

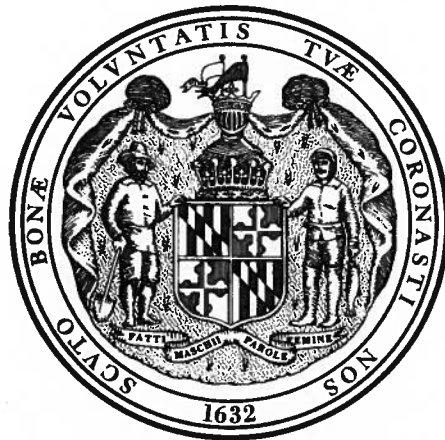
ADMINISTRATIVE PROCEDURES

FY 2012

QUALIFIED ZONE ACADEMY BOND PROGRAM

STATE OF MARYLAND
PUBLIC SCHOOL CONSTRUCTION PROGRAM

May 2011



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QUALIFIED ZONE ACADEMY BOND ADMINISTRATIVE PROCEDURES

Purpose

The Qualified Zone Academy Bond (QZAB) Program authorized by the federal government will enable the State of Maryland to sell bonds and allocate the proceeds to public school systems for capital improvements at eligible public school buildings. These funds can be used for capital improvements, repairs, and deferred maintenance work for existing public school buildings. These funds may not be used to construct new public schools or to build additions to existing public schools.

Background

The Program was initially established within the Tax Payer Relief Act of 1997¹ with funding first being available the following year. Allocations were and continue to be made based on each state's percentage of the population below the poverty line as defined by the Office of Management and Budget. The Program is temporary and subject to reauthorization, the most recent being under the Tax Relief, Unemployment Insurance Reauthorization and Job Creation Act of 2010. Congress initially authorized \$400 million annually for the Program through 2008. Years 2009 and 2010 received an additional \$1.4 billion each as part of the 2009 economic stimulus package, the American Recovery and Reinvestment Act. Nationwide funding for 2011 returned to \$400 million.

The State of Maryland has participated in the Qualified Zone Academy Bonds Program since 2000.² Bonds sold through 2009 under the Program require the issuer to repay the principal only and, when applicable, supplemental interest with the bondholder receiving a federal tax credit instead of interest until the bond matures. As a result of federal legislation and for a limited time, QZAB issuers were given the option of selling QZABs as bonds bearing taxable interest, rather than as tax-credit bonds, and receiving 100% interest subsidy payments from the U.S. Treasury. Beginning with the CY 2010 issuance and going forward, the State issues taxable QZABs and receives a 100% interest subsidy. QZABs issued in CY 2013 and thereafter will revert to tax-credit bonds.

The State recognized the advantages of participating in this program early on, noting that there were at the time over 600 schools in 23 of 24 school districts that would qualify as a "qualified zone academy" under the federal definition. There were unmet capital improvement needs in all eligible school systems which could benefit from the availability of these resources. The State also gave consideration to allowing the local school districts to sell the bonds themselves. In deciding to be the issuer, the State recognized several benefits:

¹ Public Law No. 105-34, 111 Stat. 821, 26 USC 1397 E

² Maryland's QZAB history of authorization and legislation, Senate/House bills, and chapter and year of Maryland Law:
\$9,828,000 for 1998/1999, SB894, Chapter 322, 2000
\$8,270,000 for 2000/2001, SB288, Chapter 139, 2001
\$9,043,000 for 2002/2003, SB7, Chapter 55, 2003
\$9,364,000 for 2004/2005, HB 1325, Chapter 431, 2005
\$11,126,000 for 2006/2007, SB986, Chapter 585, 2007
\$4,543,000 for 2008, HB171, Chapter 523, 2010
\$15,902,000 for 2009, HB86, Chapter 96, 2011

- The sale of the bonds by a local jurisdiction with a limited number of schools would be cost prohibitive in relationship to the funds that would be utilized for the capital improvements.
- The State, with its AAA bond rating, would have a better chance of obtaining the maximum amount of proceeds without discounting the face value of the bonds.
- The State's greater resources would make the sale and repayment processes less onerous than would be otherwise for local governments.

Allocations

In previous years, QZAB allocations were based on each school district's proportion of pre-1970 building area that had not been renovated and its percentage of students eligible for free and reduced-price meals. This formulaic approach resulted in under-allocation to school systems that had projects requiring funds larger than the formula permitted. Further, it led to over-allocation of funds to certain school systems that did not have the administrative capacity to manage the difficult QZAB requirements, thus causing delays in expending the QZAB funds. As a result, a revised method of allocation has been devised for the FY 2012 QZAB authorization:

- Firstly, projects for schools identified by the Maryland State Department of Education as Breakthrough Center Schools are assessed on a non-competitive basis. These are low-performing schools that receive a concentrated focus of State assistance in order to avoid restructuring under the federal No Child Left Behind law.
- The balance of available funds is allocated on a competitive basis, involving assessment of project priority, scope and eligibility, while satisfying the federal QZAB project criteria.

This new approach should permit a more equitable distribution of funds based on real need, and should allow the funds to be fully expended within the stringent federally mandated timelines that were instituted in 2008. For fiscal year 2012 it is anticipated that the State Board of Public Works will approve the distribution of the \$15.9 million as specific allocations for each eligible school system on July 6, 2011. Allocations per school system — Local Education Agency (LEA) — are shown in Attachment I.

In authorizing the FY 2012 QZAB funds, the General Assembly specifically indicated that charter schools are eligible for project funding. LEAs are asked to give consideration to charter schools that may wish to apply for these funds in FY 2012, and to anticipate such requests for an authorization of funds of approximately comparable amount in FY 2013.

Funds will be made available for projects that receive State approval beginning on July 1, 2011. Projects must be submitted for review and approval to assure eligibility and fulfillment of the QZAB Program requirements. Funds may be used only for approved capital improvements at eligible schools and only up to the limit of the allocation. However, the school system may provide additional funds necessary to complete the project or to increase the scope of work.

State funds provided under this program do not require local matching funds. There is, however, a federal requirement for private sector contributions to equal at least 10% of the project's allocation. This subject is discussed in detail below. The State/Local shared cost formula utilized for other State-funded public school construction is not applicable.

Projects Eligibility

For a project to be eligible under the QZAB Program, the school must be located in a federal Empowerment Zone or Enterprise Community, or the school system must have the reasonable expectation that at the time of application and for at least one-year thereafter, the school will have

35% or more of the student body eligible for the free and reduced-price meals program under the National School Lunch Act.

Another eligibility factor requires schools to offer programs that have been designed in cooperation with the business sector. Many Maryland schools have done this with the goal of enhancing the curriculum, increasing graduation and employment rates, and better preparing students for the rigors of college and an increasingly complex workforce. Some of the programs that are the product of the cooperation, participation, and involvement of the business sector are:

- High Schools That Work
- Maryland Career Cluster Frameworks: Career and Technical Education
- Public School Standards
- Graduation Requirements for Maryland Public High Schools
- Maryland Common Core Curriculum
- Maryland Plan for Technology in Education

In general, eligible projects and expenditures are for capital improvements, repairs, rehabilitation, or deferred maintenance

Projects must be selected that fall within the QZAB Program guidelines. Attachment II provides a listing of the types and categories of projects that would be considered eligible for State funding under the QZAB Program. Other projects that are not listed may be considered but should be discussed with the QZAB Program Administrator prior to making a submission. A project is defined as a distinct type or category of work in a single school building. *The minimum amount of State funding that may be requested for one project is \$30,000.* There is no limit on the maximum project cost; however, State funding may not exceed the total allocation approved for the school system.

Elementary schools, middle schools and high schools – including charter schools – career and technology centers and special education facilities that meet the QZAB requirements are eligible for funding under the QZAB Program. Charter schools need not be located in publicly-owned buildings, but if leased, the lease cannot expire before the bonds mature. If a charter school fails, the bonds allocated to that charter school will be called prematurely.

Requests should be submitted for projects that will make improvements (as noted above) to the schools, portions of schools, or components in a school that are at least 15 years of age. A school system may submit a request for a project that is less than 15 years of age if there are no other potential projects that would otherwise be eligible at the designated school or at another eligible school in the school system. In no instance will QZAB funds be approved for a project wherein the school and its relevant components are not at least five years old. Schools that have less than a 60% utilization rate will require documentation supporting the need for the project. Projects at schools that are 50 years old or older may be subject to review by the Maryland Historical Trust.

Ineligible Projects and Expenditures

Ineligible projects and expenditures are basically the same as those specified in COMAR 23.03.02.12 *Regulations on the Administration of the Public School Construction Program, Ineligible Expenditures*. Attachment III provides a listing of ineligible items. With respect to Item (L), while routine maintenance is ineligible, deferred maintenance is eligible. Projects funded through the QZAB Program are eligible for State funding under subsection 19 *Aging Schools Program, C(2) Funding*.

In addition, the following are also ineligible projects/expenditures:

- The use of QZAB funds for the local share of a State-funded school construction project
- Salaries of board of education or county government employees
- Project management or inspection fees
- Projects or improvements to property owned by a board of education that is not used by public school students
- Improvements to or the movement of movable classroom buildings
- Renovations that include additions to the existing building (unless the renovations are under a separate contract)
- New schools or additions to existing school buildings

State QZAB funds may not be utilized to increase the State share of a major renovation project above the otherwise eligible scope and the maximum State construction allocation. They may not be used to supplement an approved State allocation for a systematic renovation or an Aging School Program project.

Required Project Approvals

The Application

An application must be submitted for each eligible school project via the Internet using PSC/QZAB Form 1.1-R. This form shall be completed and provide the following information:

1. How the public school qualifies as a QZAB school.
2. A summary of the types of qualified private entity contributions that will be provided to match at least 10% of the amount of QZAB funds requested.
3. A description of the type of project, age of the building area or component and scope of the work proposed.
4. The schedule for the project.
5. The estimated cost, including local funds if required.
6. The amount of QZAB funds requested.

Projects must be approved and assigned a PSC/QZAB number before proceeding into bidding and construction. After a project is assigned a PSC/QZAB number, there are certain requirements for the submission of plans and specifications and approvals prior to bidding that are identified in Attachment II. There are also requirements for the approval of the award of contracts of \$100,000 or more that must be met to assure continued eligibility for State funding under the QZAB Program.

Matching Funds Contributions

The school system shall submit a letter of assurance for the contributions or services that each business or private sector entity will donate to the school that, in total, are equal to at least 10% present value of the QZAB funds requested. These contributions may be made to the school throughout the life of the bonds. The contributions are eligible for the standard tax deduction by the business. The 10% contributions are not considered part of the State allocation, and will not be considered in meeting the \$30,000 minimum funding request. In-kind contributions are eligible, and the reasonable value of such contributions is to be determined by the private sector contributor and approved by the school system's superintendent of schools. Contributions made to the school system as a whole or to a group of schools may be pro-rated based upon student participation in the activity or benefits to the teachers from the activity or service. This includes workshops for educators and students, providing they are pro-rated. No federal, state or local government entities can contribute to fulfill the 10% requirement. However, booster clubs, Parent-Teacher Associations, and community groups are eligible contributors. Contributions must be at the school where the project is occurring. A private sector business or organization may contribute in one or more of these categories:

- Technical Assistance (including teacher training and curriculum development)
- Services of Donor's Employees (volunteers as mentors)
- Opportunities for students of academy (internships or field trips)
- Equipment for use in the Qualified Zone Academy
- Other (property or services and cash)

Contributions shall be made only after the approval of the project by the State. No contribution received prior to State approval will be applied to the ten percent contribution requirement. In addition to the summary of the types of contributions to be made for the specific project on PSC/QZAB Form 1.1-R, assurance letters from each contributor must be submitted describing the intended contribution of the private entity. Each letter must state what is being donated, over what period of time, and that the contribution is to be applied to the QZAB requirement. If a contributor is unable to fulfill their obligation, the local school system must find a substitute contributor to satisfy the ten-percent requirement.

Summary of QZAB Project Requests

In addition to submitting the project application PSC/QZAB Form 1.1-R, the school system must complete, sign and mail PSC/QZAB Form 1.2, *Summary of QZAB Project Requests/Assurance*. Projects should be listed in order of their priority. The original Form 1.2 should be accompanied by copies sufficient to equal the number of projects listed. Thus, if 5 projects are listed, 4 copies should be submitted in addition to the original. This form will be reviewed for approval by the State to document the school system's assurance of a) the eligibility of the school, b) the eligibility of the project, as requested, and c) the private sector contribution for at least 10% of the QZAB project cost. The corresponding private sector contribution assurance letters should be attached to the respective Form 1.2 for each project and for which there is written assurance. The superintendent's signature on PSC/QZAB Form 1.2 attesting to the submission and the details of the specific projects submitted (in electronic format on PSC/QZAB Form 1.1-R), provides the assurance that the school system recognizes the QZAB requirements and that they will comply with the statements and requirements.

Schedule for Private Sector Contributions

Private sector matching contributions are required to equal at least 10% present value of the QZAB allocated per project. A schedule for receiving the matching contributions must be submitted on PSC/QZAB Form 1.2-A. On this form, the schedule for receipt of contributions should be by month rather than by specific date. To calculate the present value of the contribution, multiply the face value by the Monthly Present Value Multiplier supplied on the reverse side of PSC/QZAB Form 1.2-A. The present value of the contributions must equal at least the required 10% of the QZAB allocation. This schedule should be an accurate estimate, but if circumstances were to change, the PSC/QZAB Form 1.3-R, *QZAB Private Entity Contribution Tracking Form* will reflect the new contributors, contributions and dates of contribution.

Educational Program Compliance

As discussed above, all projects require prior private sector involvement with that school. For each QZAB project, a list shall be submitted detailing the prior private sector involvement in the school's curriculum development. Various State programs fulfill this requirement and most schools are currently utilizing them. To satisfy the requirement for each project, implemented State or Local programs shall be listed on PSC/QZ Form 1.4, *Educational Program Compliance*. If a listed program is not from the list of State programs, the school system will be required to submit a Program Description. This form is available upon request from Ms. Kimberly Spivey (see address below). The Program Description details the nature of the program including the private sector involvement and effects on the curriculum. Members of the PSCP staff will review the description to determine if the Program Description satisfies the requirement. At least three programs need to be listed on PSC/QZ Form 1.4 to fulfill the requirement.

Application Schedule and Approval

Applications may be submitted for QZAB project approval starting March 16, 2011. **The last date for the submission of an application is April 1, 2011** to access the funds anticipated to be approved for each school system by the Board of Public Works on July 6, 2011. Any project submitted after that date will not be eligible for funding under the QZAB Program. For an application to be considered complete and ready to proceed to processing for approval, the following need to be completely and accurately submitted:

1. PSC/QZAB Form 1.1-R.
2. PSC/QZAB Form 1.2 with private sector contributor assurance letter.
3. PSC/QZAB Form 1.2-A.
4. PSC/QZAB Form 1.4.

If any part is missing or incorrectly entered, the project will not proceed to approval until all corrections are made, submitted and reviewed. Form 1.1-R is to be submitted on-line via the PSCP Web site. The remaining forms are to be submitted via US Mail or other mail delivery service, or e-mailed as .pdf computer files of scanned documents. All documents, both paper and scanned, requiring signature are to be signed. Unsigned documents that should be will not be considered valid and will not be processed.

Send paper documents to: Ms. Kimberly Spivey
Public School Construction Program
200 W. Baltimore Street
Baltimore, MD 21201

E-mail computer files to: kspivey@msde.state.md.us

Telephone inquiries: (410) 767-0742

If a school system has submitted projects for approval and afterward does not plan to participate in the QZAB Program, it must notify the IAC in writing prior to May 31, 2011. The IAC, with the approval of the Board of Public Works, may reallocate the available funds to other school systems desirous of participating in the QZAB Program.

After the projects have been approved and assigned a PSC/QZAB number, the school system may determine that another project is of a higher priority. Should this occur, the system may request a substitution for the previously approved QZAB project. The request will utilize the same forms and will be subject to review and approval as required for all QZAB projects within the time limits set forth above.

The superintendent of schools must sign and submit the required assurance form for the school's application to be processed.

Applications from the school systems will be reviewed as they are submitted. Copies of the individual project request forms will be approved, signed, and returned to the school system with a PSC/QZAB number and instructions regarding required reviews (Attachment II), as well as the requirements for the approval of the award of contract described below.

Attachment II identifies the reviews required by the State of plans and specifications prior to advertising and bidding. Failure to comply with these review requirements will result in the project being deemed ineligible and State funding will not be provided. The required submission may be modified upon review of the initial project submission on a case-by-case basis. The submission requirement for projects that repair or replace components of a building system – such as ceilings, lighting and fire alarm systems – may be reduced during the initial review process. The school system will be notified if such a reduction is warranted.

It is anticipated that projects will be approved and PSC/QZAB numbers assigned within ten working days of a complete and accurate submission. As soon as the PSC/QZAB number is assigned, the project may proceed through the design and/or procurement process.

Procurement/Contract Awards

Contracts of \$2,000 or more require application of the Davis-Bacon Act labor standards. Contracting agencies have the primary responsibility for the enforcement of Davis-Bacon and related acts to ensure that laborers and mechanics are paid at least the prevailing wage rates required on covered contracts. The applicable wage determination will be the Davis-Bacon wage determinations published on www.dol.gov as of the date of contract award (or within 10 days of the bid solicitation, in the case of competitive sealed bidding).

Projects of less than \$100,000 are required to be bid consistent with local procurement requirements and Section 5-112 *Bids of the State Education Article*. Approval of the contract by the IAC is not necessary prior to entering into the contract. A copy of the bid tabulation and other documentation should be retained for submission with the request for payment. Upon request for reimbursement, up to five percent above the contract award may be used for change orders.

Projects of \$100,000 or more are required to be bid consistent with local procurement requirements and Section 5-112 *Bids of the State Education Article*. The approval of the IAC is required prior to the board of education entering into the contract. **Failure to obtain the IAC approval prior to entering into the contract will make the project ineligible for State funding.** After the bids are opened and the contract approved by the board of education, the following must be submitted with IAC/PSCP Form 303.3 *Approval of Construction Contract Award*:

1. A copy of the bid tabulation.
2. The low bidder's proposal.
3. Documentation for award other than to lowest bidder (error, withdrawal, etc.).

4. The board of education's approval of the award.
5. The Minority Business Enterprise (MBE) participation information.

Following the approval of the contract award by the IAC, the school system shall submit a copy of the signed contract or purchase order for the project.

Each QZAB project may utilize either a single contractor or any number of contractors to perform the work of the approved scope. If the project consists of either one contract that exceeds \$100,000 or a number of contracts and the total exceeds \$100,000, IAC approval is required.

At the time of the contract award for any project in excess of \$100,000, 2 ½ percent of the QZAB funds being utilized for the contract award may be requested to be retained for potential change orders during the course of construction. Change orders for all projects may be approved at the local school system level, but are subject to State review at the time of reimbursement. Furthermore, any change order for \$25,000 or more is subject to State review and approval for funding. This approval may be requested prior to or after execution by the school system.

An existing State or local contract that was previously competitively bid may be utilized for an approved QZAB project with verification that the minimum wages being paid are equal to or greater than those that the Secretary of Labor determines to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the locality where the work is to be performed. The previously approved contract number, the bid date, and the expiration date of the contract are to be submitted. However, QZAB shall not be applied to alternates in existing contracts.

Every attempt should be made to advertise, bid, approve the contract award, and begin the project within six months of approval of the project request. The project should be completed within 12-18 months of the project approval.

A school system's Minority Business Enterprise Participation Procedures that are applicable for State-funded school construction projects shall be utilized for QZAB projects. The bid documents and instructions to bidders shall be consistent with the board of education's procedures. The school system must review the MBE submissions and report this information to the PSCP. State of Maryland MBE Procedures and Goals must be adhered to for all projects, including requirements for requests for waivers.

Adherence to the MBE procedures is required for all QZAB project procurements to ensure reimbursement at project completion. Projects with a construction value estimate in excess of \$50,000 are required to submit an *MBE Goal-Setting Analysis* to PSCP, as specified in Subsection 5.d of the amended *Minority Business Enterprise Procedures for State-Funded Public School Construction Projects*, Section 4.0 *MBE Goals Setting Procedures*. For projects with a construction value in excess of \$200,000, the form should also be sent to the Governor's Office of Minority Affairs. Questions regarding MBE submissions should be directed to:

May Wood
MBE Manager
Public School Construction Program
200 W. Baltimore Street
Baltimore, MD 21201
Phone: 410-767-0726
Fax: 410-333-6522
Email: mwood@msde.state.md.us

If a QZAB project is estimated to cost \$500,000 or more and State funds are estimated to be 50 percent or more of the project cost, the State prevailing wage law is applicable. The appropriate wage rates must be requested from the Department of Labor, Licensing, and Regulation (410-767-2357), included in the bid documents, and referenced in the advertisement for bids.

A State school construction sign is required for all QZAB projects with a total contract cost of \$100,000 or more. These signs are available from the Sign Shop at Maryland Correctional Enterprises. Their telephone number is (410) 799-5102. Signs may be ordered by faxing a purchase order to (410) 799-7911. The e-mail address for the Sign Shop is sisears@dpscs.state.md.us Attachment IV shows a sample mock-up of the sign.

At the time of contract award, the local board of education may request PSCP to approve realignment of funds remaining after the award of contract (with or without retaining funds for potential change orders) to another eligible QZAB project within the LEA. The request must be submitted to PSCP in writing within 90 days of local board of education approval of those contracts below \$100,000 or IAC approval of those contracts of \$100,000 or more. Any remaining funds not realigned will be reverted to the Statewide Contingency account and recycled with the next QZAB program.

Processing For Payment

Payment for work completed under the Qualified Zone Academy Bond Program will be through reimbursement to the school system. The school system is required to certify that the payment being requested is reimbursement for payments made from a *non-tax-exempt source*. The proceeds from the State's QZAB program, which provides tax credits to the bondholders, may not be used as reimbursement for a payment made from a tax-exempt source. **The State will generally make one payment upon completion of the project; however, see boxed item below.** Upon completion of the project, the school system shall submit IAC/PSCP Form QZ 5000, *Project Reimbursement/Expenditure Report* and IAC/PSCP Form QZ 5003, *Minority Business Enterprise Participation*. Copies of cancelled checks and contractor's requisitions and invoices or paid purchase orders must accompany this form. If the contractor's requisitions/invoices do not provide a description of the type of work performed, a copy of the purchase order or the contract must be provided. All supporting documents must be retained until a State audit occurs.

In lieu of submitting a copy of the cancelled check from the bank, the IAC/PSCP Form 306.2a, *Contractor's Certification of Receipt Payment* will be accepted to initiate reimbursement. This form must accompany IAC/PSCP Form QZ 5000. Original cancelled checks must be maintained by the school system for subsequent review by PSCP auditors.

If the project cost at time of contract award was between \$30,000 and \$99,999, the following must be submitted for reimbursements to be processed:

1. The bid tabulation.
2. Board of education's approval of the contract award.
3. MBE information.

These items do not need to be resubmitted for contracts of \$100,000 or more since these required items must be submitted when requesting approval of the contract award by the IAC prior to entering into the contract or proceeding with the work.

Projects submitted for reimbursement must be at least \$30,000 in State funding or the project will not be reimbursed.

If the request for reimbursement differs from the amount specified in the initial submission, the school system must submit a brief explanation of the difference. Funds requested for reimbursement for projects, including State funding for change orders, may not exceed the QZAB State allocation for the project. Any funds remaining after final reimbursement will be reverted to the Statewide Contingency account.

Recognizing that reimbursement only at the time of project completion may create cash flow difficulties for some jurisdictions with larger projects, PSCP is willing to consider progress payments on projects of \$100,000 or more. If the PSCP approves making progress payments directly to a contractor for a jurisdiction for a specific project, then IAC/PSCP Form 306.1 Request for Payment to Contractor would be utilized.

Record-Keeping Requirements

The local superintendent of schools is responsible for collecting, recording, and maintaining records of the private sector contributions satisfying the 10% requirement. This responsibility may be delegated to school board and school-based administrators. If during the bond repayment period, a business entity which made a commitment at the time of application is unable to fulfill their required contribution, the school and/or school system will be required to obtain a substitute contribution to meet the 10% requirement. As contributions are made to the school, the principal or designee shall record the date, from whom the contribution is made, the contributor's Employer Identification Number or individual Social Security Number, the type of contribution, value of the contribution, and the total amount contributed as of that date. The principal shall initial each entry. A copy of the form shall be sent annually by the principal to an individual designated in the school system's central office to be reviewed, verified for completeness and accuracy of the value of the contributions, and eligibility of the contributions. These records shall be maintained and forwarded to PSCP along with the completed PSC/QZAB Form 1.3-R, *QZAB Private Entity Contribution Form*, once the 10% requirement is met. The school system shall maintain the original documentation until the bonds have been paid and the records in support of the bond sale have been audited. The State shall hold the materials filed until the project is audited and processed consistent with the Public School Construction Program's record retention schedule.

Future Project Funding

If a public school building is renovated through the Public School Construction Program within 14 years of the completion of a QZAB project, the maximum State construction allocation for the renovation of the building shall be adjusted to account for the State's previous QZAB allocation. Local funds expended for such improvements will not be deducted in future years from the maximum State construction allocation.

In Conclusion

The purpose of this document is to serve as a guide to the various procedures associated with Maryland's Qualified Zone Academy Bond Program. It is not a legal document and does not dictate policy. The Public School Construction Program reserves the right to interpret and enforce Maryland law as it pertains to the QZAB Program. Within this context, the PSCP is willing to judge particular cases according to their circumstances and individual merits, and to work in close cooperation with the state's school systems to realize a viable, beneficial program.

Schedule

The following schedule will be followed for the FY2012 QZAB program funding. LEA deadlines are indicated in boldface type.

Initial QZAB application period	March 16 — April 1, 2011
Deadline for initial LEA application	April 1, 2011
IAC approves <i>tentative</i> LEA allocations	April 21, 2011
PSCP notifies LEAS of <i>tentative</i> project recommendations (Recommendations are subject to BPW approval; LEAS will be asked to provide additional QZAB application materials, due by May 6)	April 25, 2011
Deadline for submittal of additional required QZAB forms	May 6, 2011
Revised FY2012 QZAB procedures posted to PSCP Web site	May 20, 2011
PSCP approves QZAB projects and notifies LEA	June 16, 2011
State appropriations available	July 1, 2011
IAC submits allocation recommendations to the BPW for approval	July 6, 2011
Projects should be under contract	January 27, 2012
Requests due for reimbursement for all FY2012 projects	July 31, 2013

List of Attachments/Forms

Attachment I - Qualified Zone Academy Bonds FY 2012 \$15,902,000 Authorization
Competitive and Breakthrough Center allocations per Local Educational Agency

Attachment II - Eligible Projects/Expenditures and Required Project Approvals
General overview of eligible projects and review requirements

Attachment III - Excerpt from COMAR 23.03.02 Regulations on the Administration of the Public
School Construction Program, .12 List of ineligible expenditures

Attachment IV – Construction Sign for State-Funded Qualified Zone Academy Bond Projects
To be posted at sites of projects costing \$100,000 or more

PSC/QZAB Form 1.1-R - Qualified Zone Academy Bond Program Application
Application by each school to be submitted electronically

PSC/QZAB Form 1.2 - Summary of QZAB Project Requests/Assurance
Submitted by the school system listing projects in order of priority enclosed with private sector
contribution assurance letter

PSC/QZAB Form 1.2A - QZAB Project Private Sector Anticipated Contributions
Detailed schedule of anticipated contribution receipt date

PSC/QZAB Form 1.3-R - QZAB Private Entity Contribution Tracking Form
Track business sector contributions that fulfill the 10% present value requirement

PSC/QZAB Form 1.4 - Educational Program Compliance
List of private sector involved curriculum development programs

IAC/PSCP Form QZ 5000 - Project Reimbursement/Expenditure Report
Submitted after project completion to receive reimbursement

IAC/PSCP Form QZ 5003 - Project Reimbursement/Expenditure Report Minority Business
Enterprise Participation, Verification of minority business involvement

IAC/PSCP Form 306.1 – LEA Request for Payment to Contractor

Attachment I
 Qualified Zone Academy Bonds FY 2012
 \$15,902,000 Authorization

<u>LEA</u>	<u>Requested Funding</u>	<u>Competitive State Allocation</u>	<u>Breakthrough Center Allocation</u>	<u>Total Allocation</u>
Allegany ²	-	-	-	-
Anne Arundel ²	-	-	-	-
Baltimore City	8,490,000	2,440,000	2,785,000	5,225,000
Baltimore County	2,975,000	2,675,000	-	2,675,000
Calvert ²	-	-	-	-
Caroline	80,000	80,000	-	80,000
Carroll	240,000	240,000	-	240,000
Cecil	111,000	111,000	-	111,000
Charles	387,000	387,000	-	387,000
Dorchester	400,000	400,000	-	400,000
Frederick	823,418	648,418	-	648,418
Garrett	80,000	80,000	-	80,000
Harford ²	-	-	-	-
Howard	134,000	134,000	-	134,000
Kent	1,232,320	832,320	-	832,320
Montgomery	2,000,000	1,850,000	-	1,850,000
Prince George's	3,117,395	1,638,799	1,478,596	3,117,395
Queen Anne's ¹	-	-	-	-
St. Mary's	340,000	340,000	-	340,000
Somerset ²	-	-	-	-
Talbot ¹	-	-	-	-
Washington	1,235,000	660,000	-	660,000
Wicomico ²	-	-	-	-
Worcester	36,000	36,000	-	36,000
Totals³	<u>\$21,681,133</u>	<u>\$12,552,537</u>	<u>\$4,263,596</u>	<u>\$16,816,133</u>

¹ Queen Anne's and Talbot Counties have no eligible schools.

² Allegany, Anne Arundel, Calvert, Harford, Somerset and Wicomico Counties are not participating in the FY 2012 QZAB program.

³ Total allocation includes new FY 2012 QZAB authorization of \$15,902,000, \$843,000 Contingency Account and \$71,133 Interest Earnings.

Attachment II

Eligible Projects\Expenditures and Required Project Approvals

- All projects require State review, approval and the assignment of a PSC/QZAB number prior to award of contract.
- Any project with a total cost of \$100,000 or more requires State approval of the contract award prior to proceeding.

Review level submission requirements are as follows:

- 1 - An abbreviated educational specification, schematic drawings, design development documents and construction documents.
- 2 - Design development documents and construction documents.
- 3 - Construction documents.
- 4 - No submissions required after the project is assigned a PSC/QZAB number.

	<u>Review Level</u>
ADA accessibility (interior/exterior)	3
Asbestos and/or lead paint removal/abatement.....	4
Bleacher repair and/or replacement (interior only).....	4
Building renovations (interior/exterior).....	2
Carpeting with 15-year warranty or replaced with VCT.....	4
Ceilings (installation/replacement).....	4
Communication systems (telephone and/or public address).....	4
Consumer Science/Family Life facilities	1
Doors and/or windows (interior/exterior).....	3
Electrical systems	3
Elevators.....	3
Energy conservation projects	3
Fire protection systems and/or components (alarms and/or sprinklers).....	3
Flooring materials (repair, replace and/or refinish)	4
Folding partitions (installation/replacement)	4
Heating, ventilating, air conditioning systems and/or components.....	3
Kindergarten facilities.....	1
Lighting systems and/or components	3
Masonry work and/or components	4
Playground equipment.....	4
Plumbing, water, and/or sewer lines and fixtures	4
Renovation projects (related to educational programs/services).....	1
Roofing systems and/or components	3
Science facilities (middle or high school).....	1
Site redevelopment	3
Technology Education facilities	1
Underground fuel tanks (remove and/or replace)	4
Wiring schools for technology (voice, video, & data)	3

Attachment III

Excerpt from COMAR 23.03.02 Regulations on the Administration of the Public School Construction Program

12. Ineligible Expenditures.

The following expenditures are ineligible for State funding:

- A. Site acquisition;
- B. Offsite development costs except those listed as eligible in Regulation .11G of this chapter;
- C. Architecture, engineering, or other consultant fees, except as permitted by Regulation .10 of this chapter;
- D. Master plans, feasibility studies, programs, educational specifications, or equipment specifications;
- E. Ancillary construction costs such as:
 - (1) Permits;
 - (2) Test borings;
 - (3) Soil analysis;
 - (4) Bid advertising;
 - (5) Water and sewer connection charges;
 - (6) Topographical surveys;
 - (7) Models;
 - (8) Renderings; or
 - (9) Cost estimating;
- F. Leasing or purchasing school facilities except as provided in COMAR 23.03.05;
- G. Construction inspection services;
- H. Relocation costs for site occupants;
- I. Salaries of local employees;
- J. Construction of administrative or support facilities, including regional or central administrative offices, warehousing, resource, printing, vehicle storage, and maintenance facilities;
- K. Movable equipment, furnishings, and artwork as defined by the IAC;
- L.* Maintenance; and
- M. Temporary storage.

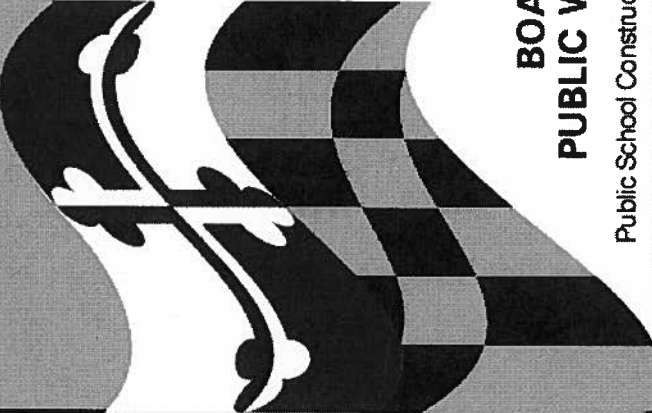
In any case, where a local board desires to proceed with a capital improvement project, or part thereof, which is ineligible for State funding, the Committee, shall determine the added cost to the approved project generated by the ineligible aspects, and the local board may proceed with the project but without State funding for the added cost.

* NOTE: Regulation 23.03.02.12 (L) is not applicable to QZAB projects

APPENDIX E
CONSTRUCTION SIGN FOR STATE FUNDED
SCHOOL CONSTRUCTION PROJECTS (6' X 8')

Martin O'Malley
Governor

Anthony Brown
Lt. Governor



BUILDING FOR

The State of Maryland
and
The _____ County Board of Education
are
(Select from Page E-1A)
(Enter School Name) School

Michael E. Busch THE MARYLAND Thomas V. Mike Miller, Jr.
Speaker of the House GENERAL ASSEMBLY *President of the Senate*

BOARD OF Peter Franchot Martin O'Malley Nancy Kopp
PUBLIC WORKS *Comptroller* *Governor* *Treasurer*

Public School Construction Program Architect: XXXXXXXXXXXXXXXXXXXX Contractor: XXXXXXXXXXXXXXXXXXXX

MARYLAND'S FUTURE

Send to Designees Date: STATE OF MARYLAND PSC/QZAB Form 1.1-R
 Public School Construction Program
 200 W. Baltimore Street
 Baltimore, Maryland 21201

QUALIFIED ZONE ACADEMY BOND (QZAB) PROGRAM APPLICATION

Project Number:
 PSC/QZAB Number:
 Approved Date:

LEA: School Name:
 School Address:

Contact Person: Title:
 Address: Telephone Number:
 City: Fax Number:
 Zip: Email Address:

Criterion 1: Qualified by location or student population

(Click on the appropriate box to select)

- a) Location This school is located in an Empowerment Zone.
- b) Composition of Student Body This school has thirty-five percent (35%) or more of its students eligible for the Free or Reduced Price Meal Program as of
- Breakthrough Center This school has been identified by MSDE as a Breakthrough Center

Criterion 2: Qualified by virtue of business contribution

The Employer Identification Number (EIN) of the donor of the private business contribution is required. If the donor is not associated with an organization then obtain the Social Security Number (SSN) of the individual making the private business contribution.

Contribution Type	Contributor	EIN/SSN	Designated Value
			\$0

Criterion 3: Qualified by virtue of the characteristics of the project

Scope of Work:

Eligible QZAB Funds Requested: \$0 Anticipated Bid Date:
 Local Funds: \$0 Anticipated Completion Date:
 Total Cost of Project: \$0 Anticipated Date of Reimbursement:
 Amount of Authorization Requested: \$0

By submitting this QZAB application, the school system assures that the above information is true and accurate to the best of its knowledge and is consistent with the State of Maryland Public School Construction Program QZAB guidelines. The submittal of PSC/QZAB Form 1.2 provides written assurance of the above and the letters from the private sector document the required contributions for this QZAB project requested.

IAC Approval Date: Type of Review Required:

STATE OF MARYLAND
 Public School Construction Program
 200 W. Baltimore Street
 Baltimore, MD 21201

Date Submitted

Summary of QZAB Project Requests/Assurance

LEA:	
------	--

Please list projects in priority order:

Priority	Name of School and Project Type	Eligibility ⁽¹⁾	Amount of QZAB Funding Requested	Total Private Sector Contribution	Number of Contribution Letters Attached ⁽²⁾

(1) Note: Eligibility is based on one of the following: 1. Empowerment Zone, 2. Enterprise Community, or 3. 35% or more of the students are eligible for free and reduced-price meals under the National School Lunch Act. Please enter only one of the corresponding numbers in this column.
 (2) A letter should be provided from each contributor for each project.

I hereby certify that the Qualified Zone Academy Bond information submitted for individual projects on PSC/QZAB Form 1.1-R and summarized above is true and accurate to the best of my knowledge and is consistent with the State of Maryland Public School Construction Program QZAB guidelines. The QZAB proceeds allocated by the State will be used for eligible expenditures in respect to a Qualified Zone Academy as specified under federal law. Furthermore, the proceeds will be used in accordance with local procedures and Maryland Law. By signing this form, the State of Maryland has the approval of our school system to issue the QZABs, as required under Section 54E of the Internal Revenue Code.

 Signature of Superintendent of Schools

 Date

Enclosures: The total number of enclosures is

--

STATE OF MARYLAND
Public School Construction Program
 200 W. Baltimore Street
 Baltimore, MD 21201

_____ Date Submitted

QZAB Private Sector Anticipated Contributions
(Anticipated Present Value)

LEA:		School and project:	
-------------	--	----------------------------	--

A QZAB Project must meet the private business contribution requirement by obtaining written assurances from private entities that pledge the school will receive Qualified Contributions, as defined in Section 54E(b) of the Internal Revenue Code, from the private sector which total at least 10% on a present value basis as of the date of issuance of the QZAB. The discount rate needed in order to determine the present value of the contribution will be communicated to the school system by the Public School Construction Program after the applicable QZAB Issuance Date. It is this final discount rate that must be used in establishing compliance with the 10% private business contribution requirement.

Please enter the appropriate information below for each private sector contribution. Use the illustrative rates from prior QZAB expenses shown in the table on the reverse side of this form to determine the "Monthly QZAB Present Value Multiplier" **FOR ALL CONTRIBUTIONS** based upon the month of the "Anticipated Date of Contribution." The private sector contribution, based upon "Present Value of Contribution", must equal at least 10% of the project cost to qualify for QZAB funding

Anticipated Month/Year of Contribution	Contributor(s)	Contributor(s) EIN/SSN	Type of Contribution ⁽¹⁾	Face Value of Contribution	Monthly QZAB Present Value Multiplier ⁽²⁾	Present Value of Contribution
Total						

(1) Indicate one of the following descriptors: equipment, technical assistance, service of donor's employees as volunteers, opportunities for students outside the academy or other (including cash).
 (2) Use "Chart to Determine Present Value of Private Grant Monies For Appropriate Year" to determine present value

I hereby certify that the information presented for the above-referenced project reflects the anticipated private sector contributions (based upon an illustrative present value) that is necessary to meet the QZAB requirement and that the total contribution must equal 10% of the QZAB funds authorized for this project. I acknowledge that the discount rates provided are for illustrative purposes and the final discount rate that must be used in establishing compliance with the 10% private business contribution requirement will be determined from the chart provided by the Public School Construction program after the QZAB issuance date. As actual contributions are received, they will be entered on the QZAB Private Entity Contribution Tracking Form (PSC/QZAB Form 1.3) and I recognize that the total contribution (based upon present value when contributed) must finally equal 10% of the QZAB funds authorized for this project. The 10% contribution total will therefore equal the present value of the 10% private sector contribution up through and including the receipt of the final contribution so as to fulfill the requirement.

 Superintendent of Schools

 Date

\$4,543,000
STATE OF MARYLAND GENERAL OBLIGATION
QUALIFIED ZONE ACADEMY BONDS, SERIES 2010

Chart to Determine Present Value of Private Grant Monies as of December 8, 2010 from Date of Receipt
 QZAB Rate: 5.02%

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025
January	0.9928	0.9443	0.8981	0.8543	0.8125	0.7728	0.7351	0.6991	0.6650	0.6325	0.6016	0.5722	0.5442	0.5176	0.4923
February	0.9889	0.9406	0.8945	0.8509	0.8094	0.7698	0.7321	0.6964	0.6624	0.6300	0.5992	0.5700	0.5421	0.5156	0.4904
March	0.9845	0.9364	0.8907	0.8472	0.8058	0.7664	0.7289	0.6933	0.6595	0.6272	0.5966	0.5674	0.5397	0.5133	0.4883
April	0.9804	0.9325	0.8870	0.8436	0.8024	0.7632	0.7259	0.6904	0.6567	0.6246	0.5941	0.5651	0.5375	0.5112	0.4862
May	0.9763	0.9286	0.8833	0.8401	0.7991	0.7600	0.7229	0.6876	0.6540	0.6220	0.5916	0.5627	0.5352	0.5091	0.4842
June	0.9723	0.9248	0.8796	0.8366	0.7957	0.7569	0.7199	0.6847	0.6512	0.6194	0.5892	0.5604	0.5330	0.5069	0.4822
July	0.9682	0.9209	0.8759	0.8331	0.7924	0.7537	0.7169	0.6818	0.6485	0.6168	0.5867	0.5580	0.5308	0.5048	0.4802
August	0.9642	0.9171	0.8723	0.8297	0.7891	0.7506	0.7139	0.6790	0.6458	0.6143	0.5843	0.5557	0.5286	0.5027	0.4782
September	0.9602	0.9133	0.8686	0.8262	0.7858	0.7474	0.7109	0.6762	0.6431	0.6117	0.5818	0.5534	0.5264	0.5006	0.4762
October	0.9562	0.9095	0.8650	0.8228	0.7826	0.7443	0.7080	0.6734	0.6405	0.6092	0.5794	0.5511	0.5242	0.4986	0.4742
November	0.9522	0.9057	0.8614	0.8193	0.7793	0.7412	0.7050	0.6706	0.6378	0.6066	0.5770	0.5488	0.5220	0.4965	0.4722
December	0.9482	0.9019	0.8578	0.8159	0.7761	0.7381	0.7021	0.6678	0.6351	0.6041	0.5746	0.5465	0.5198	0.4944	0.4703

STATE OF MARYLAND
Public School Construction Program
 200 W. Baltimore Street
 Baltimore, MD 21201

PSC/QZAB #	
Date Submitted	

QZAB PRIVATE ENTITY CONTRIBUTION TRACKING FORM

LEA: _____ Name of School: _____

Project Type: _____ Address: _____

Total Amount of QZAB utilized \$ _____
Total Amount of contribution required (10%) \$ _____ (present value)
Date Project approved: _____
Date project started: _____
Date project completed: _____

Date of Contribution	Contributor(s)	Contributor(s) EIN/SSN	Type of Contribution ⁽¹⁾	Face Value of Contribution	Monthly QZAB Present Value Multiplier ⁽²⁾	Present Value of Contribution	Total Present Value to Date	Information entered by:
Total								

(1) Indicate one of the following descriptors: equipment, technical assistance, service of donor's employees as volunteers, opportunities for students outside the academy or other (including cash).

(2) Use the "Chart to Determine Present Value of Private Grant Monies For Appropriate Year" to determine present value.

I hereby certify that the information above is an accurate and true portrayal of the contributions that have been donated by the private sector and reflects an accurate present value. These items have been donated to meet the requirements of the Qualified Zone Academy Bond Program project at the above-cited school. The contributions donated total \$_____ in present value as of Select Date of Grant Funding and represents at least 10% of the QZAB proceeds used for the project at this school.

 Superintendent of Schools _____
Date

STATE OF MARYLAND
Public School Construction Program
 200 W. Baltimore Street
 Baltimore, MD 21201

<hr style="width: 80%; margin: 0 auto;"/> <p>PSC/QZAB#</p>
--

Educational Program Compliance

LEA:	
Name of School:	
Project Type:	
Address:	

Section 54E of the Internal Revenue Code requires business sector involvement in the curriculum development of the schools receiving QZAB funding. The involvement and/or cooperation with the business sector is designed to enhance the academic curriculum, increase graduation and employment rates, and better prepare students for the rigors of college and the increasingly complex workforce. These cooperative efforts have influenced, encouraged, and/or resulted in the development of curriculum changes. Please list below all of the programs that have included business sector involvement in this school's curriculum development.

Programs:

- _____
- _____
- _____
- _____
- _____
- _____
- _____
- _____

I hereby certify that the Qualified Zone Academy Bond information submitted for the above school accurately represents to the best of my knowledge business sector involvement in the curriculum at this school.

 Signature of Superintendent of Schools

 Date

PROJECT REIMBURSEMENT/EXPENDITURE REPORT

LEA: _____ DATE: _____
 SCHOOL NAME: _____ PSC/QZ NO: _____
 TYPE OF PROJECT: _____ COMPLETION DATE: _____

MAIL PAYMENT TO THE FOLLOWING ADDRESS:

TAX ID NUMBER: _____

REQUEST REIMBURSEMENT FOR THE FOLLOWING INVOICES:

CONTRACTOR	INVOICE NUMBER	INVOICE DATE	DATE PAID	TOTAL PROJ. COST	LOCAL COST	STATE REQUEST
TOTAL						

- NOTE:
- ATTACH LEGIBLE COPIES OF CANCELED CHECK(S)
 - ATTACH LEGIBLE COPIES OF CONTRACTOR'S INVOICE(S).
 - ATTACH FORM QZ5003, MINORITY BUSINESS ENTERPRISE PARTICIPATION
 - ATTACH **APPLICABLE** MINORITY BUSINESS ENTERPRISE DOCUMENTATION IF CONTRACT AMOUNT WAS GREATER THAN \$50,000 AND LESS THAN \$99,999
 - ATTACHMENT A - Certified MBE Utilization and Fair Solicitation Affidavit
 - ATTACHMENT B - MBE Participation Schedule (If there is no overall MBE goal or MBE sub goals established for the project, then only Attachment A is to be included.)
 - ATTACHMENT D - Minority Business Enterprise Subcontractor Project Participation Statement completed and signed by the prime contractor and each MBE firm listed on Attachment B.
 - ATTACHMENT C - Outreach Efforts Compliance Statement signed and completed by the bidder or offeror.
 - ATTACHMENT E - Minority Subcontractors Unavailability Certificate
 - ATTACHMENT F - MBE Waiver Documentation
 - ATTACH BID TAB IF CONTRACT AMOUNT IS \$99,999 OR LESS
 - ATTACH CONTRACT OR PURCHASE ORDER IF CONTRACT AMOUNT WAS \$99,999 OR LESS

I hereby certify that this reimbursement request is for a project previously approved for funding Under the State's QZAB Program. The project is complete and represents invoices that have been approved for payment by all local responsible persons, is applicable to contractual agreements or purchase orders approved by the Board of Education and is eligible for State funding. I further certify that payment has been made by this Board of Education, from a non-tax exempt source, to the applicable vendor or contractor and has not been previously submitted for reimbursement.

 Signature of school system Representative

LEA REQUEST FOR PAYMENT TO CONTRACTOR

LEA: _____ DATE: _____

SCHOOL NAME: _____ PSC #: _____

PROJECT TYPE: _____ CONSTRUCTION
 _____ SYSTEMIC RENOVATION LEA VOUCHER #: _____
 _____ QZAB

PSC ALLOCATION: _____ TOTAL STATE APPROVED CONTRACTS: _____

PRIOR STATE PAYMENTS/REIMBURSEMENTS: _____

PAYEE NAME AND ADDRESS:

TAX ID #: _____

INVOICE NUMBER	INVOICE DATE	AMOUNT

TOTAL _____ \$0.00

LOCAL COSTS _____ 0.00

TOTAL REQUEST _____ \$0.00

I hereby certify that the invoices reflected on this listing have been approved for payment by all local responsible persons, are for a project previously approved by the State Board of Public Works for funding under the Public School Construction Program, are applicable to contractual agreements approved by the Interagency Committee on School Construction, and have not been previously submitted for payment.

 Signature of LEA Representative