



Mel Franklin
Council Member
At-Large

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Board of Education
Prince George's County Public Schools
14201 School Lane Upper Marlboro, MD 20772

Millard House, Superintendent
Prince George's County Public Schools
14201 School Lane Upper Marlboro, MD 20772

Dear Board of Education and Superintendent House,

I hope all is well. I was truly dismayed to read the January 17, 2024 letter from Superintendent House to the Board of Education (BOE) describing alarming details of Project Labor Agreement (PLA) negotiations occurring between the selected developer for the PGCPSS Blueprint Phase II developer, Progressive Education Partners ("PEP"), and the DC Building Trades. I was further concerned after viewing the briefing that PGCPSS provided the County Council on these matters on January 23, 2024. Due to unforeseen health conditions, I was regrettably unable to participate in this briefing to raise the troubling issues that I now raise in this letter.

Negotiating Away CMBE Opportunities

I find it stunning and disappointing that these PLA negotiations are essentially bargaining away opportunities for our County-based minority businesses (CMBEs) by establishing a \$500,000 "glass ceiling" exemption that will relegate the vast majority of our CMBEs to only small projects in this billion dollar school construction project happening in their own county, a county that is nearly two-thirds black and over 80% minority with a similarly diverse BOE, County Executive, and County Council, and funded to a great extent by the tax dollars of the residents and businesses of Prince George's County. This is similar, but less generous, than the \$1 million exemption that limited opportunities for CMBEs in the MGM National Harbor (MGMNH) project which began construction nearly 10 years ago and included a PLA. While that project achieved 17% spending with CMBEs, it could have been far more transformational but, because it included a PLA, and, because so very few MBEs based in the county are affiliated with a union, it established a \$1 million exemption where the PLA would not apply. The result of this was that CMBEs were mainly limited to smaller opportunities in the project of less than \$1 million.

Your PLA negotiations appear to be proposing something even worse than the MGMNH standard, a \$500,000 exemption where the PLA wouldn't apply (the DC Building Trades appear to be proposing an even lower \$200,000 exemption), which would have the effect of limiting our County-based MBEs to very small projects in the Blueprint Phase II construction. We have CMBEs with bonding capacity of \$10 million, \$20 million, and even \$30 million and yet the Blueprint Phase II project would limit them to projects valued at \$500,000 (or \$200,000) or less because they happen not to be affiliated with a union. We as leaders really need to reevaluate for whom we are advocating if not the minority and women-owned businesses that call Prince George's County home, instead of letting a 3rd party organization negotiate away their opportunities.

An MBE Goal Isn't Enough

The Blueprint Phase II project appears to have a minority business enterprise (MBE) goal but no County-based MBE (CMBE) goal. This is a big mistake. The general minority business enterprise (MBE) standard alone is insufficient because it is extremely broad. Any MBE in the nation can be utilized to meet the Blueprint Phase II's MBE goal and none need to be located in Prince George's County. What value does meeting an MBE goal with MBEs from North Carolina, Virginia, or New Jersey have for the residents and businesses that call Prince George's County home, other than the negative value of sending our tax dollars to feed the tax base and fund the schools of another jurisdiction? Furthermore, 'minority' is very broadly defined far beyond ethnic minorities and would include a Virginia business owned by a white husband and wife couple where the wife is assigned a 51% ownership stake, thus making the business eligible for certification as a women-owned business and qualifying as an MBE for the purposes of the Blueprint Phase II project. This is not an uncommon practice by those seeking to sneak in under the MBE umbrella. The value of tying a goal to being a County-based MBE is that you are more likely to have an MBE representation reflective of our county's diversity and those dollars remain in the county creating a larger commercial tax base and legacy wealth here in Prince George's County.

An Anti-competitive Proposal that Should be Rejected

Furthermore, I find it troubling that PGCPS would even consider allowing a "one bidder" standard referenced in Superintendent House's letter instead of the typical three-bid rule for competitive contracting. In what universe is allowing one bidder to bid a project a better value, quality, or cost for taxpayers when three-bids or more are available to compete for the project and achieve better savings? Allowing a bid to close after just receiving one bid reeks of favoritism and self-dealing and is not consistent with the basic ethics of procurement contracting. This proposal discussed in the PLA negotiations should obviously be rejected out of hand.

Maintain the Fiscal Sustainability of this Project

And finally, it goes without saying that the affordability maximum approved by the state for this project is not negotiable. Any agreement, PLA or otherwise, that jeopardizes the fiscal sustainability of the Blueprint Phase II project should be excluded from this project.

Thank you in advance for your consideration of these urgent matters.

All the best,



Mel Franklin
Council Member At-Large
Prince George's County Council