

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

November 21, 2018

MEMORANDUM

To: Members of the Board of Education  
From: Jack R. Smith, Superintendent of Schools  
Subject: Construction Contract Requirements and Enforcement (10-09-18-01)

**Question**

During Public Comments, Mr. Durso requested that staff provide information relating to the questions posed by Mr. Smith relating to MCPS construction contract requirements and enforcement thereof.

**Response**

Mr. John Smith offered public comments at the Board of Education's business meeting held October 9, 2018. Specifically, Mr. Smith questioned the make-up of the demographics of the construction workforce that was working on the addition project at Lucy V. Barnsley Elementary School to be assured that Montgomery County Public Schools (MCPS) was in compliance with MCPS policies and state and federal law.

In addition to the construction manager with Henley Construction Co., Inc., a minimum of 35 separate trade contracting firms were hired to complete the work of the addition project. MCPS does not require personnel utilization reporting; however, it is the obligation of all contractors to comply with the contractual terms of every project. All MCPS contracts include the following provisions from the American Institute of Architects:

**§ 13.8 EQUAL OPPORTUNITY**

**§ 13.8.1** The Contractor shall maintain policies of employment as follows:

.1 The Contractor and the Contractor's Subcontractors shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, ancestry, national origin, age, marital status, or physical or mental handicap unrelated in nature and extent as to reasonably preclude the performance of the employment. The Contractor shall take affirmative action to insure that

applicants are employed, and that employees are treated during employment without regard to their race, religion, color, sex, ancestry or national origin, age, marital status, or physical or mental handicap unrelated to job performance. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and for employment, notices setting forth the policies of non-discrimination.

.2 The Contractor and the Contractor's Subcontractors shall, in all solicitations or advertisements for employees placed by them or on their behalf, state that "All qualified applicants will receive consideration for employment without regard to race, religion, color, sex, ancestry or national origin, age, marital status, or physical or mental handicap unrelated in nature and extent so as to reasonably preclude the performance of the employment."

If you have any questions, please contact Dr. Andrew M. Zuckerman, chief operating officer, at 240-740-3050, or Mr. James Song, director, Department of Facilities Management, at 240-314-1064.

JRS:AMZ:JS:tgm

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