

Fiscal Year 2024 Capital Budget
Response to Department of Legislative Services Analysis

**BUDGET AND TAXATION COMMITTEE
SENATE CAPITAL BUDGET SUBCOMMITTEE
CHAIRPERSON, SENATOR CRAIG ZUCKER
March 7, 2023**

**APPROPRIATIONS COMMITTEE
HOUSE CAPITAL BUDGET SUBCOMMITTEE
CHAIRPERSON, DELEGATE MARK CHANG
March 8, 2023**



Class of 2022

Background Information

The Maryland School for the Deaf (MSD) provides educational and developmental services for the State's deaf and hard-of-hearing children and youth. The School, founded in 1867, serves this population through its two campuses located in Frederick and Columbia.

The School's instructional programs operate on a 180-day school year, from September through mid-June. Extended School Year (ESY) programs and enrichment camps are offered at MSD during the summer months. During a school year without COVID, approximately 24% of the students on both campuses reside at the School during the week, returning to their homes on weekends and during school breaks.

MSD's Frederick campus provides a comprehensive elementary/secondary school program, with separate departments for Elementary (pre-K through Grade 5), Middle (Grades 6-8), and High School (Grades 9-12). The Frederick Campus also offers a Career and Technology program, which provides students with career skills, including computer and technical courses. A Special Needs program is also offered at Frederick for students with additional learning and behavioral disabilities.

The Columbia Campus also provides a comprehensive elementary/secondary school program for Elementary and Middle School-age students that includes Special Needs educational programs.

MSD's Family Education and Early Childhood Department (FEECD) works with families of deaf and hard-of-hearing infants and toddlers to develop early language skills for their children. Because the optimum time for language development is from birth to age three, children given early communication training have a much greater opportunity for social and academic development in later years.

Enrollment at MSD is cyclical in nature. FY 2020 and FY 2021 MSD enrollment was slightly below the average enrollment of FY 2019 due to the COVID-19 Pandemic. However, MSD is confident that within a few years the enrollment will again increase. MSD considers size of graduating class when estimating future enrollment. The most difficult variable to estimate when calculating enrollment is admissions to the Family Education and Early Childhood Department. This is because these admissions are based on the number of deaf and hard-of-hearing children born each year.

MSD is requesting funding for the following projects:

High School Boys' and Girls' and Middle School Residences – Frederick Campus

The Maryland School for the Deaf Frederick Campus was originally designed as a residential campus. Currently three buildings house the dormitories on the Frederick Campus, Foxwell-Moylan Hall, Faupel Hall, and Klipp-Redmond Hall. The buildings were built between 1964 and 1973. Each building is built with the same basic design. A fourth building, Barry Hall was demolished to accommodate the new cafeteria building.

The design of the original dormitories is barracks style with open showers where supervision of students is difficult. The dormitories were built at the largest period of residential enrollment of the school and are now over capacity for current enrollment needs. All buildings have the same design and foot print.

The existing dormitory buildings are inadequate by today's standards. The buildings do not meet the requirements of the Americans with Disabilities Act. To be fully ADA compliant, the buildings would need elevators, upgraded doorways, permanent ramps and many other modifications. In addition, these dormitories need to be updated to meet current requirements for fire suppression and sprinklers, and egress from the building. They do not meet requirements for insulation and energy efficiency and need to be upgraded with lighting and energy efficient windows. There is no central air conditioning in the buildings. Some of the rooms have individual window units but the electrical capacity of the buildings will not accommodate a unit in every window. Individual air conditioning units are not energy efficient.

The School has been operating under the existing deficient conditions for the past 20 years, but has made every effort to attain its mission to provide quality educational services, including a safe dormitory environment for its students and staff.

DLS Recommendations and Updates

Approve the general obligation bond authorization for the Maryland School for the Deaf.

Updates

- **Veditz Building:** A total of \$18.8 million was provided through fiscal 2023 for the construction and renovation of the Veditz Building at Maryland School for the Deaf's (MSD) Frederick campus, including \$6.0 million in GO bond authorizations and \$12.8 million in pay-as-you-go general funds. As of last year's CIP, construction was expected to begin in May 2022, and the project was scheduled to be completed by May 2023. However, the construction contract has still not been awarded as of February 2023. MSD advises that bid solicitation is underway with a due date in early March 2023, and construction is now anticipated to last from May 2023 to April 2024.

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- **Columbia Campus Emergency Notification System:** The fiscal 2019 and 2021 capital budgets included a total of \$4.6 million in GO bonds for design and construction of a new visual emergency notification system at MSD's Columbia campus. The project has continued to experience delays due to difficulties with the procurement process, and as of February 2023, the solicitation has not yet been advertised. The Department of General Services (DGS) is in the process of making adjustments to the procurement as required by their assistant Attorney General.

DGS should comment on the reasons for continued delays with the procurements for both the Veditz Building and the Emergency Notification System projects and whether the funding provided for each is still expected to be sufficient given high construction escalation factors. DGS should provide updated cost estimates for each project

Maryland School for the Deaf Response

We concur with the analysis of the Department of Legislative Services

Department of General Services Response

Maryland School for the Deaf, Columbia Campus – Fire Alarm and Mass Notification System

The Maryland School for the Deaf (MSD) Columbia campus Fire Alarm and Mass Notification System (FA/MNS) is following after the first MNS of its kind installed at the MSD Frederick campus. The Frederick FA/MNS was a Design-Bid-Build project using a Baltimore Fire Protection Engineering firm as lead designer. While the FA and MNS systems appear separate entities they are in fact interconnected. The Maryland Office of the State Fire Marshal (FM) has jurisdiction over the FA/MNS and enforces the rule that connection of the MNS to an FA system places the MNS under the same National Fire Protection Association (NFPA) requirements as the FA. The Frederick FA was designed by a Baltimore Fire Protection company while the MNS was designed by a California telecommunications firm. Both the FA and MNS firms were subcontractors to a Virginia General Contractor (GC). It took an extended period of time for the FM to approve the Frederick FA/MNS installation due to protracted issues between the designers, both subcontractors and the GC all refusing to take responsibility for the system non-compliance. Legal action by the Maryland Attorney General (AG) was initiated but not undertaken as a settlement was reached and the FA/MNS was modified and accepted by the FM.

The Department of General Services (DGS) determined the Columbia FA/MNS would be better procured as a Design-Build project to create a single point of responsibility. Design-Build is not the typical method of State Procurement and is sparsely used by DGS mostly on

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State/Federal funded projects for the Military Department. Design-Build bid documents for a completed Readiness Center were adapted for use in procuring the FA/MNS. This package was submitted for review. During this time period not only did the Pandemic occur interrupting normal functions but concurrently the Office of State Procurement made major revisions to the processes of Construction contracting. Like all State agencies there were numerous changes in staff also happening. The Office of Procurement began reformatting the Design-Build to the new standards leaving little of the previous bid documents relevant. The reformatted bid documents have also been modified as both the DGS General Conditions for Construction and Procedure Manual for Professional Services have undergone concurrent revisions. Currently the AG is performing an additional review of the revised Request for Bids. The above-noted events have resulted in significant delays due to pandemic related business impacts, staffing changes, and tangential impacts from revisions to other internal DGS processes and procedures, thus resulting in multiple reviews of various versions of the proposed RFP over an extended period of time.

The Columbia Campus Mass Notification System is a design-build procurement. It is still in the procurement department at the Department of General Services. Therefore, there is no revised Cost Estimated Worksheet and the most recent one was done in 2020. However, we should apply an inflation factor of 10% per year to this estimate given the on-going market conditions and, taking into account, the complexity of a project of this nature. That would escalate the estimate from \$4.6M to \$5.75M

The Maryland School for the Deaf, Frederick Campus – Veditz Renovation Project

The Veditz renovation project has been on eMMA for construction bid solicitation since February 2, 2023. The bid due date is March 21, 2023. Securing commissioning services, Health Department approval, and the State Fire Marshal design review contributed to the delay of the advertisement of the construction bid. Construction is expected to start in May 2023 instead of Jan 2023, a 4 months delay versus the Cost Estimated Worksheet dated October 24, 2022.