

SECTION 4 - FACILITY PROGRAM

Relevant Law –

- Annotated Code of Maryland, State Finance and Procurement Article, Title 3 Budget and Management, Subtitle 6, Capital Program, Chapter 3 Capital Program, Section 602 Capital Projects, Law 3-602(d) Preliminary planning program; design program
- Annotated Code of Maryland, State Finance and Procurement Article, Title 3 Budget and Management, Subtitle 6, Capital Program, Chapter 3 Capital Program, Section 602 Capital Projects, Law 3-602(e) Changes - Except with the approval of the Secretary of Budget and Management and the Secretary of General Services, no change may be made in any proposed capital project after the preliminary plan for that project has been completed and approved.

Relevant Regulation –

- Code of Maryland Regulations (COMAR), Title 13B Maryland Higher Education Commission, Subtitle 07 Community Colleges, Chapter 4 Construction Procedures, Regulation 01 College Facilities

Critical Due Dates –

- Part I and Part II Programs are due no later than May 1 of the year prior to the project budget submission

4.01 INTRODUCTION

Section 3-602(d) of the State Finance and Procurement Article of the Annotated Code of Maryland requires that before an appropriation may be authorized for a capital project, the unit of State government requesting the appropriation shall submit a facility program justifying the project and describing, in detail, the scope and purpose of the project.

The comprehensiveness of a facility program will depend upon the nature and magnitude of the project under consideration. The Maryland Department of Budget and Management and the Maryland Department of General Services jointly produce a *Facility Program Manual* (revised September 2003), quoted here, which identifies the information which is required for a program submission, regardless of the complexity of the requested project. The *Facility Program Manual* is in Section 14 Attachments. Alternately, the PDF is available at the DBM web site www.dbm.state.maryland.gov

Outlines or programs which provide only a general overview of a project are not acceptable. A clear and detailed description of the proposed project is required, as ambiguities will delay the review process by causing time-consuming revisions and rewrites. **The *Facility Program Manual* is incorporated by reference so only a summary of the information required is included in this section.** It is essential that the *Facility Program Manual* be followed to ensure a complete and comprehensive program.

Recommended suggestions on the contents of the *Facility Program Manual* should be forwarded to:

Suggestions on Part I: Maryland Department of Budget and Management
Deputy Director, Office of Capital Budgeting
301 West Preston Street, Room 1209
Baltimore MD 21201-2365
Phone: 410-767-4530
Fax: 410-767-4169

Suggestions on Part II: Maryland Department of General Services
Chief, Project Cost Center
State Office Building Suite 1402
301 West Preston Street
Baltimore MD 21201-2365
Phone: 410-767-4397
Fax: 410-333-7003

4.02 OVERVIEW

A. DEFINITION OF THE PROGRAM

A facility program is a document that provides the justification for a capital project; defines and explains the scope of work; and provides detailed requirements for the project design.

A facility program consists of two parts. **Part I** includes the justification for the project, and the description and explanation of the scope of work. **Part II** includes the additional details needed to procure architectural and engineering services and to provide detailed guidance in creating the project design.

B. PART I PROGRAM

1. Provides a planning tool for use by the State agency in developing solutions to operational and service problems as well as facilities deficiencies.
2. Sets forth a framework for analyzing existing conditions and trends to assist in establishing the project justification and scope.
3. Identifies the project site.
4. Provides the parameters for developing a preliminary cost estimate and a request for funding in the State capital improvement program.
5. Serves as the focus of review of the project by the State agencies involved in the preparation of the State capital improvement program.

C. PART II PROGRAM

1. Establishes the site boundaries for the project.
2. Delineates architectural, engineering, and planning objectives to be considered during design.
3. Identifies applicable construction codes, design standards, and permits, as well as methods and practices required by the user.
4. Provides the basis for a detailed cost estimate for use in the State capital budget and capital improvement program.
5. With respect to building projects, Part II also:
 - Details the required space allocations in the facility, based on functional requirements.
 - Describes the functional use, requirements, and general performance standards for each space.
 - Presents graphically the desired functional relationships between spaces.

4.03 PREPARATION AND SUBMISSION REQUIREMENTS

- A. The facility program should be prepared in two parts, as defined previously. As a rule, the using agency should complete Part I and submit it to the State review agencies before initiating work on Part II. This two-step program preparation process is intended to expedite program reviews and reduce the time and effort required for developing the Part II submission. If the State review agencies request changes to the project as a result of the Part I review, those changes can be incorporated into the initial draft of Part II. However, the using agency may prepare and submit Part I and Part II together if it finds doing so would be more convenient.
- B. Agency personnel should prepare the facility program whenever practical. For large and complicated projects, retention of a program consultant with expertise in the type of project being requested is advisable. Use of such consultants reduces the likelihood and cost of making significant changes to the project after design has begun. Regardless of whether a consultant is used, the costs associated with preparation of a facility program should not be funded from State capital funds.
- C. Part I of the program must be submitted by September 1st of the calendar year in which the using agency initially submits a request to include the project in the State's five-year capital improvement program.¹ Part I must be accompanied by a completed copy of each of the following forms, unless a current copy was previously submitted:
 - 1. Cost Estimate Worksheet, **and a statement of the assumptions on which the cost estimate is based.**
 - 2. Environmental Assessment Form
 - 3. Project Consistency Report
 - 4. Net Effect on Agency's Operating Budget
- D. Part II must be submitted by May 1st of the calendar year in which a request for design funds will be submitted for inclusion in the next Capital Budget.¹
- E. If a Part I document was not submitted prior to the due date for the Part II, then both Part I and Part II should be submitted together.
- F. The letter of transmittal for either or both documents should be addressed to the Department of Budget and Management (DBM), with a copy to the Department of General Services (DGS), and the Maryland Higher Education Commission (MHEC) and should include the following:
 - 1. Title of project
 - 2. Project number (assigned by MHEC)
 - 3. List of attachments
 - 4. Name and telephone number of contact person

- G. The Part I & II program and attachments should be sent in binders to:

One Copy to: Finance Policy Analyst for Community Colleges
Maryland Higher Education Commission
839 Bestgate Road Suite 400
Annapolis MD 21401-3013

One Copy to: Capital Budget Analyst for Community Colleges
Department of Budget and Management
301 West Preston Street Suite 1209
Baltimore MD 21201-2365

Two Copies to: Program Administrator for Community Colleges
Department of General Services
301 West Preston Street Suite 1207
Baltimore MD 21201-2365

4.04 APPROVAL AND POST-APPROVAL REQUIREMENTS

- A. **Both Part I and Part II of the program must be approved by the Department of Budget and Management (DBM), and Part II by the Department of General Services (DGS) if that agency is to procure a design consultant for the project, before the selection process for the design consultant can be initiated.**
- B. Part II is the document used in the design consultant selection process. It is therefore important that Part II include a summary of the justification and goals for the project, as required by the instructions for Part II, in order to help the design consultant understand what the project is intended to accomplish.
- C. Ten copies of the final Part II document should be submitted to DGS if DGS is responsible for procuring the design consultant, and one copy to DBM if DBM's approval of the program was contingent on revisions being made to the document. Note that this item does not apply to community colleges.
- D. **Section 3-602(e) of the State Finance and Procurement Article of the Annotated Code of Maryland specifies that except with the approval of the Secretary of Budget and Management and the Secretary of General Services, no change may be made in any proposed capital project after the program for that project has been completed and approved.** A program change is generally defined as a change which significantly alters the characteristics of the project and:
1. involves work not addressed in the program;
 2. is inconsistent with the original language of the program; or

3. adds significant cost to the project in a manner not foreseen when the program was first approved.

The addition or deletion of a room or space constitutes a program change as defined in items 1 and 2 above. The term “significant cost” in item 3 is defined as an increase or decrease in cost which equals or exceeds 5% of the project cost.

- E. To secure approval of a change to a facility program, an agency may either request the change in a separate letter to the Departments at the addresses specified on page 1, or include a request for the change in the transmittal of design documents for review by the two Departments. The request should describe the change, state the reason it is being requested, and provide the estimated cost.
- F. Notification of program changes must also be sent to the budget committees of the General Assembly if the changes cause an increase in project cost of 7.5% or more, or an increase in project gross square footage of 5% or more. In such cases, after obtaining approval of the changes from the aforementioned Departments, the agency should seek the approval of the budget committees by writing a letter similar to that described in Paragraph E above to the Chairs of the House Appropriations and Senate Budget and Taxation Committees.

COMMUNITY COLLEGE GRANT PROJECT PROCESS OVERVIEW

