

ED COMMITTEE #1
July 11, 2016
Worksession

MEMORANDUM

July 7, 2016

TO: Education Committee

FROM: Essie McGuire, Senior Legislative Analyst 

SUBJECT: **Worksession – Amendment to the FY17-22 Capital Improvements Program and Special Appropriation to the FY17 Capital Budget, Montgomery County Public Schools, \$488,802 for the Building Modifications and Program Improvements Program, for Artificial Turf at Somerset ES**

Today the Education Committee will hold a worksession on an amendment to the FY17-22 Capital Improvements Program (CIP) and special appropriation to the FY17 Capital Budget, Montgomery County Public Schools (MCPS), \$488,802 for the Building Modifications and Program Improvements Program. The source of funds is contributions.

The Board of Education requested this appropriation on June 14 (circles 3-7). A draft appropriation resolution is attached on circles 1-2. The Council introduced this appropriation on June 28, and is tentatively scheduled to hold a public hearing and consider action on the appropriation on July 12.

This appropriation is needed to fund construction and installation of an artificial turf playing field at Somerset Elementary School. The full cost of the project is estimated to be \$534,212. The Somerset Elementary School PTA and Somerset Elementary School Foundation, Inc., have raised enough funds to support the total anticipated cost of the project.

Background

Somerset Elementary School is located on one of the smallest sites in the County, and has had persistent difficulty in maintaining its grass playing field at a safe and acceptable level for use. On May 26, 2015, the Board of Education approved the request of the Somerset ES PTA and the Somerset ES Educational Foundation to raise the funds necessary to install artificial turf on the playing field. Artificial turf can provide a more durable and more easily maintained playing surface for the very heavily used space.

On September 8, 2015, the Board approved appointment of a civil engineering firm to begin design work for the project. In order to proceed with this work, the Board requested an appropriation of \$45,410 of the funds raised by the Somerset ES PTA and Foundation to date to initiate the design and planning work.

On October 27, 2015, the Council approved the requested supplemental appropriation of \$45,410 to support engineering and design services related to the project. That appropriation of \$45,410, combined with the requested appropriation of \$488,802 of contributed funds, funds the total anticipated cost of the project. **MCPS anticipates that if the requested construction funds are approved in July, the project can be completed in time for the start of the school year.**

Project Discussion Issues

When the Committee reviewed the planning and design funding last fall, it acknowledged that approving the initial stages of the project was the first step in approving the project as a whole. The Committee reviewed a number of issues associated with this specific installation at Somerset, and has also received additional information in the context of the new appropriation request.

- **Need:** The primary rationale for this project is the severe site limitations at Somerset ES. The Committee is very familiar with the challenges of maintaining grass fields, and the limited site combined with the high level of school and community use have resulted in persistently poor field conditions for this school.
- **Maintenance:** MCPS stated that as part of the agreement, the Somerset PTA and Educational Foundation will enter into an annual maintenance contract with the field vendor.
- **Replacement:** MCPS maintains an artificial turf reserve fund to build up funds necessary to cover future replacement of artificial turf fields. The sources of funding include a portion of CUPF funds collected for rental of the fields, MCPS athletics contributions, and partnership payments. MCPS states that it is anticipated that replacement of the Somerset ES field will be managed similarly to the anticipated replacement of other artificial turf fields, through the reserve fund and other grants or donations from the community.

MCPS also stated that the anticipated replacement cost of the field, which would be needed in approximately 10 years, would be \$175,000. That estimate reflects the total replacement cost, including infill replacement.

- **Material Testing:** The Somerset PTA and Educational Foundation requested that as part of its contract with the vendor, all field materials be tested prior to installation. MCPS provided the following description of this requirement:

For the Somerset project, the manufacturer will conduct pre-shipment testing for heavy metals contained within the turf and infill that will be delivered to Somerset Elementary School. This

testing will be performed to ensure any detectable material levels are below regulatory agency limits prior to delivery. The test will be performed following European Standard EN 71-3, which is a standard applied to children's toy safety and identifying any associated risks. This standard tests for 19 different heavy metals, including lead, and specifies limits for different categories of materials and benchmarks the results against a maximum limit for heavy metals in toys. This standard is the accepted standard by the Synthetic Turf Council and was applied in an effort to alleviate concerns related ingestion of the infill products. Additional tests, including lead, will be conducted by an independent testing agency every three years.

Council staff recommends approval of the requested appropriation of \$488,802 to complete the artificial turf installation at Somerset ES. At this juncture, Somerset PTA and Foundation have met all the requirements for funding as well as for care of the field. Council staff also appreciates the initiative to test the field components prior to installation as an extra precautionary measure. Last fall, the Board of Education determined that this project is consistent with Board policy regarding privately funded capital expenses for schools. Approving the remainder of the project at this time would be consistent with both the Board's and Council's actions to date.

Broader Discussion Issues

There are a number of broader issues regarding installation of artificial turf fields that arise in discussions of individual projects. During the Committee's review of this project last fall, the Committee discussed the high cost of installing and ultimately replacing artificial turf fields, and the resulting equity issues related to having artificial turf at some schools and not having the ability to install artificial turf fields at all schools. The Committee expressed interest in continuing a conversation with the Board of Education around these and other policy issues, including the ongoing challenges of maintaining quality playing surfaces at all schools.

Council staff recommends that the Committee continue this policy discussion in a broader context this fall that reflects the ongoing developments related to artificial turf outside of this individual project request. These include:

- the status and plans for other projects pending or under consideration, including those part of the recently announced settlement (background information on circles 8-9);
- what types of alternate infill or other field materials may be in use;
- how a project similar to the proposed CIP project for artificial turf could be implemented in the future, or what other options should be considered to address equitable distribution issues;
- whether testing protocols similar to those proposed for the Somerset project would be useful going forward; and
- the forthcoming Parks Department assessment of playing field conditions, maintenance requirements, and uses.

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Special Appropriation to the FY17 Capital Budget, and
Amendment to the FY17-22 Capital Improvements Program,
Montgomery County Public Schools,
Building Modifications and Program Improvements Project, \$488,802
Source of Funds: Contributions

Background

1. Section 5-105 (d) of the Education Article of the Annotated Code of Maryland provides for the expenditure of non-local funds by the County Board of Education after adoption of the budget, only with the approval of the County fiscal authority.
2. Section 308 of the County Charter provides that a special appropriation is an appropriation which states that it is necessary to meet an unforeseen disaster or other emergency, or to act without delay in the public interest. Each special appropriation shall be approved by not less than six Councilmembers. The Council may approve a special appropriation at any time after public notice by news release. Each special appropriation shall specify the source of funds to finance it.
3. Section 302 of the County Charter provides that the Council may amend an approved capital improvements program at any time by an affirmative vote of no fewer than six members of the Council.
4. On June 14, the Board of Education requested a special appropriation for the Montgomery County Public Schools' FY17 Building Modifications and Program Improvements Capital Project as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Source of Funds</u>
Building Modifications and Program Improvements	P076506	\$488,802	Contributions

5. On October 27, 2015, the County Council approved a supplemental appropriation of \$45,410 for engineering and design of an artificial turf field at Somerset Elementary School, as requested by the Board of Education on September 8, 2015. The Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc., raised the funds necessary to support the design phase of the project.
6. This increase is needed to complete the project and to support construction and installation of an artificial turf field at Somerset Elementary School. The Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc., again raised the funds necessary to complete the installation of the project.
7. Notice of public hearing was given and public hearing was held.
8. The County Council declares this request is in the public interest to be acted upon without delay as provided for under special appropriation requirements described in Article 3, Section 308 of the Montgomery County Charter.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

A special appropriation for the FY17 Capital Budget and amendment to the FY17-22 Capital Improvements Program of the Montgomery County Public Schools is approved as follows:

<u>Project Name</u>	<u>Project Number</u>	<u>Amount</u>	<u>Source of Funds</u>
Building Modifications and Program Improvements	P076506	\$488,802	Contributions

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

June 16, 2016

MEMORANDUM

To: The Honorable Isiah Leggett, County Executive
The Honorable Nancy Floreen, President, Montgomery County Council

From: Larry A. Bowers, Interim Superintendent of Schools *LB*

Subject: Transmittal of Board of Education Agenda Item #10.10

Fiscal Year 2017 Supplemental Appropriation Request for Artificial Turf Installation at Somerset Elementary School

BOE Meeting Date: June 14, 2016

Type of Action: FY 2017 Supplemental Appropriation

LAB:AMZ:JS:ak

Attachment

Copy to:
Dr. Zuckerman
Mr. Song
Montgomery County Office of Management and Budget

RECEIVED
MONTGOMERY COUNTY
COUNCIL

2016 JUN 17 PM 12: 27

ACTION
10.10

Office of the Superintendent of Schools
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, Maryland

June 14, 2016

REVISED

MEMORANDUM

To: Members of the Board of Education

From: Larry A. Bowers, Interim Superintendent of Schools *Larry A. Bowers*

Subject: Fiscal Year 2017 Supplemental Appropriation Request for Artificial Turf
Installation at Somerset Elementary School

Background

Somerset Elementary School is located on one of the smallest school sites, approximately 3.71 acres, in the Chevy Chase area. Since the revitalization/expansion project was completed in 2005, several attempts have been made to maintain the small field in a safe playing condition.

During 2014 and 2015, staff in the Department of Facilities Management met with the Somerset Elementary School Parent Teacher Association, the Somerset Elementary School Educational Foundation, Inc., and the school principal to strategize ways to maintain better playing field conditions for both school and community use. The Somerset Elementary School Parent Teacher Association, the Somerset Elementary School Educational Foundation, Inc., and staff in the Department of Facilities Management determined that an artificial turf playing field was the best option for well-maintained, long-term, playing field conditions.

On May 26, 2015, the Board of Education approved the request to install artificial turf at Somerset Elementary School and requested a supplemental appropriation for the design portion only for county executive and County Council approvals. Following the County Council approval, the design and permit documents have been completed and bids were received for the necessary site work. Unfortunately, the bids for the site work portion alone exceeded the staff estimate, as well as the funds raised by the Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc. Subsequently, staff in the Department of Facilities Management explored the alternative of obtaining a cost proposal for both necessary site work and artificial turf installation from the Keystone Purchasing Network. Montgomery County Public Schools is a member of the Keystone Purchasing Network, a part of the Association of Educational Purchasing Agencies, which competitively bids and awards national contracts available for cooperative purchasing by educational institutions, local government agencies, and nonprofit organizations. A similar approach was used for the installation of artificial turf on the stadium field at Thomas S. Wootton High School.

The cost proposal obtained through the Keystone Purchasing Network includes the use of an organic infill material in the installation of the artificial turf field at Somerset Elementary School. Staff in the Department of Facilities Management recommends that the Board rejects the site work bids, approves the cost proposal obtained from the Keystone Purchasing Network, and proceeds with the construction phase of the project. I concur with the staff recommendations. The following resolutions are recommended for the Board approval.

WHEREAS, On May 26, 2015, the Board of Education approved the request of the Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc. to raise the necessary funds to install artificial turf on the playing field at Somerset Elementary School in accordance with Board of Education policies CND: *School-Related Fund-Raising*, and CNE: *Facility Improvements That Are Not Funded with Montgomery County Revenues*; and

WHEREAS, On May 26, 2015, the Board of Education approved a supplemental appropriation request to be forwarded to the county executive and the County Council for consideration and action when the Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc. have raised the necessary funds for this project; and

WHEREAS, On September 8, 2015, the Board of Education appointed Nobis Engineering, Inc. to provide civil engineering services for the artificial turf installation at Somerset Elementary School, contingent upon County Council approval of a Fiscal Year 2016 supplemental appropriation; and

WHEREAS, On October 27, 2015, the County Council approved a supplemental appropriation in the amount of \$45,410 for professional civil engineering services for the installation of artificial turf at Somerset Elementary School; and

WHEREAS, The Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc., in compliance with Board of Education Policy CND: *School-Related Fund-Raising*, have raised the funds necessary for the installation of artificial turf at Somerset Elementary School; and

WHEREAS, On May 18, 2016, the Department of Facilities Management received the following sealed bids for the site work portion of the artificial turf installation:

<u>Bidder</u>	<u>Amount</u>
Urban N. Zink Contractor, Inc.	\$569,200
Pleasants Construction, Inc.	\$696,100
Ross Contracting, Inc.	\$869,830

and

WHEREAS, The site work bids received on May 18, 2016, substantially exceeded the estimate established by staff in the Department of Facilities Management; and

WHEREAS, Montgomery County Public Schools is a member of the Keystone Purchasing Network, part of the Association of Educational Purchasing Agencies, which competitively bids and awards national contracts available for cooperative purchasing by educational institutions, local government agencies, and nonprofit organizations; and

WHEREAS, The Keystone Purchasing Network competitively bid and awarded a national contract to FieldTurf USA, Inc. for the installation of artificial turf fields and associated site work in 2012 and has extended the contract through February 2017; and

WHEREAS, The Department of Facilities Management has solicited a proposal from FieldTurf USA, Inc., based on the Keystone Purchasing Network contract award; and

WHEREAS, The proposal from FieldTurf USA, Inc. is within the preliminary estimate of \$500,000 for the site work and installation of an artificial turf field at Somerset Elementary School; and

WHEREAS, The proposal from FieldTurf USA, Inc. in the total amount of \$488,802 includes the requisite site work cost of \$318,725 and the artificial turf installation cost of \$170,077; and

WHEREAS, The installation includes the use of an organic infill material in the installation of the artificial turf field at Somerset Elementary School; and

WHEREAS, The procurement of FieldTurf USA, Inc., through the Keystone Purchasing Agreement, for the installation of the artificial turf field at Somerset Elementary School will provide significant cost benefits to Montgomery County Public Schools, reduce administrative burdens, and promote operational efficiencies; and

WHEREAS, FieldTurf USA, Inc., through the Keystone Purchasing Network purchasing cooperative contract, has completed similar work successfully for Montgomery County Public Schools and other school districts; and

WHEREAS, On May 26, 2015, the Board of Education authorized the president of the Board of Education and the interim superintendent of schools to execute the documents necessary for the transaction related to the installation of artificial turf at Somerset Elementary School; now therefore be it

Resolved, That the Board of Education requests a Fiscal Year 2017 supplemental appropriation and amendment to the Fiscal Year 2017-2022 Capital Improvements Program in the amount of \$488,802 to fund the site work and installation of artificial turf at Somerset Elementary School; and be it further

Resolved, That the Board of Education rejects the bids obtained for site work as substantially exceeding the staff cost estimate, as well as the funds raised by the Somerset Elementary School Parent Teacher Association and the Somerset Elementary School Educational Foundation, Inc.; and be it further

Resolved, That the president of the Board of Education and the interim superintendent of schools be authorized to execute a contract with FieldTurf USA, Inc. for the installation of the artificial turf field at Somerset Elementary School, contingent upon County Council approval of the requested supplemental appropriation; and be it further

Resolved, That this resolution be forwarded to the county executive and the County Council for consideration and action.

LAB:AMZ:JS:mas



Office of Communications | Phone: 301 279 3853 | news.montgomeryschoolsmd.org

MCPS Settles Litigation with Montgomery Soccer, Inc. to Upgrade Multiple School Athletics Fields across the County

June 30, 2016

ROCKVILLE, MD – The Montgomery County Board of Education has approved a settlement agreement with Montgomery Soccer, Inc. (MSI) to resolve ongoing litigation over the construction of and access to artificial turf fields in Montgomery County. MSI will contribute up to \$5.2 million to construct new artificial turf fields at Walt Whitman High School, Albert Einstein High School and Julius West Middle School in exchange for access to the fields when not in use by the schools, in accordance with similar field use agreements. The settlement also clears away the litigation-related obstacles to construction of a new turf field at Winston Churchill High School as well as a use agreement for the Richard Montgomery High School stadium field.

“This agreement is good news for our students and our school communities as it gives us new high quality athletic fields without any additional construction costs to our taxpayers,” said Michael Durso, president of the Board of Education. “In addition to athletic events and practices, schools will be able to use these fields during the school day for physical education classes.”

“All of us in Montgomery County want the same thing—high quality playing fields for our children and families to enjoy,” said MSI Board Chair Peter Korolkoff. “We are happy to put this litigation behind us and partner with MCPS in a creative solution that gives our children great fields to enjoy the sport they love. We look forward to a long and productive partnership to promote youth soccer in our great county.”

“At a time when resources are scarce, but demand is high, it is essential that we all work together to find solutions,” said Durso. “This positive resolution of the litigation means we can put this behind us and work with MSI and other partners to improve fields across the county.”

The settlement resolves litigation brought by MSI in July 2014 challenging the award of long-term use agreements by MCPS to the Potomac Soccer Association and Bethesda Lacrosse Association related to the construction of a new field at Churchill High School and to the Bethesda Soccer Club for use of the existing field at Richard Montgomery High School.

Under the terms of the settlement agreement, MSI will provide \$1.2 million to construct an artificial turf field at Walt Whitman High School. Additionally, MSI will provide as much as \$2.4 million to construct turf fields at Julius West Middle School and \$1.2 million to upgrade the field at Einstein High School to artificial turf. In exchange, MSI will have access to use these fields for a set number of scheduled hours per year for the next ten years, when they are not reserved for school use. The construction of the fields will be contingent on various approvals from the county and the City of Rockville.

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"We are thrilled to hear that we have been approved to begin our fundraising effort to construct an artificial turf field at the high school," stated Elissa Ginsky, president of the Walt Whitman High School All Sports Boosters, which is raising additional funds to contribute to the artificial turf field program. "We believe it will benefit our athletes who will have a consistent ability to play and practice without concern about the availability of the grass field. They will not need to travel all over the county to borrow other fields or conduct practices indoors."

"This agreement helps to address the declining condition of Einstein's athletic field," stated Phil Curtin, president of the Albert Einstein High School Booster Club. "This is an important step for our athletes and our school and our community. We look forward to working with MSI to give our community the field it deserves."

Additionally, the agreement allows Richard Montgomery High School to continue its field use arrangement with Bethesda Soccer and permits Winston Churchill High School to move forward with identifying a partner to construct a turf field. In 2014, Potomac Soccer, Bethesda Lacrosse and the Winston Churchill Booster Club were awarded the contract to construct the turf field at the school in exchange for a 10-year agreement for primary use outside of the school day.

With the addition of these four potential fields, MCPS will now soon have artificial turf venues at two middle schools (Julius West and Lakelands Park [operated the City of Gaithersburg]), one elementary school (Somerset), and nine high schools across the county, including Walter Johnson High School, Thomas S. Wootton High School, Richard Montgomery High School, Paint Branch High School, Gaithersburg High School, Montgomery Blair High School (operated by Montgomery County Department of Recreation), and Wheaton High School (which will be constructed as part of the revitalization/expansion project of that school).

In accordance with the Montgomery County Council's January 2015 resolution, the artificial turf fields that will be installed at these schools will use plant-derived materials for the infill or other alternative infill that does not pose health, safety, and environmental concerns.

For more information contact the Department of Public Information and Web Services

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