

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2020 Legislative Session

Resolutoin No. CR-100-2020

Proposed by The Council Chair (by request – County Executive)

Introduced by Council Members Turner, Streeter, Franklin, Hawkins, Harrison, Glaros,
Davis and Taveras

Date of Introduction October 6, 2020

RESOLUTION

1 A RESOLUTION concerning

2 Contract Approvals

3 For the purpose of approving a multi-year Memorandum of Understanding (MOU) to clearly
4 allocate the County’s and Prince George’s County Public Schools’ (PGCPS) roles, rights and
5 responsibilities with respect to funding and oversight for the PGCPS Public-Private Partnership
6 for the design, construction, financing and maintenance of County Public Schools (Project).

7 WHEREAS, pursuant to Section 819 of the Charter for Prince George's County,
8 Maryland, the County Council must approve, by resolution, all multi-year contracts exceeding an
9 aggregate of five hundred thousand dollars (\$500,000.00); and

10 WHEREAS, pursuant to Section 819 of the Charter for Prince George’s County,
11 Maryland, no agency of the County government shall, during any fiscal year, expend any money
12 or incur any liability in excess of the amounts appropriated and no such payment shall be made
13 nor any obligation or liability incurred, except for purchases in an amount to be fixed by
14 legislative act; and

15 WHEREAS, the approved 20-year *Educational Facilities Master Plan* (as amended in
16 FY 2019) establishes the Blueprint for PGCPS to ensure adequate educational facilities are
17 provided to meet the needs of PGCPS’ 134,000 students and nearly 22,000 full- and part-time
18 employees, adopting the use of alternative construction financing to deliver school facilities in
19 the timeliest and most cost-effective manner possible, while guaranteeing life cycle asset
20 performance; and

21 WHEREAS, to advance consideration of alternative construction financing options, in
22 May 2018, the County Council approved Resolution No. CR-33-2018 establishing a P3

1 Alternative Financing School Infrastructure Work Group (Work Group) for the purpose of
2 supporting, encouraging, and establishing a work group to explore a Public-Private Partnership
3 Alternative Financing School Infrastructure Program for public school construction and
4 replacement projects in the County; and

5 WHEREAS, the Work Group is comprised of representatives from the County
6 Executive's office, the County Council, the Board of Education and PGcps; and

7 WHEREAS, the Work Group engaged external advisors and independent experts to
8 undertake due diligence and evaluate a wide spectrum of potential finance and delivery options,
9 concluding that the delivery of a bundle of 5-7 schools under a design-build-finance-maintain or
10 a design-build-finance-operate-maintain structure could potentially accelerate the delivery of
11 critical new infrastructure from 17 years to 3 years, while likewise reducing costs and
12 guaranteeing that the schools would meet prescribed performance standards over a designated
13 term; and

14 WHEREAS, PGcps, with the support of the Work Group, issued Request for
15 Qualifications No. DCP19-24, Public-Private Partnerships for the Design, Construction,
16 Financing and Maintenance of Prince George's County Public School Alternative Construction
17 Financing Package 1 on May 30, 2019 (as amended, RFQ); and

18 WHEREAS, on July 15, 2019, respondents submitted Statements of Qualifications; and

19 WHEREAS, on September 19, 2019, the Board of Education passed a resolution
20 accepting the Chief Executive Officer's recommendation to procure six to eight middle and/or
21 K-8 schools as "Alternative Construction Financing Package 1"; and

22 WHEREAS, on November 20, 2019, PGcps, with the support of the Work Group, issued
23 Request for Proposals No. DCP19-24A, Public-Private Partnerships for the Design,
24 Construction, Financing, and Maintenance of Prince George's County Public Schools Alternative
25 Construction Financing Package 1 Schools (as amended, RFP) to those respondents that were
26 short-listed from the RFQ; and

27 WHEREAS, the selected proponent under the RFP (Developer) will enter into a public-
28 private partnership agreement (P3 Agreement) with PGcps; and

29 WHEREAS, the County and PGcps have confirmed the essentiality of the Project to
30 meet their collective public mission of educating children and have estimated that the Project
31 will have the impact of serving 10,000 children in the County; and

1 WHEREAS, PGCPs and the County desire to enter into the MOU to allocate the roles,
2 rights, and responsibilities with respect to the funding and oversight for the P3 Program.

3 NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's
4 County, Maryland, that the MOU substantially in the form attached hereto as "Attachment A" is
5 hereby approved, pursuant to Section 819 of the Charter.

6 BE IT FURTHER RESOLVED that any payments to be made by or on behalf of the
7 County pursuant to the MOU approved herein shall be subject to annual appropriation in each
8 year by the County and the County shall be under no obligation to make such payments.
9 Amounts payable by or on behalf of the County pursuant to the contracts approved herein shall
10 not be general obligations of the County and shall never constitute an indebtedness of the County
11 within the meaning of any constitutional or charter provision or statutory limitation or a charge
12 against the general credit or taxing powers of the County.

13 BE IT FURTHER RESOLVED that this Resolution shall become effective as of the date
14 of its adoption.

Adopted this 20th day of October, 2020.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Todd M. Turner
Council Chair

ATTEST:

Donna J. Brown
Clerk of the Council

APPROVED:

Date: _____

BY: _____
Angela D. Alsobrooks
County Executive

**ATTACHMENT A
(PGCPS P3 MOU)**