
 5. Other procedures as applicable.
- E. A performance audit will be an integral part of the audit scope in order to:
1. Ascertain the reliability of management data developed and used within each LEA; and
 2. Appraise the quality of performance in carrying out assigned responsibilities within the LEA.
- F. All evaluations and recommendations will be compiled in a draft discussion note and submitted to the LEA.

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- G. After a reasonable period of time and if deemed necessary, an exit interview will be conducted, at which time those items considered minor will be eliminated in the final report.
- H. As a result of the final audit findings, the Designees will make recommendations to the IAC for specific action to be taken by the LEA to reconcile the exceptions and back-charges.
- I. Distribution of the formal audit report will be made to:
 - 1. State Superintendent of Schools, Maryland State Department of Education: Chair, Interagency Committee on School Construction;
 - 2. Secretary, Maryland Department of Planning: Member, Interagency Committee on School Construction;
 - 3. Secretary, Department of General Services: Member, Interagency Committee on School Construction;
 - 4. Two members of the public, Interagency Committee on School Construction
 - 5. Superintendent, Local Education Agency;
 - 6. Others – (as required)

405.8 FORMS

- Form 306.1 LEA Request for Payment to Contractor.
- Form 306.2 Request for Reimbursement to LEA.
- Form 306.4 Certified Minority Business Enterprise Participation Standard Monthly Contractor's Requisition for Payment (Attachment G).
- Form 306.6 Close-Out Summary.

END OF SECTION

501 FACILITIES CHANGES

501.1 FACILITIES STATUS CHANGES

- A. All changes in the status of school facilities must be reported to the IAC.
- B. Form 501.1 is to be used to:
 - 1. Request approval to dispose of a school and/or site or a portion thereof by means of transfer to the local government or to relinquish the control of the Board of School Commissioners of Baltimore City over a facility and/or site;
 - 2. Request approval of the granting of easements or rights-of-way of greater than 1.0 acre on school sites; or
 - 3. Notify the IAC of:
 - a. Change in the name of a school;
 - b. Changes in use of a school; i.e., instructional to administrative, storage, or other board of education use;
 - c. Permanent closure or temporary closure of a school for an extended period (1 year or more);
 - d. Grant of easement, right-of-way, or transfer of a portion of a school site of one (1) acre or less; or
 - e. Resolution by the board of education declaring a facility is no longer needed for school purposes.
- C. Deeds, easements, or other documents of conveyance as appropriate for reference or back-up information are to be submitted. These items should be identified as attachments to Form 501.1.
- D. Deeds or other documents sent to the IAC that relate to the transaction requested to be approved will not be signed by either the State Superintendent of Schools or the Executive Director. They will be returned with a letter issued by the Executive Director on behalf of the IAC indicating Committee action on the matter.
- E. The LEA shall submit a letter to the IAC following the transfer of any property indicating the liber and folio number of the property transaction.

501.2 EASEMENTS, RIGHTS-OF-WAY, TRANSFERS OF PORTION OF SCHOOL SITE

- A. Any easement, right-of-way, or transfer involving one (1) acre or less of the site is not subject to formal approval by the State Superintendent of Schools or the IAC. Approval is automatic 30 days after submission of Form 501.1 and appropriate attachments unless adverse comment is sent to the LEA in the interim.**
- B. A written request for the approval of the granting of a major easement, or other interest in school grounds or sites involving more than one acre, is made by the LEA to the IAC using Form 501.1.**
- C. Property transfer requests will be responded to via a letter from the State Superintendent of Schools acting as such and as chairperson of the IAC.**
- D. Property transactions involving mineral rights, gas storage rights, and other limited encumbrances upon sites are to be handled the same as in B. above.**

501.3 PROCEDURES FOR THE DISPOSITION OF SCHOOL FACILITIES

- A. Application - If the LEA has determined that any land, school site, or school building is no longer needed for school purposes and should be transferred to the local government, or in the case of Baltimore City its dedicated use should no longer be for school purposes, the procedures below shall be followed in obtaining necessary State approvals.**
 - 1. Baltimore City Included - These procedures apply to Baltimore City except where specifically stated otherwise.**
 - 2. Community Use Excluded - These procedures do not apply to spaces in an operating public school used by community groups in the evening, on weekends or occasionally during the regular school day.**
- B. Definitions of terms used in these procedures:**
 - 1. Closed School - one from which the student body has been permanently removed. A closed school may, however, continue to be used by a local board for other support purposes such as offices or warehousing.**
 - 2. County - a political subdivision in this State and includes Baltimore City.**
 - 3. County Board - a board of education of a county and includes the Board of School Commissioners of Baltimore City.**
 - 4. Excess School - one that is no longer needed or used for school purposes, from which the student body has been permanently removed, and that is not being used for any other board of education purposes. That is, it is unoccupied and unused.**

5. **Local Governmental Purposes** - those purposes for which the local government is authorized to expend public funds and for which there is a substantial public benefit.
 6. **Outstanding Bond Debt** - the amount of money (principal and interest) currently payable and yet to be paid for bonds that are, at a particular time, unretired. That is, they have not yet been fully paid. In the context of these procedures, outstanding bond debt is of two kinds:
 - a. Debt assumed by the State of Maryland for bonds originally sold by the counties, Baltimore City, or in some cases, the State of Maryland, to finance projects to construct, add to, or renovate public schools under contracts entered into prior to June 30, 1967.
 - b. Debt created by the State of Maryland to finance projects to construct, add to, or renovate public schools under contracts entered into after February 1, 1971.
 7. **Substantial Addition or Renovation** - construction performed under any contract or contracts the individual or aggregate total of which exceeds \$100,000 at the time of contract award.
 8. **Surplus School** - one that has been closed, has been determined to be no longer needed or used for school purposes and, after receipt of appropriate State approvals, has been transferred to the local government.
 9. **Transfer** - the act of conveying title (deed) from one party to another. In Baltimore City a comparable purpose is achieved by changing the "dedicated use" of a school facility to a non-school use.
- C. **School Closing** - When a county board of education determines that a school is to be closed, the IAC shall be notified in writing immediately. This notification shall contain a complete identification of the school, the reason(s) for closure, planned interim uses and planned ultimate disposition, if known. Form 501.1 should be used for this purpose.
- D. **Transfer of public school site and/or building** by a board of education to a county government.

The following procedures govern such transfers and apply to all public school systems in the State and include all school buildings and/or sites, with or without State investments.

1. Subject to the approval of the State Superintendent of Schools, a county board may determine that any land, school site, or school building is no longer needed for school purposes. In Baltimore City this determination need not be approved by the State Superintendent.

2. When a board determines that any land, school site, or school building is no longer needed for school purposes, the board shall, by letter and using Form 501.1, direct a request to the IAC for approval to transfer it to the county government, or in the case of Baltimore City, to change the dedicated use of the property. In this request the board shall provide information to the IAC as to the amount of State bond debt outstanding, the proposed interim and ultimate uses of the property if known, a copy of the written approval of the State Superintendent per subsection 1. above, and other items as may be required.
3. The local government may use, sell, lease, or otherwise dispose of, except by gift, any former land, school site, or school building.
4. In certain cases, requests will be submitted by the IAC to the BPW. The BPW shall consider the request of the county board and the recommendations of the IAC. The BPW, acting itself or through its agent the IAC, has broad authority to approve, disapprove, or conditionally approve the request in any manner reasonably within the public interest and consistent with applicable State law. In considering a request, the IAC and the BPW shall determine whether the State of Maryland has contributed to the cost of the school property that is the subject of the request either by direct grant or assumption of debt.
5. For purposes of this procedure, school transfer requests are divided into three types as listed below. Types 1 and 2 reflect the provisions of Section 5-307 of the Education Article of the Annotated Code of Maryland. Type 3 encompasses all other schools. The IAC and the BPW will generally use these classifications as a guide when acting upon school transfer requests for school buildings and/or sites.
 - a. Type 1 - Refers to a school that:
 - (1) Was initially constructed under a contract executed before February 1, 1971;
 - (2) Is no longer being used for school purposes;
 - (3) The title of which is proposed to be transferred to a county government;
 - (4) Was constructed with State financial assistance in the form of State assumption of locally created debt;
 - (5) Is proposed to be used for local governmental purposes; and
 - (6) The debt assumed by the State in assisting in the financing of the construction of the school is not yet repaid.

The BPW will generally approve the request and not require the local government to assume, reassume, or reimburse the debt still

outstanding. However, if the school building or site is subsequently sold by a county government, BPW approval of the sale shall be required and the State shall be reimbursed for the outstanding bond debt. If more than 10 percent of the usable space (net assignable) within the school is rented by a county government for an amount exceeding the cost of operating and maintaining the rented space, such rental profit shall be used to retire outstanding State debt service.

b. **Type 2 - Refers to a school that:**

- (1) Was initially constructed or substantially renovated utilizing funds provided by the State PSCP;
- (2) The construction work that was accomplished after February 1, 1971, at a cost greater than \$100,000;
- (3) Is no longer being used for school purposes;
- (4) The title of which is proposed to be transferred to a county government;
- (5) Is proposed to be used for local governmental purposes; and
- (6) More than \$5,000 of the debt created by the State in providing funds for construction of the school has yet to be repaid.

The BPW will require the local government to assume or reimburse the debt still outstanding as a condition of approval of the request.

c. **Type 3 - Refers to a school that:**

- (1) Is not subject to any outstanding State debt. The State may approve or conditionally approve the request.
- (2) Is subject to outstanding State created or assumed bond debt. The assumption, reassumption, or reimbursement is likely to be required.
- (3) Is sold or leased. The State may require a share of the proceeds of the sale or rental proportionate to its investment in the property.
- (4) Is re-used for a purpose that does not qualify as "local governmental purposes" but does provide a public benefit. The State may approve or conditionally approve the request.

d. **Subsequent Conveyances (Type 1-3).** The BPW may set conditions as part of its approval of the conveyance of the school property from the county board to the county government. This could apply to a

property transfer from the county government to a third party or parties as it deems appropriate. The Board may provide that approval requirement or conditions be incorporated into the appropriate documents of conveyance that affect the transfer of the property from the board of education to the local government. This also applies to school properties in Baltimore City. An appraisal of the property's fair market value may also be required with consideration given to the proposed re-use(s).

- e. **Sharing of Proceeds (Type 1-3).** If a school is sold by a county government or by the City of Baltimore, the State may require that it receive a share of the proceeds of such sale. If a school is leased, the State may require that it receive a share of the lease proceeds. In determining what portion of the proceeds it should receive, the State will consider the State and local investments in site acquisition and capital expenditures in the building. These capital expenditures would include costs required to prepare the building for sale or lease if not reimbursed separately by the purchaser or leasee. This would include the costs for labor and materials but excludes wages and salaries of local government employees. Expenditures for regular maintenance of the property and payments for utilities shall not be considered as capital expenditures. Documented capital improvements to the property during the term of a lease will be considered as capital expenditures when approved by the BPW.
6. **Method of Reimbursement -** The BPW will establish such methods of reimbursement, payment, or repayment as are appropriate and equitable. These methods may include a one-time payment or repayment of an established amount, assumption, or reassumption of existing bond debt.
 - a. The amount of bond debt outstanding shall be computed as of the date established by the BPW approval of the proposed transfer or discontinuance of dedicated use.
 - b. The amount of the State and local funds invested in a school building and/or site for purposes of determining the appropriate pro-rata share of lease or sale proceeds shall be computed as of the date established by the BPW.
 - c. Detailed information as to square foot figures, bond debt or other amounts payable or receivable, accounts to be affected, etc., will be computed and provided for each individual transaction as it is accomplished.
 7. **Subsequent Need for Schools -** The decision to transfer a school is a local board responsibility. Therefore, if the LEA transfers a school to the county government, or in the case of Baltimore City, discontinues the dedicated use of a building as a school, the cost of subsequently

returning the building to school use, or of subsequently constructing a replacement school to serve the same geographic area may be determined to be a local responsibility.

8. **State Use of Transferred Schools** - Should an agreement be reached whereby the State will use all or a portion of a transferred surplus school building or site, arrangements for the waiver of debt assumption, continued retirement of debt, or other kinds of consideration will be made as appropriate.
9. **Statutory Reference** - The following citations from the Annotated Code of Maryland relate to these school disposition procedures and are cited for reference and convenience:

State Finance and Procurement Article,
Sections 10-301 to 10-308
Education Article, Section 4-114
Education Article, Section 5-301
Education Article, Section 5-307

10. **Clearinghouse Procedures** - Local governments are strongly urged to make use of the State Clearinghouse or of similar State or local procedures to make the maximum number of governmental agencies aware of the actual or potential availability of surplus school buildings and/or sites.

501.4 TEMPORARY CLOSURE OF A PUBLIC SCHOOL

- A. When a local board determines that a public school building should be temporarily closed as a school due to declining enrollment or for some other circumstance and in its judgment there is a potential re-use of the facility as a public school, the following procedures apply:
 1. If the building will be used by the LEA for other educational purposes, submit Form 501.1 and include information pertaining to the expected use of the facility and estimated date of occupancy.
 2. If more than 10 percent of the building will be vacant or leased to another party or parties for a period of time (not to exceed five years), including leases to non-profit or for-profit entities, government departments, agencies, institutions, and municipalities, submit Form 501.1 and indicate the expected date for reactivation as a school, the terms and conditions of the lease, and a copy of the lease(s).
 - a. If the State is currently paying the outstanding bond debt for county bonds that were used to construct or renovate the school, the following apply:
 - (1) The State may continue to retire the outstanding bond debt

when the building is leased to the county and used for local government purposes and the LEA is only charging a reasonable fee to cover the actual expenditures required by the board of education under the terms and conditions of the lease (excluding the salaries of board or county employees), and for documented capital improvements approved by the BPW.

(2) The State may discontinue payment of the outstanding bond debt when the school building ceases to be used for an educational purpose or a lease is initiated for any use other than a local government purpose. The State shall receive from the LEA a pro-rata share of the net proceeds from the lease after deducting the following from the gross receipts - outstanding bond debt (principal and interest), actual expenditures of the board of education as required by the terms and conditions of the lease (excluding the salaries of board or county employees), and documented capital improvement approved by the BPW.

b. If the State is currently paying the outstanding bond debt for State issued bonds that were used to construct or renovate the school, the following apply:

(1) The LEA will assume the payment (to the State) of the outstanding bond debt from the time the school building ceased to be used for education purposes.

(2) The LEA will pay the State a pro-rata share of the net proceeds from the lease after deducting the following from the gross receipts - outstanding bond debt (principal and interest), actual expenditures of the board of education as required by the terms and conditions of the lease (except salaries of Board or county employees), and documented capital improvements approved by the BPW.

c. If there is no outstanding bond debt and the State has a financial interest in the facility by virtue of State payment for construction or renovation of the school, or through the State assumption of the outstanding bond debt for county issued bonds for this school, the LEA will pay the State a pro-rata share of the net proceeds from the lease after deducting from the gross receipts - the actual expenditures of the board of education as required by the terms and conditions of the lease (excluding the salaries of board or county employees), and documented capital improvements approved by the BPW.

601 RELOCATABLE CLASSROOM BUILDINGS

601.1 STATE OWNERSHIP

- A. The State of Maryland, through the PSCP, has obtained and currently owns relocatable classroom buildings that may be made available to the LEAs for justified projects for a specified period of time.
- B. Once the need for placing the classroom at a site has been fulfilled, the IAC shall determine the relocatable's subsequent usage.
- C. The IAC evaluates all requests and determines priorities, locations, and periods of usage for the State-owned relocatable classrooms.
- D. In emergency situations, the State may withdraw a relocatable classroom building(s) prior to the predetermined date of availability.
- E. The State will provide funds for the replacement of and capital improvements to relocatable building components when it is determined to be economically feasible.
- F. The State shall arrange for removal of State-owned relocatable classroom buildings when they are declared surplus by an LEA.
- G. The disposition of State-owned surplus buildings shall be as determined by the State.

601.2 TYPES OF INSTALLATIONS

- A. Two types of installations may be eligible for funding through the PSCP.
 - 1. Temporary - These installations are made to relieve overcrowding, for special programs, or to provide interim housing while an approved school construction project is being planned and/or constructed.
 - 2. Permanent - These installations are made to provide State-owned relocatable classroom buildings as a project or part of an approved school project.

601.3 INITIATION OF REQUESTS

- A. Requests for the use and/or movement of State-owned relocatable classroom buildings shall be in writing and submitted as part of the LEA's annual CIP (use Form 102.2).
- B. Needs that are identified other than as a part of the annual CIP shall be submitted in writing.

601.4 ELIGIBILITY REQUIREMENTS

- A. A complete justification shall be provided with each request to assure favorable consideration for eligibility. The justification shall include the following:
1. Reason for the request and the proposed long-term solution;
 2. The number and proposed use of the relocatable classroom(s);
 3. Date needed;
 4. Projected date the classroom will be available for relocation;
 5. State-rated capacity for the existing school building and the closest nearby school of the same type;
 6. Projected five-year enrollment for the school building where the classroom shall be installed and/or other associated schools for each year the classroom will be needed.
 7. Other alternatives that were considered and state the reasons for rejecting or accepting each alternative.
- B. For a temporary installation, the following criteria shall be used:
1. The requested classroom is required to accommodate overcrowding, for use in conjunction with an approved public school construction project, to meet special program needs, or for an emergency.
 2. A justification has been demonstrated for the relocatable classroom for a minimum of two (2) years from the projected date of installation.
 3. The proposed installation can be accomplished in a manner that will not interfere with any work associated with the proposed renovations, additions, or new construction. Any required future relocation, other than final removal, of these classrooms on the school site after the initial installation shall be funded by the LEA.
- C. For a permanent installation, the following criteria shall be used:
1. A long-term need can be demonstrated and justified.
 2. The requested classrooms will be installed as part of an existing public school building or to serve as a public school.
 3. Following permanent installation, transfer of the title may be made to the LEA (see 601.11). All responsibility thereafter is the LEA's.

4. Any additions to the existing school building in subsequent years shall take into account the permanent relocatable classroom buildings.
- D. The movement of State-owned relocatable classroom buildings is eligible for funding when the movement is between LEAs or within an LEA (if the building has been in place for two (2) years or more).
- E. The State and local shared cost formula is applicable to these projects.

601.5 SELECTION OF ARCHITECTS/ENGINEERS

- A. It shall be the responsibility of the LEA to select the architects/engineers who will provide the A/E design services and manage and supervise the movement and installation of the relocatable classroom building. The A/E must be licensed or registered in the State of Maryland. The cost of these services shall be borne by the LEA.
- B. The LEA shall have the option of using members of its own staff to perform the necessary A/E services when a staff member is an architect or engineer licensed or registered to practice in the State of Maryland.
- C. The IAC shall be advised of the appointment of the A/E or the use of an LEA staff member.
- D. The A/E shall prepare for approval of the LEA and the IAC the necessary drawings and specifications to achieve the following:
 1. Disassemble and/or remove the relocatable classroom buildings from the existing location;
 2. Restore the existing site to a usable and acceptable condition;
 3. Move the building(s) or individual units in a safe, secure manner and reassemble at the new school location;
 4. Include all repair work required to make the classroom satisfactory for use at the new site;
 5. Perform the required grading, foundation, and site work at the new school site;
 6. Connect the electrical power service;
 7. Connect other utility lines as required; and
 8. Provide supervision to assure that the installation is completed satisfactorily.

601.6 THE PLANNING PROCESS

- A. After the LEA determines the location for the placement of the relocatable classroom, it shall arrange for a pre-design conference.
- B. The pre-design conference will include the LEA, the project A/E, and PSCP staff. They should meet at the site of origination to determine and review the scope of the project.
- C. A determination shall be made to ascertain the physical conditions of the relocatable classroom building (see 601.9D).
- D. For temporary installations, only construction documents are forwarded to the PSCP for review, comment, and authorization to bid. For permanent installations, a schematic/design development submission shall be followed by the submission of the construction documents for review, comment, and authorization to bid.

- 1. Send one (1) complete set to:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, MD 21201

and

- 2. Send one (1) complete set to:

Public School Construction Program
200 West Baltimore Street
Baltimore, MD 21201

- E. The procedure for IAC review and approval of contract award shall conform to the requirements of Section 303.3.

601.7 MOVEMENT AND INSTALLATION

- A. After contract award, the LEA shall notify the PSCP of the date(s) the movement and installation will take place.
- B. PSCP staff may arrange for on-site inspections at both the existing site from which the units will be moved and the receiving site.
- C. The project A/E shall be responsible for assuring that the plans and specifications are followed completely and satisfactorily in all aspects of the move and installations of these classrooms.

601.8 CHANGE ORDERS

All change orders associated with relocatable classroom building projects shall be processed in accordance with Section 305.

601.9 LEA RESPONSIBILITY AFTER INSTALLATION

- A. The LEA within whose jurisdiction the State-owned relocatable classroom building is installed shall be responsible for the upkeep and maintenance of the building. This includes, but is not limited to, the following: property damage (payable to the LEA and State, equal to replacement value), personal liability, and other appropriate insurances; a log of the completed maintenance work; mechanical and electrical systems, insulation, interior and/or exterior finishes shall be maintained; and all regulations of the Asbestos Hazard Emergency Response Act (AHERA) must be met.
- B. The LEA shall be responsible to keep and maintain all drawings, specifications, operating instructions, warranties, maintenance log, keys, and AHERA records which are associated with each installation.
- C. When the building is to be moved, the items described in B. above shall be transferred to the LEA receiving the building.
- D. At the time of the pre-design conference described in Section 601.6B, a determination will be made by the PSCP as to whether the work required to recondition and/or repair the building should have been accomplished by the LEA at the existing site.
 - 1. The State will be responsible for work that is considered normal wear and tear. The work will be specified and completed with no penalty to either LEA.
 - 2. If the work or part thereof is determined to be the results of vandalism or maintenance and repair work that should have been accomplished by the LEA at the existing site, the PSCP staff will establish responsibility and secure payment from or allow the responsible LEA to accomplish the necessary corrective work.
- E. The PSCP may review or request the LEA to submit records that pertain to the condition of the building maintenance logs, insurance, or other materials or reports.

601.10 BUDGETING LOCAL FUNDS

- A. The LEA will be responsible for the local portion of the cost of the movement and installation of the building based upon the State/local shared cost formula.

- B. The LEA is also responsible for the payment of the expenses for temporary installations for such items as: A/E services; surveys; bid advertising; providing electric power to the immediate vicinity of the buildings; water/plumbing connections; the extension of sound, fire alarm, and telephone systems; and code relabeling costs.
- C. Ineligible items, if included in the bid documents, should be clearly identified as add alternates for local funding.

601.11 DISPOSITION OF BUILDINGS AND/OR COMPONENTS OR PARTS

- A. The IAC will determine when a State-owned relocatable classroom building shall be declared excess and available for transfer to an LEA or another State agency or institution.
- B. The IAC will determine when a State-owned relocatable classroom building is damaged to the extent that repair is not financially feasible.
- C. The IAC will then proceed with disposition consistent with State law of any building, components, parts, or other items purchased for use with the relocatable classrooms.
- D. In those cases where the IAC has approved the permanent installation or the transfer of a State-owned relocatable classroom building, the IAC may take formal action to transfer the title for the building with the approval of the BPW.
- E. Upon issuance of the conveying document, the building shall be removed from the PSCP inventory of relocatable classroom buildings and become the full and exclusive responsibility of the LEA, or other party as approved by the IAC and the BPW.

701 GENERAL APPEALS

701.1 APPEAL PROCESS

- A. Whenever any LEA or local governing body wishes to appeal any recommendation or decision made by the designees or the professional staff of the IAC, a letter detailing the grievance shall be addressed to the Executive Director of the IAC. The Executive Director shall present the grievance to the designees or designee directly concerned with the said grievance.
- B. If the matter over which a grievance has been filed cannot be resolved by the appropriate agency designee or by the designees as a group, the problem shall be presented as an agenda item at the next regular meeting of the IAC. When this situation arises, the Executive Director shall advise the LEA or the local governing body that the matter is to appear on the agenda and that they may make a formal presentation at that time.
- C. The LEA or the local governing body shall be notified by the Executive Director of any actions taken in respect to the grievance by the designees or the IAC.
- D. A final appeal of any IAC decision to the BPW is available to the LEA or the local governing body. If an LEA chooses to follow this course of action, the Chairperson and the Executive Director of the IAC must be notified by letter stating their intention to appear before the BPW.
- E. The maximum State construction allocation for a project shall be reviewed before the IAC and the BPW prior to the approval of the CIP. Once the allocation is established and included in an annual CIP approved by the BPW, it cannot be increased and shall not be subject to appeal as described above.

801 MAINTENANCE OF SCHOOL FACILITIES

801.1 GENERAL

- A. For the purpose of this section, Maintenance is defined as those activities concerned with keeping the grounds, buildings, and fixed equipment in their original condition of completeness or efficiency, either through repairs or by replacement during the life expectancy of the building. Maintenance may be performed by maintenance staff, custodial staff, or contracted personnel.
- B. Maintenance vehicles, machinery, and automated maintenance management systems are included in the maintenance program.
- C. Excluded from Maintenance is the maintenance of equipment used for education programs, including furnishings and instructional equipment. Also excluded is movable food service equipment.
- D. Excluded from Maintenance are those activities concerned with building operations. These include but are not limited to mowing, refuse and snow removal, and custodial services. All initial installations of building equipment and modifications to buildings or sites are also excluded.

802 COMPREHENSIVE MAINTENANCE PLAN

802.1 GENERAL

Each LEA will develop a Comprehensive Maintenance Plan (CMP) which describes a strategy for maintaining public school facilities. The CMP will be approved annually by the local board of education. The local government will appropriate, as part of its annual operating and/or capital budget, funds to implement the CMP. The approved CMP will be submitted to the PSCP for review.

802.2 PURPOSE OF THE CMP

- A. The CMP represents an LEA's program of maintenance, which supports the delivery of educational programs in safe and healthy physical environments.**
- B. The objectives of the maintenance program are to:**
 - 1. Maintain a positive learning environment;**
 - 2. Maintain the asset value of the property;**
 - 3. Eliminate or reduce the number and scope of fires, accidents and other safety hazards on the property;**
 - 4. Provide buildings that function at top efficiency;**
 - 5. Provide continuous use of facilities without disruptions to the education program; and**
 - 6. Conserve energy.**

802.3 COMPONENTS OF THE CMP

- A. The Personnel Organization Section describes the organizational units that form the maintenance department. Each unit should be described in terms of its staffing and the activities that fall within its responsibilities. An organizational chart should be provided which defines each position and the line of responsibility. If the responsibilities fall outside the maintenance department, in operations for example, these relationships should be included in the information above.**
- B. A CMP should be structured so that the following maintenance categories of activities are readily apparent:**
 - 1. Scheduled Maintenance - Includes activities that can be forecast and for which expenditures of parts and labor are based on a predictable time table or use schedule. Provide a brief description of the Scheduled**

Maintenance programs and supporting information, including charts and tables that serve to fix and describe each program and category. Describe procedure, responsibility, and frequency for each. Schedules, charts, and tables should be for a minimum of five years, a maximum of ten years. Subcategories of Scheduled Maintenance may be included as follows:

- a. Preventive maintenance - a planned program that includes lubricating, cleaning, painting, replacement of expendable parts and other activities designed to maintain the component as nearly as possible in its original condition.
 - b. Modifications and alterations - includes only maintenance that does not add to the asset value and which is not precipitated by changes in instructional or administrative requirements.
 - c. Scheduled replacement - a more sizable maintenance effort, usually occurring toward the end of the customary or specified life of an item or system, i.e., carpet, roof or boiler replacement.
2. Unscheduled Maintenance - Includes activities that cannot be programmed or forecast, including emergency repairs and corrections of breakdowns. Provide a brief description of the unscheduled maintenance program for the last completed fiscal year. Subcategories may be included as follows:
- a. Unscheduled repairs
 - b. Vandalism and security-related repairs. Includes restorative repairs or temporary protective work aimed at preventing vandalism.
3. Deferred Maintenance - Includes scheduled activities, delayed or postponed for reasons such as lack of funds or personnel, changes in priorities and change of use. Provide information, including charts and tables, indicating scheduled or unscheduled maintenance that has been deferred.

802.4 SUBMISSION OF THE CMP

- A. Each LEA shall submit to the PSCP by October 15 of each year, a CMP, or amend a previously approved plan, for all operating school facilities.
- B. The submission shall be approved by the board of education. Such approval shall become an integral part of the CMP before submitting it to the PSCP. By extension, such approval shall also constitute approval of schedules and charts or annual updates thereof. The approved CMP, and corrections or amendments thereto, should be submitted to the local governing bodies for their information and budget considerations.

- C. **The plan shall be as detailed as required to outline a systematic approach to plant maintenance and address the maintenance categories as indicated in Section 802.3.**

804 VERIFICATION AND COMPLIANCE

804.1 MAINTENANCE SURVEYS

- A. The PSCP may verify, through maintenance surveys by their staff, the quality, operation, and implementation of the CMP in any and all LEAs.
- B. Copies of surveys will be sent to the LEA and local government. The survey will include identified deficiencies requiring corrective measures.
- C. The LEA shall provide a written response to the PSCP stating how and when deficiencies will be corrected. The response is due within 45 days of the transmittal date of the maintenance survey.

804.2 COMPLIANCE

- A. In the event that the LEA does not comply with the adoption of a CMP, the updating and implementation thereof, or proper action in response to maintenance survey reports, the BPW may withhold state school construction funds for specific schools or groups of schools as it deems appropriate.
- B. This action will be taken after due notice to the LEA and local government.

APPENDIX B

**MOVABLE FURNITURE AND EQUIPMENT
(Ineligible for State Funding in Construction Contracts)**

Accounting Machines
Adding Machines
Analyzers
Anvils
Audiometers
Autoclaves
Balance Beams
Balances
Bars, Horizontal
Beds
Benches, Work, Test, and Diagnostic
Bleachers
Blue Print Machines
Book Stacks
Book Trucks
Bookcases
Boring Machines, Precision, Table or Vertical Types
Brake Lining Machines
Brakes and Folders (hand or power)
Buffers, Electric (floor or bench mounted)
Bulletin Boards (portable)
Cabinets, Beverage Cooling
Cabinets, Filing
Cabinets, Ice Cream
Cabinets, Laboratory
Cabinets, Print, Drafting
Cabinets, Storage
Cabinets, Tool
Calculators, Desk Type
Card Catalogs
Carrels
Carts
Cases, Display
Cases, File
Cases, Laboratory
Cases, Supply
Cases, Type
Cash Registers
Cement Mixers
Centrifuges

SAMPLE LISTING ONLY

This is not an all inclusive listing of movable equipment. This listing is to be used as a guide only. Refer to 303.1 Q for the definition of movable furniture and equipment. Questions regarding movable equipment should be referred to the PSCP.

APPENDIX B - continued

**MOVABLE FURNITURE AND EQUIPMENT
(Ineligible for State Funding in Construction Contracts)**

Chain & Cable Hoists
Chairs
Chalkboards (portable)
Chargers, Battery
Charging Desk
Chart Stands
Choppers, Food
Cleaners, Steam or Vapor
Clocks, Wall
Clothes Dryers
Clothes Washers
Coat Racks
Coffee Urns
Combustion Analyzers
Compactors
Composing Machines
Compressors, Air
Computers or Related Electronic Equipment
Cookers, Pressure, Commercial
Copying and Duplicating Machines
Cosmetology & Barber Furnishings
Cylinder Boring Machines
Deep Fat Fryers
Desks
Dictation and Transcribing Machines
Dictionary/Atlas Stands
Dish Trucks
Dish Washers
Dividers, Room
Drafting Machines (wall or table mounted)
Drafting Tables
Drill Presses(floor or bench mounted)
Driver Training Simulators
Dry Cleaning Machines
Dust Collectors (portable)
Easels
Electronic Keyboards
Electronic Work Bench & Service Centers
Engines
Fire Extinguishers

SAMPLE LISTING ONLY

This is not an all inclusive listing of movable equipment. This listing is to be used as a guide only. Refer to 303.1 Q for the definition of movable furniture and equipment. Questions regarding movable equipment should be referred to the PSCP.

APPENDIX B - continued

**MOVABLE FURNITURE AND EQUIPMENT
(Ineligible for State Funding in Construction Contracts)**

Forges
Forms, Dress
Freezers, Food
Furnaces, Heat Treating
Furnaces, Laboratory
Gear Cutting Machines
Generators
Grinders
Gymnastic Equipment Assemblies
Hair Dryers
Hammer, Power
Horses (gym)
Horizontal Bars
Jacks, Hydraulic
Kilns
Language Laboratories
Lathes
Lecterns
Lifts, automotive
Lockers
Looms
Magazine Racks
Map Cart Assemblies
Math Laboratories
Microfilm Readers/Printers
Milling Machines
Mixing Machines, Food
Motor Analyzers
Motor-Generator Sets
Music Stands
Music Instrument Stands
Music Laboratories
Nibbling Machines
Ovens
Paint spraying Equipment and Booths
Paper Cutters
Parallel Bars
Pianos
Planers, Power
Platform Trucks

SAMPLE LISTING ONLY

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APPENDIX B - continued

**MOVABLE FURNITURE AND EQUIPMENT
(Ineligible for State Funding in Construction Contracts)**

Potters Wheels
Presses, Printing
Presses, Punch
Pressing machines
Rack, Cooling
Ranges, cooking
Refrigerators
Reuther Boards
Routers
Sanding Machines
Saws, Power
Scales
Score Boards
Screen, Projection
Sewing Machines
Shapers
Shears, Power-operated
Shelving
Signal Generators
Slicer, Food
Spreaders, Tire
Stages & Platforms (portable)
Stamping Machines, Power
Standards (volley ball, etc.)
Stands, Engine
Steno/Shorthand Laboratories
Stools
Tables
Television Receiving Sets
Theodolites/Transits
Toasters, Commercial
Typewriter Desks
Typewriters
Video Recorders
Vises, Bench or Press
Welders - Arc, Gas, or Spot
Welding Booths
Wheel Balancing Machines
Whirlpools
Word Processing Equipment

SAMPLE LISTING ONLY

This is not an all inclusive listing of movable equipment. This listing is to be used as a guide only. Refer to 303.1 Q for the definition of movable furniture and equipment. Questions regarding movable equipment should be referred to the PSCP.

APPENDIX B - continued

**CAFETERIA MOVABLE EQUIPMENT
(Ineligible for State Funding in Construction Contracts)**

Bar - Condiment, Salad
Cabinet - Hot Food, Ice Cream, Warming
Carrier - Cold Transport, Hot Transport
Cart - Silver, Tray, Utility
Coffee Maker
Cooker - Jet Steam
Cooler - Milk
Cutter - Food, Mixer
Disposer
Dryer
Freezer - Pass Thru
Fryer -
Kettle - Steam Trunion
Mixer - Bench, Cutter, Floor
Oven - Convection, Microwave
Processor - Food
Rack - Dish, Dunnage, Pan, Pot
Range - Electric, Gas
Refrigerator - Pass Thru
Slicer - Food
Station - Cashier, Cold Food, Warm Food
Table - Bakers, Cooks, Preparation, Receiving, Slicing
Warmer - Food
Washer - Clothes, Dish

SAMPLE LISTING ONLY

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APPENDIX 102 A – STATE RATED CAPACITY

A. General

1. Reference: Code of Maryland Regulation 23.03.02.04A
2. The State Rated Capacity (SRC) is the number of students that the IAC or its designee determines that an individual school has the physical capacity to enroll and can be reasonably accommodated in a facility.
3. The SRC and the actual and projected enrollments are used by the IAC's Designees and local jurisdictions to establish the utilization of a facility. Utilization is a criterion used by the IAC in evaluating whether a particular school is overcrowded such that relief is needed and provision of additional space through a capital project for capacity may be warranted.
4. The SRC is not intended to determine the size of classes. School system staffing varies widely depending on a number of factors determined by the school district.
5. The SRC is determined by MDP staff upon request. The SRC of an existing school may change annually depending on room assignments and use. PSCP staff may project the SRC of a school during design, but the SRC is not determined formally until the building is complete and occupied.
6. To request review of the SRC of an existing school or determination of SRC for a new school, the LEA shall submit to MDP current floor plans clearly showing the following information:
 - a. use of each room, including but not limited to:
 - i. cooperative use space;
 - ii. Career and Technology Education;
 - iii. special education;
 - iv. individual grade or subject area
 - v. resource rooms
 - b. total net square footage of open instructional areas;
 - c. square footage of any instructional spaces smaller than 550 net square feet for an elementary school and 500 net square feet for a secondary school;
 - d. for elementary schools, indicate if the art and music rooms are used more or less than 50% of the school week.

B. Elementary Schools

1. Reference: Code of Maryland Regulation 23.03.02.04B
2. Elementary schools are schools enrolling students in one or more grades from prekindergarten through grade 6.
3. All permanent instructional spaces in an elementary school are counted in the SRC. These spaces include typical enclosed classrooms as well as:

- a. Self-contained special education classrooms: rooms that are used by students receiving special education services outside the general education setting for more than 60% of the school day.
 - b. Open space classrooms: rooms in instructional areas in which the classrooms are not structurally defined, with or without temporary partitions. The number of classrooms in an open space area is calculated by dividing the net square footage of the open space area by 900 net square feet and rounding the quotient to the nearest whole number.
 - c. Partially enclosed classrooms: rooms in which instructional areas are structurally defined by permanent (non-removable) partitions.
4. The following spaces are not counted towards the SRC:
- a. Spaces used for special subject areas and used by different groups of students such as resource rooms, reading or speech rooms, library media centers, cafeterias, physical education rooms, art rooms, computer labs, music rooms, assembly areas, and science laboratories.
 - b. Classrooms for English programs for speakers of other languages .
 - c. Spaces used as classrooms that are smaller than 550 net square feet in floor area.
 - d. State or locally owned relocatable classrooms except as noted in item 5 below.
 - e. Classrooms formally designated as Cooperative Use Space may be excluded from SRC calculations under certain circumstances, See Section 102.4.A.5.
5. When music and art programs located in a relocatable are provided more than 50% of the school week one permanent classroom for each subject shall be deducted from the total number of classrooms before calculating the SRC.
6. The SRC for an individual school is calculated by multiplying the number of classrooms in each grade by the approved capacity for that grade and then adding the resulting products.
7. The approved capacity for an elementary school classroom is:
- | | |
|---|----|
| Prekindergarten..... | 20 |
| Kindergarten..... | 22 |
| Grades 1 through 5 | 23 |
| Grade 6 | 25 |
| Special Education (self-contained)..... | 10 |

C. Combined Elementary and Secondary Schools

- 1. Classrooms in combined schools are considered to be either elementary or secondary depending on the primary use.
- 2. When a combined elementary and middle school has only one space that is used for both elementary and middle instruction for a special subject area, such as art, music, or physical education, it will be considered an elementary space and not be counted for capacity unless the LEA indicates it is primarily used as a middle school space.

D. Secondary Schools

1. Reference: Code of Maryland Regulation 23.03.02.04C
2. Secondary schools are schools enrolling students in one or more grades from 6 through 12.
3. A secondary school classroom or teaching station is a space in which any regularly scheduled instruction takes place. These spaces include typical enclosed classrooms and:
 - a. All specialized classrooms: rooms such as science laboratories, career technology education (CTE) rooms, classrooms for English for speakers of other languages, distance learning rooms, business education rooms, computer laboratories, band and chorus rooms, art rooms, family and consumer sciences rooms, weight rooms, and wrestling rooms.
 - b. Gymnasiums: The number of teaching stations in a gymnasium is calculated by dividing the net square footage by 6,000 nsf, rounding the quotient to the nearest whole number, and multiplying the result by two (2). According to national standards a 6,000 nsf gymnasium is a mid-size gymnasium that supports interscholastic basketball games and includes appropriate safety zones.
 - c. Self-contained special education classrooms: rooms that are used by students receiving special education services outside the general education setting for more than 60% of the school day.
 - d. Open-space classrooms: rooms in instructional areas in which the classrooms are not structurally defined, with or without temporary partitions. The number of classrooms in an open-space area is calculated by dividing the net square footage of the open space area by 800 net square feet and rounding the quotient to the nearest whole number.
 - e. Partially enclosed classrooms: rooms in which instructional areas are structurally defined by permanent (non-removable) partitions.
 - f. Instructional Suites. A suite is a cluster of rooms typically assigned to one teacher for one class period, such as a career technology classroom, its computer room, and its laboratory, and shall be counted as a single teaching station.
4. The following spaces are not counted towards the SRC:
 - a. Resource rooms. Resource rooms are spaces used by different small groups of students for short periods of time during the school day.
 - b. Media center computer laboratories;
 - c. Spaces used as classrooms that are smaller than 500 net square feet in floor area;
 - d. State or locally owned relocatable classrooms.
 - e. Classrooms formally designated as Cooperative Use Space may be excluded from SRC calculations under certain circumstances, See 102.4.A.5.
 - f. Swimming pool(s).
5. The SRC for an individual school is calculated by adding the following:
 - a. Number of general classrooms multiplied by the approved capacity multiplied by 0.85,

- b. Number of CTE and alternative program spaces multiplied by the approved capacity multiplied by 0.85,
- c. Number of special education classrooms multiplied by the approved capacity.

6. The approved capacity for a secondary classroom is:

General or Specialized.....	25
Career Technology.....	20
Special Education (self-contained).....	10
Alternative Programs.....	15

E. Career and Technology Programs

- 1. Reference: Code of Maryland Regulation 23.03.02.04D
- 2. Career and technology education (CTE) programs of study are occupational programs approved by the Maryland State Department of Education for local school systems and specific schools.
- 3. CTE programs are offered in comprehensive high schools and in separate career and technology centers.
- 4. A career and technology space, counted as one teaching station, may be sub-divided into a specialized teaching station assigned to one teacher and one class for instruction, hands-on skills training, direct storage, and/or teacher planning/office.
- 5. General education spaces and specialized laboratories in separate Career and Technology Centers, such as mathematics classrooms and science laboratories, are counted as described in Section 102A.D.
- 6. Spaces in career and technology centers designed for use by the general public or invited guests, such as cosmetology waiting rooms or hospitality dining rooms, are not classrooms and are not counted for capacity.
- 7. The SRC of a separate career and technology center is calculated in the same way as a secondary school. See item D.5.
- 8. The approved capacity for a CTE classroom unless otherwise determined is 20.

F. Modular Construction

- 1. Modular construction classrooms are industrialized modular buildings meeting State standards, designed and certified for educational use, and permanently installed on a school site.
- 2. Modular construction classrooms are included in the calculation of SRC depending on use.

G. Alternative Programs

- 1. Alternative programs are programs for students who have been temporarily removed from the general educational program due to disruptive behavior or other issues.
- 2. Alternative programs are offered in comprehensive schools and in separate alternative education centers.

3. Typically students in alternative programs have limited or no interaction with students in regular education programs for several weeks or months. The students may or may not remain on the rolls of their home school
4. SRC for an alternative program is calculated by multiplying the number of alternative classrooms by the approved capacity, multiplying the product by 0.85, and rounding to the nearest whole number.

END OF SECTION

APPENDIX 102 B – STATE-FUNDED MAXIMUM GROSS AREA ALLOWANCE

A. Reference

1. Code of Maryland Regulation 23.03.02.06

B. Maximum Allowance in Gross Square Feet (GSF) per Pupil or Rate

1. Elementary Schools – Prekindergarten through grade 6, or as defined by LEA

a. General Education	<u>Population</u>	<u>GSF</u>
	Up to 350	131
	351 to 399	47,080
	400 to 500	118
	501 to 549	59,290
	550 to 720	108
	721 to 749	77,900
	750 and up	104

b. Special Education *	per pupil	180
------------------------	-----------	-----

2. Middle Schools – Grade 6 through grade 8, or as defined by LEA

a. General Education	<u>Population</u>	<u>GSF</u>
	Up to 600	145
	601 to 649	87,615
	650 to 800	135
	801 to 849	110,370
	850 and up	130

b. Special Education*	per pupil	180
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3. High Schools – Grade 9 through grade 12, or as defined by LEA

a. General Education	<u>Population</u>	<u>GSF</u>
	Up to 650	170
	651 to 700	111,840
	700 to 1,150	160
	1,151 to 1,249	187,350
	1,250 to 1,600	150
	1,601 to 1,670	242,150
	1,671 and up	145

b. Special Education*	per pupil	200
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c. Career and Technology **	per pupil	210
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For the purpose of determining State-funded Maximum Area Allowance:

* "Special Education" means the existing number of students (rounded up or down to even 10s) receiving special education and related services in a comprehensive school and outside the general education classroom more than 60% of the school day as reported annually to MSDE. Enrollments from 1 - 9 will be counted as 10 students.

** "Career and Technology" means the projected number of CTE teaching stations necessary to support the projected enrollments and programs approved by MSDE multiplied by 20.

4. Special Categories:

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SEPTEMBER 22, 2011**

- a. Alternative Education – separate school. The maximum gross area allowance will be determined by program offerings, with an allowance for administration, support, circulation, mechanical system, etc. The allowance shall not exceed 225 gross square feet per full time equivalent student.
- b. Auditorium – An auditorium may be designed within the maximum gross area allowance. No additional area allowance will be made to increase the maximum square footage or State funding for an auditorium.
- c. Auditorium Addition – constructed as a separate project. The maximum gross area allowance will be determined on a case by case basis.
- d. Career and Technology Education – separate school. The maximum gross area allowance will be determined by program offerings, with an allowance for administration, support, circulation, mechanical system, etc. The allowance shall not exceed 240 gross square feet per full time equivalent student.
- e. Cooperative Use Space - The maximum gross area allowance will be determined by program offerings with an allowance for support space. Cooperative use space is above and beyond the size of school function areas typically provided by the LEA. The allowance shall not exceed 3,000 gross square feet.
- f. Fine Arts High School – The maximum gross area allowance will be determined by program offerings, with an allowance for administration, support, circulation, mechanical system, etc. The allowance shall not exceed 300 gross square feet per full time equivalent student.
- g. Gymnasium – constructed as a separate project.
 - i. Elementary - The maximum gross area allowance will be determined by program offerings with an allowance for storage, toilet, mechanical system, circulation, and other support spaces. The maximum shall not exceed 6,500 gross square feet per gymnasium designed for one teacher and one class and 11,000 gross square feet per gymnasium designed for simultaneous use by two teachers and two classes.
 - ii. Secondary - The maximum gross area allowance will be determined on a case by case basis.
- h. High School Science – constructed as a separate project. The maximum gross area allowance shall be determined by program offerings with an allowance for preparation, storage, mechanical system, circulation, and other support spaces. The allowance shall not exceed 2,200 gross square feet per classroom/laboratory.
- i. Kindergarten and prekindergarten – constructed as a separate project. The maximum gross area allowance shall be determined by program offerings with an allowance for lecture, laboratory, preparation, storage, mechanical system, circulation, and other support spaces. The allowance shall not exceed 1,800 gross square feet per classroom.
- j. Special Education – public separate day school. The maximum gross area allowance will be determined by program offerings, with an allowance for administration, support, circulation, mechanical system, etc. The allowance shall not exceed 300 gross square feet per full time equivalent student.
- k. Swimming Pool – A swimming pool may be designed within the maximum gross area allowance. No additional area allowance will be made to increase the maximum square footage or State funding for a swimming pool.

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END OF SECTION

APPENDIX 104 – SUSTAINABLE COMMUNITY PLANNING PRACTICES

In the review of proposed school sites, the Maryland Department of Planning will evaluate the site for opportunities to incorporate the following sustainable community planning practices:

Reference: Section 104.1.C

Resource: “Smart Growth, Community Planning and Public School Construction,” Maryland Department of Planning *Models and Guidelines* Series, Number 27. For a copy of the Models and Guidelines document, please see the Maryland Department of Planning website.

1. Site Size

School site size should reflect sustainable community planning practices while still supporting the educational program. Is the size of the school site minimized?

2. Opportunities for Co-Location/Shared Use of School Facilities

Maryland’s school districts are encouraged to fully examine all opportunities for developing shared use of public school facilities, when the arrangement is appropriate and will result in mutual benefit to the educational program and to the community. Different public agencies and related community uses should be considered for co-location at school sites. Examples include health centers, park and recreation facilities, fitness centers, libraries, and related publicly oriented uses.

3. Community Residential Density

Is the residential density of the area sufficient to encourage walking and biking?

4. Walkability

- a. Does the site have characteristics that encourage nearby students to walk or bicycle to school?
- b. Can the site be connected to residential development by a system of walkways or sidewalks?
- c. Is the site located away from arterials carrying significant volumes of commuter or truck traffic?
- d. What is the expected pattern of pedestrian and bicycle access, the volume of school bus activity, the expected number of student drivers and the ability of the adjacent roadways to accommodate increased traffic volumes?
- e. Is there more than one entrance/egress option from the public road system to the site?
- f. Is there adequate bus handling and storage on site? This requirement may be mitigated by site locations that are selected and designed to encourage pedestrian and non-automotive access.
- g. Are entry roads to elementary school sites coordinated with residential street patterns to avoid overwhelming individual streets with traffic and to provide options for bus, pedestrian and bicycle access?
- h. Are middle and high school sites located near the intersection of at least two roadways to improve bus and automobile access? Can necessary site improvements

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be made to assure safe bus entrance and egress and to mitigate the impact on the road network, including inappropriate off-site parking?

- i. Will the site configuration permit students to access the main entrance of the facility from neighborhood sidewalks without crossing any bus or automobile or service lane of traffic?

5. Public Transportation Options

Public transit access is highly encouraged at school sites where transit is available or planned. What are the public transit options within one mile of the school site?

6. Parking options

- a. What are the opportunities for shared parking facilities and structures with adjacent or co-located uses? Limitations on the size of parking areas are encouraged unless the provision of additional parking is shown to be necessary for shared, co-located uses at the school site.

- b. What are the opportunities for bicycle parking on the site?

7. Parks, Recreation Areas, Sidewalks, Trails and Bicycle Lanes

- a. What is the location of and access to community, district or regional parks within two miles of the proposed school site?

- b. What is the location of and access to existing and planned sidewalks, multipurpose trails, and bicycle lanes within two miles of the proposed school site?

APPENDIX 106 – EMERGENCY SHELTER COMPLIANCE PROCESS

A. Definitions

1. Branch Circuit: The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).
2. Circuit Breaker: A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without damage to itself when properly applied within its rating.
3. Communications Equipment: The electronic equipment that performs the telecommunications operations for the transmission of audio, video, and data, and includes power equipment (e.g., dc converters, inverters, and batteries), technical support equipment (e.g., computers), and conductors dedicated solely to the operation of the equipment.
4. Equipment: A general term, including fittings, devices, appliances, luminaires, apparatus, machinery, and the like used as a part of, or in connection with, an electrical installation.
5. Feeder: All circuit conductors between the service equipment, the source of a separately derived system, or other power supply source and the final branch-circuit overcurrent device.
6. Fully Power: Capability to provide electrical power to the fixtures, services, appliances, and/or outlets within a specified facility or portion of a facility.
7. Motor Control Center: An assembly of one or more enclosed sections having a common power bus and principally containing motor control units.
8. Nonautomatic: Requiring human intervention to perform a function.
9. Outlet: A point on the wiring system at which current is taken to supply utilization equipment.
10. Overcurrent Protective Device, Branch-Circuit: A device capable of providing protection for service, feeder, and branch circuits and equipment over the full range of overcurrents between its rated current and its interrupting rating. Such devices are provided with interrupting ratings appropriate for the intended use but no less than 5000 amperes.
11. Panelboard: A single panel or group of panel units designed for assembly in the form of a single panel, including buses and automatic overcurrent devices, and equipped with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall, partition, or other support; and accessible only from the front.
12. Premises Wiring System: Interior and exterior wiring, including power, lighting, control, and signal circuit wiring together with all their associated hardware, fittings, and wiring devices, both permanently and temporarily installed. This includes (a) wiring from the service point or power source to the outlets or (b) wiring from and including the power source to the outlets where there is no service point. Such wiring does not include wiring internal to appliances, luminaires, motors, controllers, motor control centers, and similar equipment. Power sources include, but are not limited to, interconnected or stand-alone batteries, solar photovoltaic systems, other distributed generation systems, or generators.
13. Replacement of the Premises Wiring System: Complete new premises wiring system is installed in an existing facility or major portion of an existing facility, including when components of the pre-existing system are either removed or abandoned in place.

14. Replacement of the Electrical System: 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. Electrical system replacement includes, but is not limited to, medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards.
15. Replacement of the Service Equipment: A complete new electrical service is installed in an existing or new facility, including when major components of the pre-existing electrical service are either removed or abandoned in place.
16. Service: The conductors and equipment for delivering electric energy from the serving utility to the wiring system of the premises served.
17. Service Conductors: The conductors from the service point to the service disconnecting means.
18. Service-Entrance Conductors, Overhead System: The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop or overhead service conductors.
19. Service-Entrance Conductors, Underground System: The service conductors between the terminals of the service equipment and the point of connection to the service lateral or underground service conductors
20. Service Equipment: The necessary equipment, usually consisting of a circuit breaker(s) or switch(es) and fuse(s) and their accessories, connected to the load end of service conductors to a building or other structure, or an otherwise designated area, and intended to constitute the main control and cutoff of the supply.
21. Service Lateral: The underground conductors between the utility electric supply system and the service point.
22. Utilization Equipment: Equipment that utilizes electric energy for electronic, electromechanical, chemical, heating, lighting or similar purposes.
23. Upgrade of the Premises Wiring System: The performance characteristics of the existing system are improved through the replacement of old components or the addition of new components.
24. Upgrade of the Electrical System: An existing electrical system of a facility or a major portion of a facility is improved through either (1) the replacement or upgrade of existing components, or (2) through other improvements that alter the performance characteristics of the electrical system. Electrical system upgrade includes, but is not limited to installation of new, medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards.
25. Upgrade of the Electrical Service: An existing electrical service is improved through either (1) the replacement or upgrade of existing components, or (2) through other improvements that alter the performance characteristics of the electrical service.

B. Emergency Shelter Requirement – Criteria For Determination of Applicability

The following criteria will be used to determine the types of projects that will be subject to the Emergency Shelter Requirement as defined in APG Section XX.1.C. These criteria are to be used for guidance only; final determinations as to applicability of the Emergency Shelter Requirement will be made by the IAC in collaboration with MEMA, DHR, and others:

1. Replacement or Upgrade of the Electrical System. Comprehensive electrical system new installations or renovations, including replacement or upgrade of any of the following electrical system components:
 - a. Electrical service equipment.
 - b. Electrical distribution equipment including: medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards.
 - c. Emergency system including: emergency generator, automatic transfer switches (ATS), low voltage transformers, distribution and branch circuit panelboards with associated power feeders.
2. Technology In Maryland Schools (TIMS) Upgrade. Comprehensive electrical system renovations required for implementation of TIMS. This includes replacement or upgrade of any of the following electrical system components:
 - a. Electrical service equipment.
 - b. Electrical distribution equipment including: medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards.
3. New Emergency Power Distribution System. This includes installation of a new emergency power system including, but not limited to the following system components:
 - a. Emergency generator, automatic transfer switches (ATS), low voltage transformers, distribution and branch circuit panelboards with associated power feeders
4. Replacement or Upgrade of Existing Emergency Power Distribution System. Comprehensive electrical system renovations required for the upgrade of the existing emergency distribution system. This includes replacement or upgrade to the following system components:
 - a. When the work requires replacement or upgrade of the electrical service equipment, replacement or upgrade of the electrical distribution system, or replacement or upgrade of the premises wiring system.
 - b. When major modifications/upgrades to the existing electrical distribution system are required. This includes installation of: new circuit breakers in power distribution switchboards and panelboards, new low voltage transformers, and new distribution and branch circuit panelboards.
5. Building HVAC System Renovations. When any of the following conditions occur:
 - a. Comprehensive HVAC system renovations (including replacement of existing AHUs, RTUs, chillers, UV, exhaust fans, cabinet heaters, cooling towers, pumps, burners, hot water generators, VAV units, controls, boilers), which require replacement or upgrade of the electrical service equipment.
 - b. Comprehensive HVAC system renovations (including replacement of existing AHUs, RTUs, chillers, UV, exhaust fans, cabinet heaters, cooling towers, pumps, burners, hot water generators, VAV units, controls, boilers), which require replacement or upgrade of the existing electrical distribution system, including installation of major system components such

as: new circuit breakers in power distribution switchboards and panelboards, new low voltage transformers, and new distribution and branch circuit panelboards.

6. Building Additions. Building additions, when any of the following is required (Note: Emergency Shelter Compliance is required only in the addition, unless noted otherwise):
 - a. New electrical service to the building addition, maintaining existing service to the school.
 - b. New building addition electrical distribution system including: medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards.
 - c. Replacement or upgrade of the building electrical service equipment (in order to provide full power to both the designated portions of the existing school and to the new building addition).
 - d. Replacement or upgrade of the building electrical distribution equipment including: medium and low voltage switchgears, medium and low voltage transformers, unit substations, low voltage switchboards, distribution panelboards, motor control centers, and branch circuit panelboards (in order to provide full power to both the designated portions of the existing school and to the new building addition).
 - e. Replacement or upgrade of the building emergency system including: emergency generator, automatic transfer switches (ATS), low voltage transformers, distribution and branch circuit panelboards with associated power feeders (in order to provide full power to both the designated portions of the existing school and to the new building addition).
7. Other new and existing building improvements, to be reviewed with LEA to determine applicability of the Emergency Shelter Requirement.

C. Emergency Shelter Requirement – Criteria for Determination of Non-Applicability (Subject to IAC Review)

It is anticipated that the project types listed below will require very limited electrical work. These projects typically will not be subject to the Emergency Shelter Requirement; however, for larger projects, individual determinations may be required:

1. Upgrade to the existing MDF/IDF Rooms, when upgrade of the electrical system is not required.
2. New installation or upgrades to existing Cable Tray Distribution System.
3. New installation or upgrades to existing Card Access, Security and CCTV Systems.
4. New installation or upgrades to existing Lightning Protection System.
5. New installation or upgrade of the existing Fire Alarm System.
6. New installation or upgrade of the existing Data Communications System, when upgrade of the electrical system is not required.
7. New installation or upgrade of existing Public Address/Intercom System
8. New installation or upgrade of existing Kitchen and Cafeteria, when upgrade of the electrical system is not required.

9. New installation or replacement of existing elevator(s), when upgrade of the electrical system is not required. This includes upgrade of system components such as: switchboards, panelboards, low voltage transformers, and power feeders.
10. Upgrades to the existing lighting and lighting control system, when upgrade of the electrical system is not required.
11. Receptacle outlets replacement when upgrade of the electrical system is not required.
12. Computer wiring upgrades, when upgrade of the electrical system is not required.
13. HVAC system renovations (including replacement of existing AHUs, RTUs, chillers, UV, exhaust fans, cabinet heaters, cooling towers, pumps, burners, hot water generators, VAV units, controls, boilers), when upgrade of the electrical system is not required.
14. Installation of new or upgrades to existing Automatic Temperature Control system.
15. Kindergarten/pre-kindergarten classroom renovation, when not extensive and when upgrade of the electrical system is not required.
16. Science classroom renovation, when not extensive and when upgrade of the electrical system is not required.
17. Open space pod conversions, when not extensive and when upgrade of the electrical system is not required.
18. Small building additions, when installation of new electric service or upgrade of the existing building electrical system is not required.
19. Other small new and existing building improvements, to be reviewed with LEA to determine applicability of the Emergency Shelter Requirement.

D. Emergency Shelter Requirement – To Be Determined

Other project types not noted above may be submitted for State funding participation in the annual Capital Improvement Program or other funding programs. A determination will be made on a case-by-case basis as to the applicability of the Emergency Shelter Requirement.

Appendix 202 – EDUCATIONAL SPECIFICATIONS

202.1 GENERAL

- A. Educational specifications describe the proposed educational programs, activities, area requirements, and the performance expectations of the proposed capital project.
- B. Educational specifications are provided to the architect/engineer as the basis for the design.
- C. Educational specifications also serve as a tool for evaluation after construction and occupancy.

202.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.14C

202.3 APPLICABILITY

- A. Educational specifications are required for all new construction, renovation, limited renovation, and addition projects affecting schools.
- B. Abbreviated educational specifications are required for partial building renovation and addition projects such as science laboratory upgrades, open space classroom conversions, and kindergarten classroom renovations and additions.
- C. Educational specifications are not required for projects limited to upgrades or replacements of building components and/or systems.

202.4 CONTENT

- A. The LEA shall reference Public School Construction Program regulations and procedures and Maryland State Board of Education school facilities planning guidelines and standards in the educational specifications.
- B. See Appendix 202APP for a recommended content outline. Items with asterisks are required for abbreviated educational specifications.
- C. The scope, complexity, and length of educational specifications will vary with the scope of the project.
- D. The approved educational specifications may be amended during the design process.

202.5 PROCEDURAL STEPS

- A. The LEA shall prepare and approve the educational specifications and submit two hard copies to the PSCP/MSDE for review and comment.
- B. The LEA shall provide an electronic copy of the approved educational specifications to the PSCP/MSDE only when requested.

- C. For major projects, the LEA shall submit approved educational specifications a minimum of thirty days prior to the submission of the schematic design documents.
- D. For projects of limited scope, the LEA may submit abbreviated educational specifications with the schematic design submission.
- E. The PSCP/MSDE school facilities architect shall review the submission and provide written comments back to the LEA. PSCP/MSDE review typically requires ten to fifteen working days.
- F. The PSCP/MSDE review will be based on the project scope, proposed capacity, budget, compliance with the recommended content outline, and on MSDE school facilities guidelines and standards.
- G. The LEA shall acknowledge and respond to all review comments, either verbally or in writing.
- H. The LEA shall submit one hard copy of any amendments to the PSCP/MSDE school facilities architect as soon as locally approved, for information only.

END OF SECTION

Appendix 203 – FEASIBILITY STUDIES

203.1 GENERAL

- A. The State gives preference to the rehabilitation of existing schools to ensure that facilities in established neighborhoods are of equal quality to new schools. Therefore, feasibility studies are required to justify the replacement or abandonment of existing schools.
- B. Upon review of the feasibility study, the Designees may recommend setting the maximum State construction allocation for an individual project to be based on the cost of renovation, renovation/addition, or replacement of the existing school.
- C. If the State approves and funds renovating, or renovating and building an addition to, an existing school and the LEA builds a replacement school, the Designees may recommend reducing the maximum State construction allocation for the renovation by 15%.

203.2 REFERENCE

- A. Code of Maryland Regulation 23.03.02.03B (1) (f), 23.03.02.06J

203.3 APPLICABILITY

- A. This procedure applies to all new construction and major renovation projects seeking State funding that would abandon an existing school building or demolish more than 50% of the existing building area.
- B. Locally funded projects to be included in future year CIP requests are required to comply with this procedure.

203.4 CONTENT

- A. The feasibility study shall include one or more renovation, or renovation/addition, options that satisfy major educational program requirements.
- B. The feasibility study shall include a forty-year life cycle cost comparison of each renovation, renovation/addition, and replacement option considered.
- C. The feasibility study shall include lists of major and minor educational program deficiencies related to each building and site development option considered.
- D. See Appendix 203 for the required content outline.

203.5 PROCEDURAL STEPS

- A. The LEA shall contact the PSCP/MSDE school facilities architect prior to initiating a feasibility study.
- B. The PSCP/MSDE school facilities architect may participate in the development of and provide review comments on drafts of the study.
- C. The LEA may submit the feasibility study to the local board of education for action.

- D. If the local board of education approves a recommendation in the study for abandonment or demolition of more than 50% of the area of an existing school, the LEA shall submit the feasibility study to the PSCP prior to requesting local planning approval in the CIP.
- E. The LEA is encouraged to submit feasibility studies no later than the preceding August 15 for projects for which local planning approval will be requested in the CIP in October.
- F. The LEA shall submit five (5) hard copies of the completed study to the PSCP/MSDE school facilities architect for review and approval by the Designees.
- G. The LEA shall provide an electronic copy of the approved feasibility study to the PSCP only on request.
- H. The PSCP/MSDE school facilities architect shall distribute copies of the study and the PSCP/MSDE recommendation for action to the Designees, the executive director, and the deputy director. The Designees action typically requires thirty working days from receipt of the complete, approved study.
- I. The Designees may request and undertake a site visit to the school and may request information on the proposed use of the existing building to be abandoned, and the proposed new site for a proposed replacement school.
- J. The PSCP Executive Director typically requires 10 working days to convey the Designees decision to the LEA in writing.

203.6 CRITERIA FOR APPROVAL OF ABANDONMENT OR DEMOLITION

- A. The Designees shall approve the abandonment or demolition of a school facility if both of the following are true:
 - 1. The study includes the required content, including at least one renovation, or renovation/addition, option that satisfies major educational program requirements without regard to costs.
 - 2. The study demonstrates that an educationally satisfactory renovation or renovation/addition design solution exceeds the forty-year life cycle cost of a replacement school by more than 10%.
- B. The Designees approval of the feasibility study recommendation does not constitute approval of the CIP request for the proposed project, the proposed use of the existing building to be abandoned, or the proposed new site.

203.7 EXCEPTIONS AND DISCONTINUATION

- A. The LEA may request an exception to the requirement to complete a feasibility study, or request a study be discontinued, at any time it becomes aware of an overriding limitation that would preclude use of the existing building or determines there are no renovation and/or addition options without major educational program deficiencies.
- B. The Designees may approve an exception to, or the discontinuation of, the requirement to complete a feasibility study.

END OF SECTION

APPENDIX 203 - FEASIBILITY STUDY CONTENT OUTLINE

- A. Executive Summary
- B. Summary Educational Specifications
 - 1. Proposed educational program requirements
 - 2. Proposed enrollment
 - 3. Proposed school organization
 - 4. Proposed space summary
- C. Proposed Budget
- D. Proposed Project Schedule
- E. Existing Facility Inventory Data
 - 1. Current enrollment and building use
 - 2. Area (gross square feet)
 - 3. Plans showing ages of sections of the building
 - 4. Capacity
 - 5. Previous State-funded projects
 - 6. Previous locally funded projects
- F. Existing Condition of Site and Building Components, Including Photographs
 - 1. Building structure
 - 2. Building envelope
 - 3. Secondary systems
 - 4. Mechanical systems
 - 5. Electrical systems
 - 6. Site conditions
- G. Other Planning and Design Considerations
 - 1. Compliance with accessibility codes
 - 2. Compliance with fire and life safety codes
 - 3. Compliance with environmental regulations
 - 4. Historical significance, as determined by Maryland Historical Trust (MHT)

5. Energy use, including embedded energy and sustainability factors
6. Local comprehensive land use plan
7. Potential reuse of building
8. Options for student relocation during construction period

H. Preliminary Design Floor and Site Plans

1. The LEA shall consider all options as appropriate to fairly assess the potential of the existing facility. These may include minor renovations, major renovations, minor additions, major additions, minor demolition, major demolition, and new school construction.
2. The study must include a minimum of two viable options, including at least one renovation or renovation/addition option.

I. Major and Minor Educational Program Advantages and Deficiencies for All Options

J. Forty-Year Life Cycle Cost Comparisons for all options

1. Initial construction
2. Demolition
3. Additional site acquisition
4. Temporary student housing and transportation
5. Interest on or outstanding bond debt
6. Forty-year maintenance costs
7. Forty-year energy costs

K. Consultant's Recommendation

L. Superintendent's Recommendation

M. Local Board of Education Action

END OF SECTION

APPENDIX B

OUTLINE FOR EDUCATIONAL SPECIFICATIONS

SUGGESTED CONTENTS

Section I Project Rationale

Introduction

The Community

School Board Policies

Belief Statements

Scope of Work, Budget, and Schedule

Section II Educational Plan

Curriculum Component

Instructional Methods Component

Staff Support Component

Technology Component

Section III Project Design Factors

Site Conditions

Building Systems (existing/proposed)

Section IV Activity Areas

General Overview

Program/Service Function (for each
educational program and service
function in the project)

Section V Summary of Spatial Relationships

Matrix or diagram

Section VI Summary of Spatial Requirements

List educational programs and services
with net and gross square footages

4. Every school facility is a community resource and should meet the community's human and technological requirements.
5. The educational delivery system must include physical environments which effectively utilize changing technologies.
6. School facilities should be capable of adjusting to future technological demands.

E. SCOPE OF WORK, BUDGET, AND SCHEDULE

1. Provide enrollment data for the current year (September 30) and each of the next five years, both head count and full-time equivalent.
2. Indicate the gross square footage proposed for new construction and, if appropriate, the gross square footage proposed for renovations (by age of structure).
3. Indicate if future expansion is anticipated and how this should be addressed in the current project.
4. Indicate the gross square footage approved for the project that is eligible for State funding and the net square footage proposed for the project.
5. Indicate the anticipated project costs for construction, including site work and a contingency for change orders. Specify the anticipated sources of funding.
6. Develop a schedule showing the expected initiation and completion of the following:
 - a. educational specifications
 - b. schematic designs
 - c. design development documents
 - d. construction plans and specifications
 - e. construction
 - f. occupancy

SECTION II - EDUCATIONAL PLANS

This section should contain the following:

A. CURRICULUM COMPONENT

1. Describe the specific teaching objectives and learning outcomes characterizing the school's instructional program.
2. Describe the broad facility needs generated by the instructional program.

3. Describe current or projected needs to serve adult education, day care, before-school/after-school programs, and community education.

B. INSTRUCTIONAL METHOD COMPONENT

Describe the major instructional methods planned for the school.

C. STAFF SUPPORT COMPONENT

Describe briefly the school's staffing organization. Include: instructional (including aides), administrative, operational, etc.; provide a list of the number of persons under each category, including part-time personnel.

D. TECHNOLOGY COMPONENT

Describe how electronic systems will be integrated with the educational plan and facilities.

SECTION III - PROJECT DESIGN FACTORS

A. SITE CONDITIONS

1. Identify which utilities (sewer, water, electricity, gas) are or will be available. Identify which are from a public utility or on-site.
2. Identify requirements for separation of school bus and automobile traffic, student pick-up and drop off.
3. Identify the number of parking spaces required for staff, visitors, and individuals with disabilities. State any local school board and local government requirements.
4. Identify the requirements for playing fields and courts, i.e., type and size, location and accessibility (including access for individuals with disabilities).
5. Identify any unique site conditions.
6. Identify requirements for natural habitat preservation or development.

B. BUILDING SYSTEMS (EXISTING/PROPOSED)

Provide a brief description of each existing or proposed building system.

1. **ACCESSIBILITY** - Identify the school site and building access requirements for students, school staff, and other adults with disabilities.
2. **CLIMATE CONTROL** - Identify the need for heating, ventilation, and air conditioning. Indicate which programs or services and portions of the

building require special temperature and humidity controls. Consideration should be given to indoor air quality and energy conservation.

3. **ELECTRICAL** - Identify electrical power needs - including emergency power, the back-up systems, surge protectors, and grounding requirements.
4. **LIFE SAFETY/BUILDING CODES** - Identify the building and life safety codes that will be applicable.
5. **LIGHTING** - Identify interior and exterior requirements for lighting and the suitability of natural lighting in instructional and support spaces.
6. **PLUMBING** - Identify the needs for water, gas, and waste removal.
7. **PUBLIC ACCESS** - Identify public use areas during and after school hours, including restroom access.
8. **SPECIAL SYSTEMS**
 - a. **Electronics** - Describe the needs for the communication systems, including telephone and public address systems; power supply for computer equipment; and energy management.
 - b. **Security** - Identify the interior and exterior security requirements.
9. **STRUCTURAL** - Identify needs for interior flexibility of space through the movement of interior walls and the requirements for future additions or a reduction in the size of the school.

SECTION IV - ACTIVITY AREAS

A. GENERAL OVERVIEW

1. Activity areas are the core of the educational specifications. They include all discrete spaces in the school building. Activity areas related by teaching objectives and learning outcomes are grouped together under a single heading. Some activity areas may serve more than one function and should be placed under the most appropriate heading.
2. A description of each educational program and service function should be provided.
3. The suggested headings for activity area groupings, common for most elementary and secondary schools, are as follows:

Administration
Custodial Service
Food Service
Guidance

Health
Instructional Programs
Instructional Support
Media Center

4. Spaces or functions generally exempt from activity area descriptions are not identified in the educational specifications but will be included in the project. They are provided in the square footage difference between the net and gross square footage. These areas include toilet facilities for building-wide use, mechanical and boiler rooms, corridors, and lobbies.
5. Always identify each support room for the activity area. Describe its relationship to relevant activity areas and how it will function.

B. PROGRAM/SERVICE FUNCTIONS

Each activity area specification should be written in accordance with the following outline:

1. **GOALS** - Identify the goals and/or objectives for the activity area.
2. **PLANNED USAGE** - Identify the experiences and activities planned for users of the area. Verbs describing specific actions such as paint, read, or write, are more acceptable than general descriptions such as work, study, or interact.
3. **NUMBER OF USERS** - Identify how many teachers, students or other persons will use the space.
4. **GROUPINGS** - Identify anticipated group sizes. For instance, for classroom space, this information should include a notation regarding large or small group instruction, individual student work, or team organizations.
5. **RELATIONSHIP TO OTHER ACTIVITIES** - Identify the spatial relationship of this activity area to other spaces inside and outside the building. These relationships can be described as direct, indirect, or convenient.
6. **SPATIAL REQUIREMENTS** - Identify spatial requirements for the area including capability for being combined with other areas to create a larger space, capability for being subdivided, the frequency of such adjustments, and the approximate square footage required for each area and its support areas.
7. **SUPPORT FACILITIES** - Briefly describe the support facilities that will enable the educational program to take place in the activity area. Student project areas, conference rooms, preparation areas, teacher planning areas, and shared storage areas are examples of support facilities.
8. **ACOUSTICAL** - Identify the acoustical needs of the area. Which activity areas should be enhanced or isolated acoustically?

9. **BUILDING SYSTEM REQUIREMENTS** - Describe the requirements unique to each activity area:
 - a. Accessibility
 - b. Climate Control
 - c. Electrical
 - d. Life Safety/Building Codes
 - e. Lighting
 - f. Plumbing
 - g. Public Access
 - h. Special Systems: Electronics and Security
 - i. Structural

10. **STORAGE** - Identify the storage requirements for the activity area in terms of linear or cubic feet required as well as the materials to be stored. This section includes mostly specifications of built-in features.

11. **DISPLAY** - Identify display requirements, i.e., chalkboards, tackboards, pegboards, tack strips, and display cases. Approximately how many square feet of these items are required?

12. **FURNITURE AND EQUIPMENT** - While it is not necessary to identify manufacturer's model numbers, styles, colors, etc., it is important to specify the quantity and type of item that will be used in each activity and support area.


SECTION V - SUMMARY OF SPATIAL RELATIONSHIPS

Spatial relationships between activity areas should be summarized either in a matrix or diagram. It may also be desirable to show some internal relationships within activity areas.

SECTION VI - SUMMARY OF SPATIAL REQUIREMENTS

The summary of space requirements is a list of all net square footages of each activity area, plus a percentage of the sum of net square feet allotted to circulation, mechanical space, toilet areas not included as activity areas, wall thicknesses, etc., for a total number of gross square feet for the entire facility.

This has been revised
and replaces previous
Appendix E.



Wes Moore, Governor
Aruna Miller, Lt. Governor

Building Bright Futures in Maryland

The State of Maryland and the (Name of County) Board of Education are:

(Name of Project)
at the
(Name of School)

Public School Construction Program **Architect: (Name of Architect)** **Contractor: (Name of Contractor)**

<p><i>The Maryland General Assembly</i> <i>Adrienne A. Jones, Speaker of the House</i> <i>Bill Ferguson, President of the Senate</i></p>	<p><i>Board of Public Works</i> <i>Wes Moore, Governor</i> <i>Brooke Lierman, Comptroller</i> <i>Dereck E. Davis, Treasurer</i></p>
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APPENDIX E FOR SCHOOL CONSTRUCTION SIGN

The following appropriate language should be entered on the construction sign to describe the work for the specific project (or modified as required):

- Renovating
- Constructing an Addition and Renovating
- Constructing an Addition to
- Constructing a Replacement School for
- Constructing the New
- Constructing a Prekindergarten Addition at
- Renovating the Science Laboratories at
- Replacing the Roof at
- Replacing the Boilers at
- Replacing the Windows at
- Replacing the (other systemic) at

APPENDIX E
SCHOOL PLAQUE

School plaque for State funded school construction projects (12" X 18")

<p>STATE FUNDS FOR THE (select appropriate option) THIS SCHOOL BUILDING WERE PROVIDED THROUGH THE PUBLIC SCHOOL CONSTRUCTION PROGRAM (DATE) <u>BOARD OF PUBLIC WORKS</u> WES MOORE, GOVERNOR BROOKE LIERMAN, COMPTROLLER DERECK E. DAVIS, TREASURER</p>
--

options to be selected and inserted:

- "... CONSTRUCTION OF ..."
- "... CONSTRUCTION OF AN ADDITION TO ..."
- "... RENOVATION OF ..."
- "... CONSTRUCTION OF AN ADDITION AND RENOVATIONS TO ..."

APPENDIX F

PROCUREMENT LAWS APPLICABLE

As of January 1, 1994, the procurement laws and/or statutes of Maryland briefly described below are applicable to public school construction projects. These and other requirements should be reviewed periodically since new requirements may be added and existing requirements may be amended or deleted.

(1) EDUCATION ARTICLE

(a) 5-110 BIDS

All public school contracts in amounts in excess of \$15,000 shall be advertised for bids and the contract awarded to the lowest responsible bidder who conforms to the specifications.

(2) STATE FINANCE AND PROCUREMENT ARTICLE

(a) 14-301 THROUGH 14-308 MINORITY BUSINESS PARTICIPATION

This section is applicable to the boards of education when State Public School Construction Program funds are utilized. Each board of education shall approve and implement a minority business enterprise procedure to attempt to achieve the results that a minimum of 10 percent of the total dollar value contracted or expended is made directly or indirectly from minority business enterprises.

(b) 13-305 ADVISORY SERVICES

A school board may request that the Transportation Professional Services Selection Board or the General Selection Board provide advisory services in procuring architectural and engineering services. The school board shall pay for the costs of these services.

(c) 16-201 THROUGH 16-208 DEBARMENT FROM STATE AND LOCAL CONTRACTS - BRIBERY

A person convicted for bribery, attempted bribery, or conspiracy to bribe shall be disqualified from entering into a contract with any county or other subdivision of the State. Every business entity upon submitting a bid or otherwise applying for a contract shall submit an affidavit stating whether it, its officers, directors, or partners, or its employees have been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any State or Federal government.

(d) 17-101 THROUGH 17-110 SECURITY FOR CONSTRUCTION CONTRACTS

Before any construction contract exceeding \$50,000 in amount is awarded, the contractor shall furnish a performance and payment bond which shall become binding upon the award of contract. The contractor may provide the equivalent in cash or other security satisfactory to the public body awarding the contract.

(e) 17-201 THROUGH 17-226 PREVAILING WAGE RATES - PUBLIC WORKS CONTRACTS

State prevailing wage rates shall be included in bid documents when State funds are used for the construction (new or renovation) of a public works project (public school) if (a) the project construction cost, including State and local funds, will exceed \$500,000; and (b) State funds are used to provide 75 percent or more of the funds for construction.

(f) 17-301 THROUGH 17-306 STEEL PROCUREMENT FOR PUBLIC WORKS

Each public agency shall require that every construction contract advertised for bid shall require the use or supply of domestic steel products unless the cost is unreasonable or inconsistent with the public interest.

(3) ARTICLE 27 - CRIMES AND PUNISHMENTS

(a) 680 THROUGH 681M - STATE USE INDUSTRIES ACT

The State of Maryland may sell to its political subdivisions any tangible or movable product, such as materials, supplies, equipment, and printing which is manufactured, processed, or produced for sale by inmates in the State of Maryland's Division of Corrections facilities.

APPENDIX G

LIFE CYCLE COST ANALYSIS AND ENERGY CONSERVATION

A. BACKGROUND

1. State Finance and Procurement Article, Sections 4-801 through 4-808 of the Annotated Code of Maryland requires that buildings constructed and financed with the assistance of the State are to be designed and constructed in a manner which will minimize the initial construction cost to the State and the consumption of energy resources used in the operation and maintenance of the building. To accomplish the dual benefits for initial cost and energy savings, a life cycle cost and energy consumption analysis shall be initiated during the preliminary design phase. The Life Cycle Cost Analysis shall conform with the Department of General Services, Procedures for the Implementation of Life Cycle Cost Analysis and Energy Conservation.
2. Consideration for compliance with these requirements should be initiated with the development of the schematic presentation. The actual analysis shall be an integral part of the design development submission and shall be consistent with the current standards and guidelines for life cycle costing and energy conservation as developed by DGS for the PSCP. Several variations have been made to the DGS guidelines which are applicable to the PSCP.
3. The project consultants should prepare a list of items to be checked for potential energy savings and also a list for trade-off studies by life cycle cost methods for review and comment with the LEA and DGS/PSCP staff prior to preparing the design development package. The DGS/PSCP staff will be available to discuss this subject if requested by the LEA. It is suggested that a meeting be held for every project.

B. PUBLIC SCHOOL CONSTRUCTION - ANALYSIS CRITERIA

1. The time span for the Life Cost Accounting shall vary for new and modernization projects.

New: The building life is forty-five (45) years from the date of occupancy.

Renovation: The study shall be based on fifteen (15) years from the proposed bid date.

2. For purposes of the study, the hours for school operation shall be 200 days x 10 hours/day = 2,000 hours/school year. The school will be unoccupied for 6,760 hours/year.

C. TYPES OF STUDIES

The energy and life cycle cost analyses should include but are not limited to the following:

1. Site orientation and other natural factors
2. Building envelope
3. Fenestration, major architectural features which affect energy consumption
4. Thermal Storage systems, where applicable
5. Heat Recovery
6. Alternate fuels, if applicable
7. Types of heating, ventilation and air conditioning distribution systems
8. Any major energy consumption system. Each analysis should compare three alternative systems or explain why this is not practical or possible. The energy consumption and life cycle cost analyses do not release the A/E from their responsibility to conduct trade-off studies for other elements of the building design.

D. CERTIFICATION LETTER

1. The architect will be required to submit a letter with their seal of registration certifying the energy usage in BTU/sq. ft./year for the project with the design development submission. The BTU/sq. ft./year usage should be the same as indicated in the Life Cycle Cost Analysis.

2. Sample letter to be sent:

Department of General Services
Office of Engineering and Construction
Administrator for Public School Construction
301 West Preston Street, Room 1405
Baltimore, Maryland 21201

Dear _____:

This letter is to certify that the energy in BTU/sq. ft./year for the design development submission for the _____ School is as follows:

Lighting	_____
Heating	_____
Cooling	_____
Other Use	_____
Total	_____

Signed and Sealed by Architect

cc: LEA

E. SUBMISSION AND APPROVAL

All correspondence, submission, and coordination with DGS shall be sent to the DGS administrator. The Life Cycle Cost and Energy Consumption Analysis approval will be initiated by the DGS designee. This approval is required prior to the architect/engineer proceeding with the preparation of the construction documents. The approval will state which items included in the analysis have been accepted and can be included in the construction documents. The A/E shall submit an energy conservation computer printout to satisfy the Energy Design Requirements (cited below).

F. ENERGY DESIGN REQUIREMENTS

1. The minimum design requirements for providing an energy efficient design of new buildings, renovations, and/or additions shall be in compliance with the latest applicable edition of the following standards:

a. ASHRAE/IES 90.1

Energy Efficient Design of New Buildings
Except New Low Rise Residential Buildings

b. ASHRAE 62

Ventilation for Acceptable Indoor Air Quality

c. BOCA Energy Conservation Code

- 2. The A/E shall coordinate design with the applicable utility company depending on building location, to obtain maximum rebate which may be available for the use of energy efficient equipment.**
- 3. The A/E shall incorporate energy saving systems in the building design wherever possible.**

APPENDIX H

TABLE OF FORMS

<u>FORM NUMBER</u>	<u>TITLE</u>
101.1	Facilities Inventory
101.2	FTE Enrollment Projections by Grade
101.3	Facility Needs Summary
102.1	Request for Approval of Planning
102.2	Request for Approval of Funding
102.3	Future Project Request
102.4	Summary of Current and Future Project Requests
102.5	Status of Previously Approved Projects
102.6	Status of State Owned Relocatables
103.1	Record of Architect/Engineer
104.1	Site Analysis Report
104.2	Environmental Assessment Form
202.1	Schematic Design Submission
302.1	Design Development Document Submission
302.2	Life Cycle Cost Analysis Summary
302.3	Design Development Document Analysis
302.4	Cost Estimate Summary and Worksheet
303.1	Construction Document Submission
303.2	Construction Document Analysis
303.3	Approval of Construction Contract Award
303.4	Owner/Contractor Agreement
305.1	Change Orders
306.1	LEA Request for Payment to Contractor
306.2	Request for Reimbursement to LEA
306.4	Standard Monthly Contractor's Requisition for Payment
306.6	Close-Out Cost Summary
501.1	Change in Status of a School Facility

INSTRUCTIONS FOR COMPLETION OF FORM 101.1

1. Use this form to provide data on each facility operating as a school.
2. The utilization rate is established by comparing the State rated capacity to the prior Fall FTE enrollment and calculating the percentage of the building currently being utilized.
3. The Building Data column should provide information on the facility as it currently exists. Square footage for the original building and any additions should reflect deductions for any demolition. Provide the total square footage for each building listed.
4. In the Physical Condition column, enter a term (i.e., good, fair, etc.) which describes the building's general condition. Submit as an attachment an explanation or definition of the terms utilized.
5. Use the Comments column to offer any additional relevant information.

INSTRUCTIONS FOR COMPLETION OF FORM 305.1

1. All amounts shall be rounded to the nearest whole dollar.
2. One copy of all change orders issued for a project must be submitted to PSCP at the same time of issue to the contractor.
3. Use a separate form for each project. Do not enter change orders for more than one project on any single form. However, more than one change order for any one project may be submitted on a single form.
4. Include with the change order submission a letter from the architect recommending his approval of all change orders listed.
5. Include sufficient documentation to allow determination of State funding.

NOTE: Copy on WHITE paper.

INSTRUCTIONS FOR COMPLETION OF FORM 306.1

1. Amount entered shall not be rounded up or down.
2. PSC Allocation: The allocation to be entered is the current amount allocated for the project including formal adjustments approved in the Interagency Committee minutes.
3. Total State Approved Contracts: Show only the cumulative amount of contracts approved by the Interagency Committee. This includes construction contracts and change orders. Refer to the "Approved Contracts" column on the monthly printout.
4. Invoices: The following documentation must be attached to process this request:
 - Construction: The most recent "Standard Contractor's Requisition for Payment" including a listing of all change orders issued to date with original signatures.
 - Systemic/Relocatables: The most recent Contractor's invoice including all billings to date and a listing of all change orders issued to date with original signatures.
5. Signature: This form must be signed by the LEA Superintendent or an authorized representative.

INSTRUCTIONS FOR COMPLETION OF FORM 306.2

1. Amount entered shall not be rounded up or down.
2. PSC Allocation: The allocation to be entered is the current amount allocated for the project including formal adjustments approved in the Interagency Committee minutes.
3. Total State Approved Contracts: Show only the cumulative amount of contracts approved by the Interagency Committee. This includes construction contracts and change orders. Refer to the "Approved Contracts" column on the monthly printout.
4. Cancelled Checks: Copies of cancelled checks or IAC/PSCP Form 306.2a, "Contractor's Certification of Receipt of Payment" must be attached to this request.
5. Invoices: The following documentation must be attached to process this request:
 - Construction: The most recent "Standard Contractor's Requisition for Payment" including a listing of all change orders issued to date with original signatures.
 - Systemic/Relocatables: The most recent Contractor's invoice including all billings to date and a listing of all change orders issued to date with original signatures.
6. Signature: This form must be signed by the LEA Superintendent or an authorized representative.

INSTRUCTIONS FOR COMPLETION OF FORM 306.6

1. School Name: Use full name as approved by the IAC.
2. PSC #: List all numbers that are applicable to the capital project, i.e., each funding fiscal year for a project.
3. All amounts shall be rounded to the nearest whole dollar.
4. Public School Construction and Local and Other
 - a. Allocation: Insert sum total for all funding years applicable to the completed project.
 - b. Cash Disbursements: Insert sum of total cash disbursements for all funding years applicable to the completed project.
 - c. Approved Contracts: Insert sum of total approved contracts by category for all funding years applicable to the completed project.
 - d. Expenditures: Insert sum of total expenditures by category claimed against the State funding for all funding years applicable to the completed project. (Amounts should be actual disbursements per the LEA records).
5. Total Expenditures: Should be the sum of all expenditures for all funding sources.
6. Signature: This form must be signed by the LEA Superintendent or an authorized representative.
7. It is IMPERATIVE that the following documents be included with this report:
 - a. COMPLETE FINAL Contractor's Requisition (with a listing of all change orders applicable to the contract).
 - b. Architect's Certificate of Completion (for new or major renovations only, not to be submitted for systemic renovation, wiring, or science projects).

INSTRUCTIONS FOR COMPLETION OF FORM 501.1

For disposal of property:

1. Complete all sections of the form.
2. Attach: LEA resolution and site plan.

For easement or R.O.W. (over one acre or less than one acre):

1. Complete sections 1, 2, 3, and 6.
2. Attach: LEA resolution and site plan.

For change of name/educational function:

1. Provide new name or new educational function in section 5, Justification.
2. Attach: LEA resolution.

For closure:

1. Complete sections 1, 4, 5 and 7.
2. Attach: LEA resolution.