

## **SECTION 4 - FACILITY PROGRAM**

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### **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:
  - For projects first requesting design funding in the Fiscal Year 2024 budget cycle, no later than May 1, 2022
  - For projects first requesting design funding in the Fiscal Year 2025 budget cycle, no later than February 1, 2023
  - For projects first requesting design funding in the Fiscal Year 2026 budget cycle, no later than December 29, 2023
  - For projects first requesting design funding in the Fiscal Year 2027 budget cycle, no later than March 1, 2024
  - For projects first requesting design funding in any Fiscal Year thereafter, no later than March 1<sup>st</sup> of the calendar year prior to the year in which a request for design funds will be submitted for inclusion in the next Capital Budget (i.e. 16 months before the budget request is due)

## 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 July 2017), 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 available at the DBM web site: [Facility Program Manual \(maryland.gov\)](http://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  
Assistant Director, Office of Capital Budgeting  
301 West Preston Street, Room 1209  
Baltimore MD 21201-2365  
Phone: 410-767-4530  
E-mail: To current analyst as directed

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  
E-mail: [dgs.collegesubmissions@maryland.gov](mailto:dgs.collegesubmissions@maryland.gov)

## 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. Except as indicated on Page 4-1 above, Part I of the program should be submitted no later than March 1<sup>st</sup> of the calendar year prior to the year in which a request for design funds will be submitted for inclusion in the next Capital Budget (i.e. 16 months before the budget request is due). 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. Project Impact Statement (MS Word) and Impact Table (MS Excel)
  - 3. Environmental Assessment Form
  - 4. Project Consistency Report
  - 5. Net Effect on Agency's Operating Budget
- D. Except as indicated on Page 4-1 above, Part II must be submitted no later than March 1<sup>st</sup> of the calendar year prior to the year in which a request for design funds will be submitted for inclusion in the next Capital Budget (i.e. 16 months before the budget request is due).
- 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 e-mailed 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. List of attachments
  3. Name and telephone number of contact person
- G. The Part I & II program and attachments should be sent (one digital copy each, no hard copies) to:

Finance Policy Analyst for Community Colleges  
Maryland Higher Education Commission  
6 N. Liberty Street, 10<sup>th</sup> Floor  
Baltimore, MD 21201  
E-mail: To current analyst as directed

Capital Budget Analyst for Community Colleges  
Department of Budget and Management  
301 West Preston Street Suite 1209  
Baltimore, MD 21201-2365  
E-mail: To current analyst as directed

Program Manager for Community Colleges  
Department of General Services  
301 West Preston Street Suite 1405  
Baltimore, MD 21201-2365  
E-mail: [dgs.collegesubmissions@maryland.gov](mailto:dgs.collegesubmissions@maryland.gov)

#### **4.04 APPROVAL AND POST-APPROVAL REQUIREMENTS**

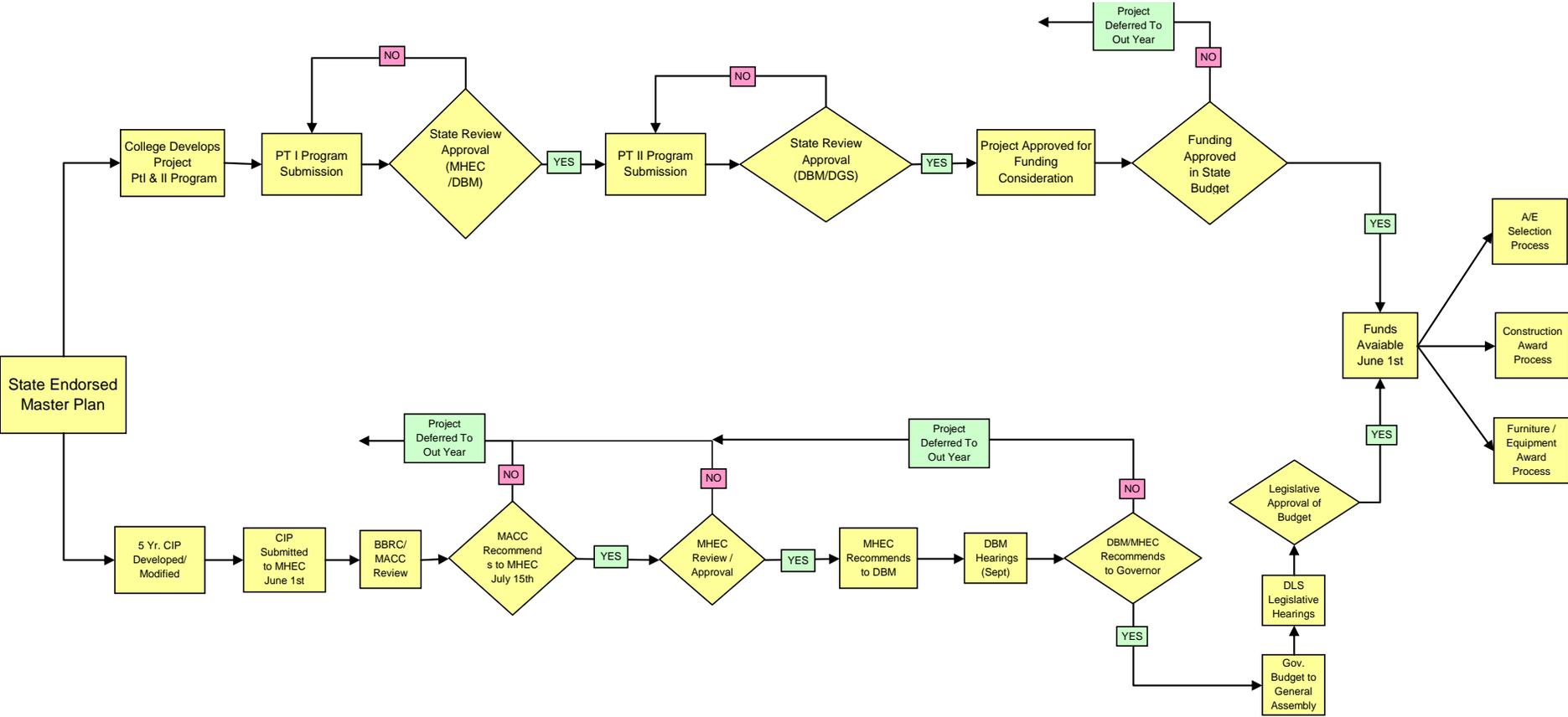
- A. **Both Part I and Part II of the program must be approved by the Department of Budget and Management (DBM), and Part II by the Department of General Services (DGS) before the selection process for the design consultant can be initiated.**
- B. Part II is the document used in the design consultant 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. **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.

- D. To secure approval of a change to a facility program, an agency may either request the change in a separate letter e-mailed to the Departments at the addresses specified above, 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.
- E. 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 D above to the Chairs of the House Appropriations and Senate Budget and Taxation Committees.

# COMMUNITY COLLEGE CONSTRUCTION GRANT PROGRAM PROCESS OVERVIEW



**Part I/II & CIP Approval Process  
Community College Capital Grant Program**

