



Department Directive

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 Operation

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Title: Division of Capital Construction and Facilities Maintenance	Directive: OPS.010.0019
Related MD Statute/Regulations: Correctional Services Article, §§2-103 and 10-101 et al., Annotated Code of Maryland State Finance and Procurement Article, §§4-406(g), 11-101(u), <u>12-107(b)(6)</u> , and 15-101 et al., Annotated Code of Maryland COMAR 12.14.04.02 and .04 COMAR Title 21	Supersedes and rescinds: CAP.010.0019 - Division of Capital Construction and Facilities Maintenance, dated October 27, 2017 Rescinds and replaces: DOC.040.0003 - Capital Budget Preparation and Submission, dated December 15, 2006
Related ACA and MCCS Standards: ACA: 5-ACI-1A-01; 5-ACI-2A-2G; 1-CORE-2A-12	Approved By: <i>John Sierakowski</i>
Related Directives: DPSCS.010.0001 - Department Organization, Delegation of Authority, and Lines of Communication	John Sierakowski Director, Capital Construction and Facilities Maintenance Issued Date: November 19, 2025 Effective Date: November 20, 2025
Variance: No Division or unit policy is required or necessary to implement and comply with this directive.	Number of Pages: 6

.01 Purpose.

The purpose of this directive is to establish the Division of Capital Construction and Facilities Maintenance (Division) under the Department of Public Safety and Correctional Services (Department) and to define the Division’s organizational structure and operational functions.

.02 Scope.

This directive applies to all correctional units of the Department.

.03 Policy.

A. The Department is committed to the effective use of resources related to capital construction and capital and operating budget maintenance at correctional facilities.

B. The Department shall:

(1) Define the organizational structure and operational responsibilities of the Division;

- (2) Comply with all statutory and regulatory requirements and standards, including Minority Business Enterprise and Veteran's Owned Small Business Enterprise requirements, related to identifying and managing products and services for capital construction and capital and operating budget maintenance at correctional facilities; and
 - (3) Monitor construction and maintenance services contracts to prevent, to the extent possible, waste or misuse of physical or fiscal resources related to capital construction and capital and operating budget maintenance at correctional facilities.
- C. Pursuant to Procurement Reform legislation, the Maryland Department of General Services (DGS) shall have primary responsibility for correctional facility construction.

.04 Definitions.

A. In this directive, the following terms have the meanings indicated.

B. Terms Defined.

- (1) “Correctional facility” has the meaning stated in Correctional Services Article, §1-101, Annotated Code of Maryland.
- (2) “Memorandum of Understanding (MOU)” means a contractual agreement between the Department and DGS regarding procurement reform.
- (3) “Real property” means land, including the buildings or improvements on the land and its natural assets, such as minerals and water.

.05 Responsibilities.

A. The Director, Capital Construction and Facilities Maintenance (Director) reports to the Deputy Secretary of Operations (DSO) and is responsible for:

- (1) Overall administration and oversight of the Division;
- (2) Maintaining the MOU between the Department and DGS, ensuring that its provisions remain current and effective;
- (3) Preparing, for approval by the DSO, an organization and staffing plan for the Division;
- (4) Identifying and submitting all capital budget projects to the DGS - Office of State Procurement (OSP);
- (5) Ensuring that general procurement acquisitions are submitted to the Department’s Procurement Unit for review and processing;
- (6) Managing products and services related to capital construction and capital and operating budget maintenance at correctional facilities;

- (7) Preparing, for the Secretary's signature, the Department's annual Capital Improvement Program and capital budget request;
- (8) When designated by the DSO, representing the Department at legislative hearings and before the Board of Public Works (BPW) in areas concerning capital construction, capital maintenance, and real property;
- (9) Preparing and maintaining written procedures necessary to perform assigned responsibilities;
- (10) Complying with Department, federal, State, and local statutory and regulatory requirements management and reporting requirements for products and services related to capital construction and capital maintenance projects and real property;
- (11) The inclusion of health, safety, environmental, and security requirements in any capital construction or capital maintenance project or contract; and
- (12) Administering facility maintenance budgets.

B. The Director shall ensure that designated Division personnel are involved in:

- (1) Identifying capital construction and capital maintenance needs and assist in developing capital project programs to meet identified needs;
- (2) Developing standards and requirements for equipment and materials used in capital construction, capital maintenance, and facility maintenance projects to ensure public safety and correctional facility security;
- (3) Evaluating correctional facility construction and capital maintenance contract activities to ensure public safety and correctional facility security;
- (4) Decision-making and problem resolution related to capital construction and capital maintenance projects, including:
 - (a) Selection of architect and engineers;
 - (b) Calculation of estimates; and
 - (c) Administration of project implementation;
- (5) Scheduling correctional facility capital construction and capital maintenance project activities; and
- (6) Conducting on-site inspections of correctional facility capital construction, capital maintenance, and facility maintenance projects.

C. The Director, or the Director's designee, shall:

- (1) Conduct compliance reviews of capital construction, capital maintenance, and facility maintenance projects and resolving issues identified during a compliance review;
- (2) Monitor and evaluate correctional facility capital construction, capital maintenance, and facility maintenance projects to ensure:
 - (a) Standard designs are consistent with Department requirements;
 - (b) Compliance with federal, State, and local statutory and regulatory requirements; and
 - (c) The Department complies with contract requirements; and
- (3) In cooperation with the Department of Budget and Management and DGS:
 - (a) Coordinating requests from local governments for State funding for local jail construction projects; and
 - (b) Administering standards for State-funded local jail design and construction.

D. Procurement and Contracting.

- (1) Emergency Procurements. The Director shall ensure executed emergency declarations are sent to the Department's Procurement Unit immediately to assist the unit with getting the emergency procurement solicited, awarded, and reported promptly.
- (2) The Director shall collaborate with the Department's Procurement Unit to evaluate each new project to determine the potential of including Minority Business Enterprise (MBE) and/or Veteran-Owned Small Business Enterprise (VSBE) participation goals by identifying subcontract opportunities within the scope.
- (3) To address civil and administrative remedies related to procurement and contracting, the Division shall comply with [COMAR 21 Subtitle 10](#), including prompt payment of contractors on State contracts.

E. Minority Business Enterprise (MBE) and Veteran-Owned Small Business Enterprise (VSBE). The Division shall ensure compliance with, and enforcement and verification of MBE and VSBE requirements related to capital construction and maintenance procurement and contracts.

F. Americans with Disabilities Act (ADA) Transition Plan.

- (1) The Division shall develop and maintain an ADA Transition Plan for the Department, including an implementation schedule and measurable objectives for services provided to individuals with disabilities.
- (2) To ensure compliance with ADA, the Transition Plan required under §.05F(1) of this directive shall provide:

- (a) Access to all Department facilities for individuals with disabilities visiting an incarcerated individual or conducting official business with the Department;
 - (b) Access to an incarcerated individual with disabilities to programs within a correctional facility, for example education, medical, and recreational;
 - (c) Public access for individuals with disabilities to Department training facilities and programs; and
 - (d) Workplace access for an employee with a disability.
- (3) According to a schedule established by the Maryland Department of Disabilities (MDOD), the Division shall submit the Transition Plan for the Department to MDOD for incorporation in the Maryland State Disabilities Plan.

.06 Appendix.

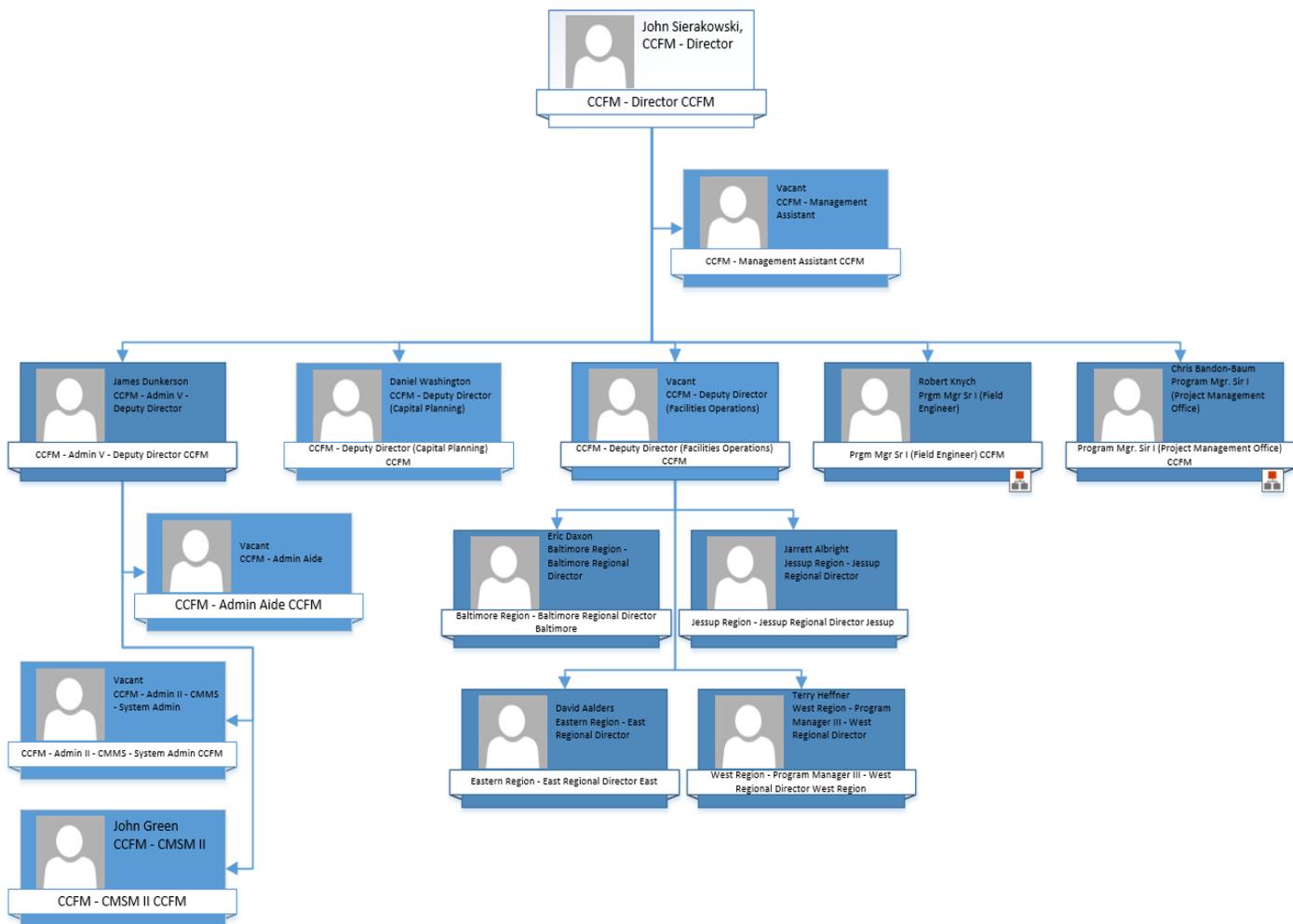
- A. Division of Capital Construction and Facilities Maintenance Organization Chart
- B. Memorandum of Understanding Between DPSCS and DGS

.07 History.

- A. This Department Directive rescinds and replaces Executive Directive CAP.010.0019 dated October 27, 2017 and addresses the Memorandum of Understanding (“MOU”) dated February 13, 2020 between Maryland Department of Public Safety and Correctional Services and Maryland Department of General Services re-establishing the Procurement Reform. Consistent with Procurement Reform legislation entitled Chapter Law 590 of the Acts of the 2017 Maryland General Assembly. This directive supersedes provisions of any other prior existing Department or unit communication with which it may be in conflict.
- B. This Department Directive supersedes Executive Directive CAP.010.0019 dated August 1, 2016 by addressing the statutory changes required under Chapter Law 588 of the 2017 Acts of the Maryland General Assembly.
- C. This Department Directive supersedes Department Directive CAP.010.0019 dated September 18, 2015 by:
 - (1) Updating the Division’s procurement and contracting authority and referencing codes where that authority is described.
 - (2) Assigning responsibility for a centralized maintenance program to the Assistant Director, CCFM.

.08 Distribution.

- A
- S - Procurement, Maintenance



John Sierakowski

Director DPSCS/CCFM

09/30/2025

**MEMORANDUM OF UNDERSTANDING
BETWEEN
MARYLAND DEPARTMENT OF PUBLIC SAFETY & CORRECTIONAL SERVICES
AND
MARYLAND DEPARTMENT OF GENERAL SERVICES
REGARDING
PROCUREMENT REFORM**

This Memorandum of Understanding (MOU) is made as of 2-13-, 2020, by and between The Maryland Department of Public Safety & Correctional Services (“DPSCS”) and the Department of General Services (“DGS”), both of which are agencies of the State of Maryland, for the purpose of establishing, transferring and outlining procurement responsibilities and delegated authorities as a result of Procurement Reform Legislation codified as HB 1021, Chapter 590 Laws of Maryland 2017 (“HB 1021”).

WHEREAS, House Bill 1021, titled ‘Reorganization of State Procurement’ was passed into law during the 2017 Legislative Session with most of the substantive provisions having a delayed effective date of October 1, 2019.

WHEREAS, among other things, HB1021 Section 1, which is effective October 1, 2019, removes DPSCS from the list of “Primary Procurement Units” (State Finance and Procurement Article (“SFP”) §11-101(l).

WHEREAS, COMAR 21.02.01.03 Designation of Control and Procurement Authorities, the Board of Public Works’ (“BPW”) designation of DPSCS’s procurement authority in connection with certain procurements for State correctional facilities within its jurisdiction will be repealed as being inconsistent with HB1021.

WHEREAS, COMAR 21.02.01.04H Delegation of Procurement Authority, the BPW delegation of capital construction contracts and change orders under \$200,000, capital construction related contracts or change orders under \$200,000 and architecture/engineering contracts under \$200,000 to be procured by DPSCS will be repealed as being inconsistent with HB1021.

WHEREAS, DPSCS’s capital construction procurement authority will now be diverted to DGS under its delegated authority under HB 1021 and COMAR 21.02.01.04B.

WHEREAS, COMAR 21.02.05.02 establishes the DGS Office of Facilities Planning, Engineering & Construction which is responsible for obtaining services for State construction projects and administering the development and completion of these projects.

WHEREAS, capital funds are authorized through the Maryland Consolidated Capital Bond Loan (MCCBL) program to the Agency with the authority to procure Capital projects.

WHEREAS, MCCBL funds not expended for these restricted purposes may not be transferred by budget amendment or otherwise to any other purpose and shall be cancelled.

WHEREAS, prior to the year 1991, DPSCS design and capital construction procurements were part of the DGS Office of Facilities Planning, Design and Construction.

WHEREAS, when DPSCS was originally given capital construction procurement authority, DGS transferred several permanent State positions to DPSCS.

WHEREAS, now that DPSCS's capital construction program and procurement authority will be transferred back to DGS on October 1, 2019, DGS will need to have several permanent state positions transferred back from DPSCS.

NOW, THEREFORE, the parties hereto do hereby mutually agree to the following:

DPSCS will be responsible for the completion of the construction management of all capital construction contracts under contract with DPSCS prior to October 1, 2019. This includes retention of any documentation necessary for future project audits by the Department of Legislative Services, Department of Budget and Management, Office of State Procurement or any other regulatory Agency with audit oversight.

DGS delegates procurement authority for capital construction contracts and change orders associated with DPSCS contracts in the amount of \$200,000 or less to DPSCS and procurement authority for change orders associated with DPSCS procured capital construction contracts in the amount of \$200,000 or less.

DGS also delegates procurement authority of capital construction-related service contracts and change orders associated with DPSCS contracts in the amount of \$200,000 or less to DPSCS and procurement authority of change orders associated with DPSCS procured capital construction-related service contracts in the amount of \$50,000 or less.

DGS further delegates procurement authority for maintenance contracts associated with DPSCS contracts in the amount of \$200,000 or less to DPSCS and procurement authority for change orders associated with DPSCS procured maintenance contracts in the amount of \$50,000 or less.

DPSCS shall follow any and all procurement statutes and regulations under Division II of the State Finance and Procurement Article and COMAR Title 21 when procuring within its delegated authority. In delegating the above-described procurements, DGS retains its right to perform appropriate oversight to ensure that DPSCS is exercising its delegated authority with care and responsibility. As such, DPSCS is subject to any internal audit or other appropriate oversight performed by DGS and DGS may suspend or terminate any delegation of authority based on results of its audit or any other oversight implementation. DPSCS will continue to be required to obtain DGS approval for any capital construction, capital construction-related services and maintenance contracts over its delegated authority.

DGS will continue to procure all Architecture and Engineering contracts on behalf of DPSCS. DGS may delegate the management of certain contracts to DPSCS (to be determined on a case by case basis).

DPSCS will continue to report per the PAAR (Procurement Agency Activity Report) requirements and submit PAAR reports in accordance with instructions from the Office of State Procurement.

DPSCS design and construction items that require BPW approval or exceed the authority of DPSCS shall be sent through the DGS Office of Facilities Planning, Design, Construction & Energy ("FPDCE") Department Procurement Review Board ("DPRB") for approval prior to submission to the Office of State Procurement.

DPSCS non-design and construction items that require BPW approval or exceed the authority of DPSCS shall be sent through the DGS Office of State Procurement for review and approval.

DPSCS will transfer the project management of all active design projects with construction estimates over \$200,000 to DGS for completion of the design phase and procurement of the construction as funding permits.

DGS will coordinate with a representative of DPSCS for all design and construction projects related to DPSCS sites or operations, including allowing a representative of DPSCS to sit on the procurement evaluation committee for all procurements related to DPSCS design and construction.

DPSCS shall handle emergency procurement per the requirements of COMAR 21.05.06 Emergency & Expedited Procurements. All reports of emergency procurements shall be made directly to the Board of Public Works, within the 45 days as allotted by COMAR. Such reports of emergency procurements shall include a clear description of the impact to public health, safety and welfare.

DPSCS may request emergency funding assistance by letter request to DGS from the Secretary of DPSCS and shall include a clear description of the impact to the public health, safety and welfare. Further, the request shall clearly state if procurement assistance and technical assistance are being sought from DGS.

Capital funding for all new projects after 10/1/2019 will be transferred to DGS's Capital account for management.

Capital funding for all construction contracts executed prior to 10/1/2019 will remain at DPSCS for management of funds.

The attached chart titled "DPSCS Capital Fund Sources" shall dictate the location of the various capital fund sources as of October 1, 2019 that are currently held at DPSCS and is labeled as Exhibit A to this MOU.

Based on approval and processing by the Department of Budget and Management (DBM), DPSCS will transfer the following permanent State positions to DGS.

Name	PIN	DPSCS Role	DGS Role (Unit at DGS)
vacant	052300	Admin Officer III – (Procurement)	Small Procurement (FPDCE)
vacant	064659	Admin Spec III – (Construction Inspection)	Construction Inspection (FPDCE)
Santagustin, Jesus	065039	Bldg. Construction Engineer – (Construction Inspection)	Construction Inspection (FPDCE)
Hekmatian, Hamid	005753	Capital Projects Asst Dir. – (Asst. Director of Design)	Capital PM (FPDCE)
vacant	033554	Agency Project Engr-Arch III – (Mechanical Engineer)	Facilities Eng. Project Manager (FPDCE)
Vacant	070019	Correctional Supply Officer 1	Accountant (Capital Fiscal)

DPSCS will provide access to DPSCS facilities to assigned DGS FPDCE staff. If necessary DPSCS will provide separate identification cards or other security measures in order to ensure access of appropriate DGS staff.

This MOU may be amended only in writing and is effective on the last date executed by all parties hereto

The monitors of this MOU are:

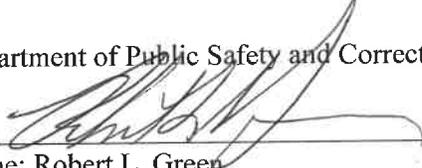
For DGS: Nelson E. Reichart, Deputy Secretary
The Department of General Services
301 W Preston Street, Suite 1400
Baltimore, MD 21201
410-767-4960
Nelson.Reichart@maryland.gov

For DPSCS: Christopher McCully, Deputy Secretary for Administration
The Department of Public Safety and Correctional Services
300 East Joppa Road, Suite 1000
Towson, MD 21286
Christopher.McCully1@maryland.gov

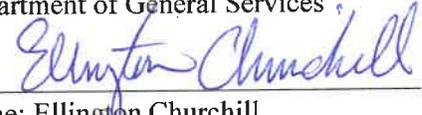
This agreement may be executed in counterparts; all such counterparts shall be deemed one agreement.

In WITNESS WHEREOF, the parties have executed this agreement by causing the same to be signed as of the last day and year first set forth below.

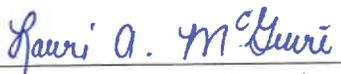
Department of Public Safety and Correctional Services

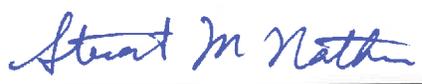
By: 
Name: Robert L. Green
Title: Secretary
Date of Signature: 2/14/20

Department of General Services

By: 
Name: Ellington Churchill
Title: Secretary
Date of Signature: 2-13-2020

Approved as to form and legal sufficiency by:


Assistant Attorney General
Maryland Department of General Services


Assistant Attorney General
Maryland Department of Public Safety and Correctional Services