

21st Century School Facilities Commission

Options for Flexibility in Managing Facilities

Administrative Procedures

The Public School Construction Program's (PSCP) administrative procedures are well defined, however there are several requirements that directly impact the overall duration of school construction projects and consequently increase the overall costs. Listed below are several of these requirements that have historically proven to require significant staff and/or consultant time.

- IAC or its designee review
 - Recommendation: Significant reviews are performed for each project, and on multiple levels from State to Local. It is recommended to allow LEA's with appropriate staff capabilities to certify document compliance and submit to the State for informational purposes only.
- Emergency Power Generation/Emergency Shelter
 - Recommendation: The Maryland Emergency Management Agency (MEMA) currently reviews all projects and issues a recommendation prior to State approval. These recommendations/designations often conflict with local emergency management provisions. Once designated by MEMA, it is a requirement to construct and certify portions of the building to function as a potential emergency shelter with expanded emergency power capabilities. It is recommended that local emergency management agencies have the administrative oversight as it relates to designations and determinations for local public shelters.
- Reporting Requirements
 - Recommendation: Significant staff time is required to comply with reporting requirements associated with Project Close-out and Minority Business Enterprise participation. It is recommended to streamline the process and provide summary reporting to minimize LEA costs.

Procurement Options

- Recommendation: The PSCP administrative procedures outline several methods of procurement contracts and each method requires approval of the State prior to implementation. While several delivery methods are available, the process limits the LEA's ability for strategic flexibility after initial project decisions are made. Unique situations may be addressed by the use of more than one delivery method within the same project. For example, a project could utilize the use of a design-build delivery for the site component of the project, followed by competitive sealed bidding delivery method for general building construction. As the dynamics of the construction market change, so should the LEA's ability for project procurement.

Labor Law Requirements

- Recommendation: Review and revise labor laws and regulations that apply to State-funded school construction projects, including the prevailing wage law and regulations.

Stormwater Management Implementation

- Recommendation: The Stormwater Management Act of 2007 (Act) requires the implementation of environmental site design (ESD) to the maximum extent practicable (MEP). The Act defines ESD as "...using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources." ESD also promotes conserving natural features, drainage patterns, and vegetation; minimizing impervious surfaces; slowing down runoff; and increasing infiltration. The ambiguity associated with this Act has increased design and construction costs as well as increased the timeframe to successfully obtain building permits. It is recommended that a thorough review of the act and implementation guideline be reviewed as it relates to public school construction. Many inconsistencies currently exist between individual reviewing authorities, local jurisdictions, and the State that result in confusion, delay, and increased costs.