

14 March 2022

The Honorable Paul Pinsky
Education Health and Environmental Affairs Committee
2 West
Miller Senate Office Building
Annapolis, Maryland 21401

Re: Letter of Concern for SB 0916
Workgroup to Study the Fiscal and Operational Viability of Public-Private Partnerships
for Charles County Public Schools

Dear Chairman Pinsky and members of the EHEA Committee:

I am writing to voice AIA Maryland's opinions regarding Senate Bill 0916. We are writing to express support, raise concerns, and suggest amendments to various aspects of the bill. AIA Maryland represents nearly 2,000 architects in the state of Maryland and advocates for the profession and the quality of the built environment. We are architects and we have an important role in project planning, design, and implementation of educational facilities,

We support establishing a workgroup to study the fiscal and operational viability of public-private partnerships for Charles County Public Schools and we have an interest in the committee's task to make recommendations regarding implementation of a public-private partnership by Charles County Public Schools.

Architect Member of the Workgroup

Our leadership with the assistance of our advocate, Joe Miedusiewski, has suggested that bill be amended to add an Architect to the working group. We believe an architect can provide insight and big picture assistance to the workgroup given our unique position as planners, designers and architects for learning institutions throughout the state.

We have other concerns about public-private partnerships, listed below.

The Public-Private Partnership process does not require a Qualifications Based Selection of the design firm member of the project team.

Owners may elect to follow a one-step process, which would result in selecting the design-builder solely on the basis of price in lieu of using a qualifications-based selection (QBS) process to determine and select a qualified architect / design and construct team. In some situations, design firms that have prior successful experiences working with selected construction contractors may be better positioned to negotiate reasonable fees and fair contract terms regardless of their design qualifications for the project.

Conflicting Culture for Architect / Design team member

Architects and builders have to adapt their relationships to succeed on design-build projects. Architects who are accustomed to serving first and foremost the needs of the owner may find it difficult to redirect that allegiance to the builder. The public-private partnership may dictate that the architect/designer's client is the general contractor team member, instead of the end user - school system. The concern of this shift is that the focus of design to improve education outcomes may be outweighed by the focus on simply getting the project built.

Architect / Design Work Performed by Maryland Architects

Prince George's County has begun pursuit of six schools using the public-private partnership method. The public-private partnership process allows the contractor to determine their consultants. The architectural firm contracted for design on those projects in Prince George's County has a Corporate HQ in Edmonton Canada and three offices in Maryland. However, their website focuses on their engineering capacity in these locations with limited mention of their architectural component and capabilities. It is unclear how much of this public-private partnership design work is being completed by Maryland architects. There is a large scope of work to design and provide construction phase services for 6 new schools. Similarly, there is significant engineering scope and this work is often tied to the architect and much of this work also might be outsourced to design professionals outside the state.

We support a system where architects, engineers and designers living, working in Maryland and supporting other Marylanders be employed on school projects for our Maryland residents and their children. We want public-private partnership projects to support Maryland architects, engineers and designers.

Education Outcomes

This bill misses an important focus - school construction bills should also include goals to account for and improve education outcomes for Maryland students. Many studies have shown that the built environments in which we learn can impact education outcomes. We must maintain that primary goal.

AIA Maryland supports appropriate, economical and meaningful means to improve the quality of Maryland's public schools.

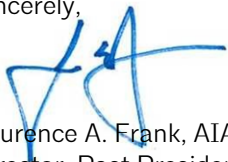
Public-Private Partnerships in Other Places

Other countries such as Great Britain, Australia and Canada, have studied this approach extensively. Canada, for instance, implemented P3s in certain provinces. Several years ago, there was enough public discontent in Nova Scotia that they began buying out these agreements. These countries' experience also suggests that unless multiple schools are bundled in one contract, the size of most school projects is not sufficient to justify the expense of setting up a P3 partnership.

Moving Forward

AIA Maryland and its membership encourage steps to improve the quality of Maryland's built environment. While we maintain concerns about P3s and their capacity to build schools in Maryland, we do not object to enabling school facility authorities to explore them as an option. We believe that the focus of this bill should be expanded to include greater consideration for improving learning outcomes and address the concerns we note above.

Sincerely,



Laurence A. Frank, AIA
Director, Past President