

Montgomery County Public Schools



Requests for Proposals

RFP No. 9922.1

for

LEASE OF MCPS HOLDING FACILITIES

Grosvenor Center

5701 Grosvenor Lane, Bethesda, MD 20814

and

Radnor Center

7000 Radnor Rd., Bethesda, MD 20817

RFP MUST BE MAILED OR HAND DELIVERED TO

Montgomery County Public Schools
Division of Financial Management
Department of Procurement
45 West Gude Drive, Suite 3100
Rockville, MD 20850

DUE DATE

2:00 p.m. on October 26, 2026

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**Division of Financial Management
Department of Procurement
MONTGOMERY COUNTY PUBLIC SCHOOLS
Rockville, MD 20850**

**Request For Proposals No. 9922.1
Lease of MCPS Holding Facilities: Grosvenor Center and Radnor Center**

1.0. INTENT

Through this Request for Proposal (RFP), Montgomery County Public Schools (MCPS) is seeking one or more agencies, organizations, companies, or corporations interested in leasing either the whole or a portion of an unoccupied school facility on a short-term basis as outlined below:

Grosvenor Center, 5701 Grosvenor Lane, Bethesda, MD 20814 – Currently available for two (2) years.

Radnor Center, 7000 Radnor Rd., Bethesda, MD 20817 – Currently available for two (2) years.

The selected Offeror(s) will enter into lease agreement(s) with MCPS for use of the space. The selected Offeror(s) will demonstrate the ability to conduct operations within the space and make rent payments throughout the term of the lease. The space may be leased to a single tenant or multiple tenants, as may be appropriate for the specific location.

If no responsible or responsive proposal is received for one or both locations, the Request for Proposal shall be advertised in additional thirty (30) day increments until a responsive and responsible proposal is received and accepted. All proposals received will be reviewed and rated by a selection team (“Selection Team”), comprised of Division of Facilities Management staff. Following issuance of a Notice of Intent to Award to a proposed tenant, lease approval will be contingent upon feedback received from the surrounding community and authorization by the Board of Education.

2.0. INTRODUCTION

MCPS is one the 15th largest school systems in the United States, and the largest in the state of Maryland. During the 2025–2026 school year, MCPS served more than 155,000 students speaking more than 167 languages. With a Fiscal Year (FY) 2026 Operating Budget of approximately \$3.6 billion, MCPS employs more than 25,400 employees. Among the 211 schools that MCPS operates, 45 are National Blue-Ribbon schools. Three Montgomery County Public Schools (MCPS) have been recognized as the top schools in Maryland as ranked by Niche, a national school and college search platform. In the latest rankings, an additional 18 MCPS schools—across elementary, middle, and high school levels—also placed in the top 10 for the 2025 Best Public Schools in Maryland. Overall, MCPS was recognized as the second-Best School District in Maryland and the second-Best School District for Athletes in Maryland.

MCPS is governed by the Montgomery County Board of Education (Board), established by the authority of the laws of the State of Maryland. The Board, under its authority, creates and adopts policies and regulations necessary for operating the school system. In Policy DNA, *Management of School Property (Attachment A)*, the Board authorizes the superintendent of schools or his/her designee to negotiate fees

and conditions for the interim use of Board of Education owned property for the productive use of such property, while reserving it for future use. When leasing properties, Policy DNA requires that priority will be considered for programs that benefit MCPS students, their families, or staff. Other uses may be considered in accordance with applicable laws, including but not limited to *Annotated Code of Maryland*, Education Article, § 4-115, § 5-301. Community feedback on the interim use will be considered in the recommendations of the superintendent of schools for lease of the property. Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities* (Attachment B), also references selection criteria for priority users for space in nonoperating schools, including County programs that benefit MCPS students, their families, or staff; nonpublic schools and/or childcare providers in compliance with Maryland licensing requirements who support, enrich, or enhance the educational experiences of children; community programs that enrich or enhance the learning experiences of children or provide needed services to children, families, or the community; other purposes for government agencies; or private enterprise.

3.0. QUALIFICATIONS

The selected Offeror(s) must demonstrate the experience and financial ability to operate successful programs within the space provided (“Leased Premises”). The selected Offeror(s) must demonstrate their understanding of the intent of this Request for Proposal and plans to vacate the leased premises according to the terms and conditions of the lease. Priority will be given to organizations as specified in Board of Education Policy DNA, *Management of Board of Education Owned Property* and Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities*.

In determining the qualifications of an Offeror, MCPS will consider the Offeror’s record and performance of any prior contracts and leases with MCPS, federal departments or agencies, or other public or private bodies, including but not limited to the Offeror’s record of operating programs and business concerns in other MCPS or Montgomery County facilities. MCPS expressly reserves the right to reject any proposal of any Offeror if the investigation discloses that the Offeror, in the opinion of MCPS, has not properly performed such prior contracts or has habitually and without just cause neglected the payment of bills or has otherwise disregarded its obligations to subcontractors or employees.

MCPS may conduct any necessary investigation to determine the ability of the Offeror to perform the requirements of the lease, and the Offeror shall furnish to MCPS all such information and data requested, such as information about its reputation, past performance, business and financial capability and other factors that demonstrate that the Offeror is capable of satisfying requirements for a lease. MCPS reserves the right to reject any proposal if the evidence submitted by the Offeror or investigation of such Offeror fails to satisfy MCPS that such Offeror is properly qualified to carry out the obligations of the lease and to complete all requirements contemplated therein. In addition, MCPS reserves the right to make on-site visits of Offerors who currently operate programs during normal business hours to determine ability, capacity, reliability, financial stability and other factors necessary to perform the proposed program in the Leased Premises.

All Offerors submitting proposals shall include evidence that they maintain permanent places of business. If applicable, the selected Offeror for each location must also obtain the required licenses from the Maryland State Department of Education prior to commencing operations within the school. This includes

offerors who provide services as a private school or child care. Copies of any other appropriate licenses necessary to perform this work shall be submitted with each proposal.

4.0. LEASED PREMISES AND LEASE REQUIREMENTS

MCPS is seeking qualified Offerors to lease available space at the facilities identified below. The selected Offeror(s) will be required to enter into a Lease Agreement in accordance with the terms and conditions of this RFP. The initial term of the Lease Agreements will be for two (2) years. Provided the Offeror is in good standing, not currently in default of the lease, has not had rent arrearages in the previous six (6) months, and/or if the property is not needed for school renovation and expansion projects, the Board of Education may grant the Offeror additional renewal terms, in accordance with the terms and conditions of the lease and consistent with Board Policy DNA, *Management of Board of Education Property* and Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities*

The facilities available for lease are summarized below:

Holding Facility	Facility Address	Rooms (all)	Building Square Feet	Maximum Term	Renewals	Relocatable Classrooms
Grosvenor Center	5701 Grosvenor Lane Bethesda, MD 20814	18	36,770	2 years	three (3) one-year renewal terms	0
Radnor Center	7000 Radnor Road Bethesda, MD 20817	16	36,663	2 years	three (3) one-year renewal terms	0

Floor plans and aerial photos for the proposed premises to be leased by the Offeror in each school are provided in Attachment C. A site visit will be scheduled at **Grosvenor Center for September 14, 2026, at 10:30 a.m.** and **Radnor Center on September 15, 2026 at 1:00 p.m.**

Please note that, subject to the terms of Board Policy DNA, *Management of Board of Education Property*, and Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities*, the tenant must be prepared to relinquish possession of the Leased Premises prior to the end of lease term when any of the following conditions exist:

- (1) The tenant has defaulted on lease requirements.
- (2) The property is needed for an approved capital project in the CIP before the current lease term expires.
- (3) Another public use is identified as determined by the Board.
- (4) The property is needed to meet requirements of environmental conservation regulations.
- (5) The land is declared surplus by the Board because it is no longer needed for school purposes.
- (6) The Board may terminate a lease at its sole discretion with adequate notice to the tenant.

5.0. DEVIATIONS

MCPS expects to enter into a Lease Agreement with the Offeror(s) selected for each location that has terms and conditions as stated in the template included with this RFP as Attachment D, except and unless modified by MCPS in its sole discretion. Proposals must clearly identify any variances from or objections to the specifications in this RFP and the terms and conditions of the Lease Agreement template. Lacking any response to the contrary, MCPS will infer that the Offeror(s) agrees to the specifications of this RFP and each term and condition of the Lease Agreement template. In particular, the insurance provisions set forth in Section 16 of the Lease Agreement are non-negotiable, as are those terms and conditions set forth in Board Policy DNA and Board Policy ECM.

6.0. INSTRUCTIONS

Offerors shall submit a complete proposal addressing all requirements outlined in this section. Proposals shall provide sufficient information for MCPS to evaluate the Offeror's qualifications, proposed operations, financial responsibility, and ability to comply with the terms and conditions of the Lease Agreement.

Offerors shall clearly identify the facility for which they are submitting a proposal, as identified in Section 4.0, Leased Premises and Lease Requirements. Offerors proposing to lease space at more than one facility shall submit a separate proposal for each facility. If proposing to lease less than an entire facility, the Offeror shall clearly identify the specific rooms and/or areas proposed for lease, including the corresponding room numbers shown on the floor plans in Attachment C.

Offerors shall organize their proposals in the order listed in Section 8.0, Evaluation Criteria, and clearly identify each section. Failure to provide the requested information may result in the proposal being deemed non-responsive or may impact the evaluation of the proposal.

The information provided in the proposal will be used by MCPS to evaluate each Offeror in accordance with the evaluation criteria set forth in Section 8.0, Evaluation Criteria. MCPS may consider information provided by the Offeror, information obtained from references, and other relevant information available to MCPS in evaluating an Offeror's qualifications, experience, past performance, financial responsibility, and ability to perform the obligations of the Lease Agreement.

7.0. RENTAL RATE

The Offeror will be required to pay monthly rent at a rate of no less than \$15.50 per square foot and any additional rent as specified in the Lease Agreement. Minimum monthly rent is calculated by multiplying the total square feet of the space by \$15.50, then dividing by either ten (10) or twelve (12) months. Annual rent for any renewal terms shall be increased at the beginning of each fiscal year, July 1, by no less than three percent (3%) over the previous year's annual rent. The rent rate is non-negotiable.

8.0. EVALUATION CRITERIA (Total 100 points)**A. Qualifications and Experience of the Offeror Relevant to the Scope of Services (15 points)**

The Selection Team will evaluate the Offeror's organizational qualifications, experience, reputation, and demonstrated ability to successfully provide the proposed services. Evaluation will consider, but is not limited to, the following:

- a. Organizational Experience
 - i. Organizational experience in the Offeror's business or related field;
 - ii. Experience operating similar programs or services; and
 - iii. Years in operation under current business name and leadership and years in operation under other business names under current and/or previous leadership.
- b. Information regarding current program(s) operated by the Offeror, including:
 - i. Name, location and description of program(s);
 - ii. Hours of operation;
 - iii. Population(s) served, including ages and the maximum and/or target enrollment for each program;
 - iv. Program director's name(s); and
 - v. Building manager(s') contact information.
- c. Information regarding previous program(s) operated by the Offeror, including:
 - i. Name and location of program(s);
 - ii. Hours of operation;
 - iii. Population(s) served, including ages and the maximum and/or target enrollment for each program;
 - iv. Program director's name(s); and
 - v. Building manager(s') contact information.
- d. At least three (3) professional references, including one (1) financial reference provided by the Offeror.
- e. Past performance information demonstrating successful performance of similar programs or services, including client testimonials, customer satisfaction surveys, online reviews, and letters of recommendation.

B. Proposed Program, Services, and Community Benefit (40 points)

The Selection Team will evaluate the Offeror's proposed use of MCPS facilities and the overall benefit of the proposed operations to MCPS students, families, staff, and the surrounding community. Evaluation will consider, but is not limited to, the following:

- a. Program Philosophy and Benefits
 - i. Philosophy, mission, and organizational objectives of the proposed operations,

- including how the program aligns with applicable laws and Board policies, including Board Policy DNA, Management of Board of Education Property, and Board Policy ECM, Joint Occupancy of Montgomery County Public Schools (MCPS) Facilities; and
- ii. Any benefits provided to MCPS students, families, staff, Montgomery County residents, local community, and/or broader countywide community.
- b. Program Operations
 - i. Describe proposed program features, methodology, and any innovations;
 - ii. Include proposed population to be served, including ages of children or clients; and
 - iii. Proposed operating schedule, including:
 - 1. Days of the week (example: Monday - Friday), months (10 or 12 months/year), and daily hours of operation (i.e. 6:30 a.m. - 5:30 p.m., for example);
 - 2. Holiday, winter, spring break, summer, half-day, and inclement weather operations proposed plans; and
 - 3. Emergency and weather-related closure procedures, and how they are proposed to be handled, including parent/client notification procedures.
 - c. Proposed Space Utilization
 - i. Marked-up Attachment C identifying the proposed space layout;
 - ii. Amount of facility space proposed to be occupied, including corresponding room numbers shown on the floor plan in Attachment C;
 - iii. Number of staff, visitors, children, and/or clients to be accommodated; and
 - iv. Number of expected daily visitors.
 - d. Community Use
 - i. Identify any available indoor spaces (e.g., multipurpose rooms, classrooms) and proposed hours for after-hours Community Use of Public Facilities (CUPF) use; and
 - ii. Identify the outdoor amenities (fields, playgrounds, basketball courts, parking lot) and proposed hours of availability and restrictions to public use.
 - e. Maintenance
 - i. Proposed cleaning schedule and scope of work; and
 - ii. Proposed grounds care schedule and scope of work.
 - f. Frequency of large events and estimated number of attendees. Please include details of whether invited attendees include neighboring community, broader community, MCPS students, MCPS staff.

C. Staffing and Service Delivery Approach (15 points)

The Selection Team will evaluate the Offeror's ability to provide qualified personnel and successfully operate the proposed program(s). Evaluation will consider, but is not limited to, the following:

- a. Staffing plan
 - i. Number of full-time and part-time employees at this site;
 - ii. Job titles proposed to be at this site;
 - iii. Proposed staff-to-client and/or staff-to-student ratio; and
 - iv. Number and list of services contracted out (for example, building services such as cleaning, minor interior maintenance, grounds maintenance).
- b. Personnel Management
 - i. Employee turnover/longevity rate;
 - ii. Any preference so hiring MCPS graduates and/or student interns; and
 - iii. Background screening procedures for staff in accordance with Maryland law, Board Policy, and MCPS Regulations, including MCPS GCC-RB, *Background Screening of MCPS Employees, Candidates for MCPS Employment, Contractors, and Volunteers*.
- c. Leadership and Quality
 - i. Qualifications and responsibilities of the on-site director or program manager;
 - ii. Plan for regular program evaluation and quality assurance; and
 - iii. Written personnel policies provided by the Offeror.
- d. Security plan, including security staffing plans.

D. Financial Responsibility and Ability to Meet Lease Obligations (20 points)

The Selection Team will evaluate the Offeror's financial capacity and ability to meet all obligations associated with the Lease Agreement. Evaluation will consider the following:

- a. Financial Capacity
 - i. Financial reference addressing the financial stability of the Offeror;
 - ii. Proposed annual operating budget, including revenues and expenses;
 - iii. Itemized start-up costs; and
 - iv. Overall ability to perform lease payment obligations, maintenance terms of the lease, and sustain operations throughout the lease term.
- b. Completed Attachment E – Statement of Financial Responsibility.
- c. Completed Attachment F – Certification of Financial Responsibility.
- d. Ability to maintain required insurance coverage pursuant to Section 17 of the Lease Agreement (Attachment D).

E. Compliance with Proposal Requirements and Lease Terms (10 points)

The Selection Team will evaluate the Offeror's completeness of response and willingness to comply with MCPS requirements. Evaluation will consider, but is not limited to, the following:

- a. Completed required certifications and acknowledgments, including:
 - i. Attachment G – Equal Opportunities Certification;

- ii. Attachment H – Certification of Non-segregated Facilities;
 - iii. Attachment I regarding minority/female/disabled-owned business status; and
 - iv. Attachment J – Non-Debarment Acknowledgment.
- b. Identification of any proposed variances from or objections to the Lease Agreement template (Attachment D), including justification for such requests.
 - c. Identification of nonprofit or tax-exempt status, and/or certificate of good standing.
 - d. Maryland State Department of Education (MSDE) EXCELS Status, if applicable.
 - e. Submission of a redacted copy of the proposal as required by Sections 10.0 and 19.0.

9.0. SELECTION OF THE OFFEROR(S)

MCPS reserves the right to request clarifications regarding any proposal submitted. Only proposals received by the deadline specified in this RFP will be considered. Proposals should be submitted as complete and responsive as possible, as MCPS may evaluate proposals without requesting additional information or conducting discussions. If clarification or supplementary information is requested, Offerors shall provide the requested information within the timeframe established by MCPS.

Each proposal will be evaluated by the Selection Team using the evaluation criteria set forth in Section 8.0, Evaluation Criteria. Members of the Selection Team will assign points for each evaluation criterion, and the points will be totaled to determine each proposal's overall score.

MCPS reserves the right to conduct interviews, presentations, or request additional information from one or more Offerors as part of the evaluation process. If interviews or presentations are conducted, the Selection Team may consider the information provided as part of the overall evaluation of the proposal.

If only one proposal is received for a particular location, the Selection Team will evaluate the proposal to determine whether it satisfies the requirements of this RFP and whether the Offeror is qualified to perform the lease. MCPS reserves the right to reject any or all proposals in accordance with Board Policy DNA, *Management of Board of Education Property*, and Board Policy ECM, *Joint Occupancy of Montgomery County Public Schools Facilities*.

Based on the evaluation results and the recommendation of the Selection Team, the superintendent of schools shall recommend an Offeror to lease the proposed space for consideration by the Board of Education. Pursuant to Board Policy DNA and Board Policy ECM, community feedback regarding the interim use of the property may be considered as part of the superintendent's recommendation.

All Offerors will receive written notification regarding the outcome of the solicitation. If MCPS and the selected Offeror are unable to successfully negotiate and execute a mutually acceptable lease agreement, MCPS may discontinue negotiations with that Offeror and, at its sole discretion, negotiate with another qualified Offeror or re-advertise the available space.

This solicitation does not commit MCPS to award a lease or reimburse any costs incurred in the preparation or submission of a proposal. MCPS reserves the right to reject any or all proposals when it determines such action is in the best interest of MCPS.

10.0. SUBMISSION GUIDELINES

Each Offeror must submit a complete proposal, including all required information and attachments. The response shall address each paragraph in the same order as the RFP and provide an individual response to each RFP specification. All proposals must be presented using the same numbering sequence and order used in this RFP document or as otherwise specified by MCPS. Offerors may request via e-mail to Ms. Comfort Baiyeshea, Buyer II, Department of Procurement, at Comfort_O_Baiyeshea@mcpsmd.org a Microsoft Word version to help them in preparing their response.

One original and one electronic on flash drive and one redacted copy of responses must be sent by mail, courier or hand-delivery and shall be in binders with tabs identifying each section. A table of contents should be included and all pages numbered as referenced in the Table of Contents. No faxes of proposals will be accepted. Proposals are to be received no later than **2:00 p.m., on October 26, 2026**. Submit responses of the entire RFP proposal to:

Montgomery County Public Schools
Department of Procurement
45 W. Gude Drive, Suite 3100
Rockville, MD 20850

Please contact MCPS Procurement via e-mail at Comfort_O_Baiyeshea@mcpsmd.org to receive an electronic MS Word copy of the RFP.

Please note that the Board or MCPS shall not be responsible nor be liable for any costs incurred by the Offeror in the preparation and submission of their proposals.

Submissions will become the property of MCPS.

11.0. POST-AWARD LEASE ADMINISTRATOR

During the solicitation process, all questions and communications regarding this RFP shall be directed only to the Procurement contact identified in Section 15.0, Questions and Requests for Clarification. Offerors shall not contact the Lease Administrator regarding this solicitation prior to contract award.

Following award of the lease, the MCPS Lease Administrator will serve as the primary point of contact for the selected Offeror. The initial Lease Administrator for this procurement is:

Margaret (Peggy) Ellett
Property Management Assistant
Department of Planning and Construction
Montgomery County Public Schools
45 W. Gude Drive, Suite 4000
Rockville, MD 20850
Email: Margaret_A_Ellett@mcpsmd.org

Or

Julie Morris

Supervisor, Planning and Real Estate
 Department of Planning and Construction
 Montgomery County Public Schools
 45 W. Gude Drive, Suite 4000
 Rockville, MD 20850
 Email: Julie_A_Morris@mcpsmd.org

Phone: 240-740-7700

Following contract award, the Lease Administrator, or another MCPS employee designated by the Deputy Chief of the Division of Facilities Management, will serve as the liaison between MCPS and the selected Offeror; provide direction to ensure satisfactory and complete performance; monitor and inspect performance to ensure acceptable timeliness and quality; serve as the records custodian for the lease; accept or reject the Offeror's performance; provide timely written notice of performance deficiencies; prepare required reports; and recommend lease modifications or termination to the Deputy Chief, Division of Facilities Management.

The Lease Administrator is not authorized to alter, modify, terminate, or cancel the lease; interpret ambiguities in the lease; or waive MCPS' contractual rights. Any such action must be authorized in writing by the Deputy Chief, Division of Facilities Management.

MCPS reserves the right to change the Lease Administrator at any time. The selected Offeror will be notified in writing of any such change, including the name and contact information of the successor Lease Administrator.

12.0. SCHEDULE OF EVENTS

The anticipated schedule for activities related to this RFP is as follows:

RFP issued:	August 28, 2026-Revised and reissued on September 4, 2026
Site Visits:	Grosvenor Center, 5701 Grosvenor Lane, Bethesda, MD 20814 September 14, 2026 from 10:30 to 11:30 am Radnor Center, 7000 Radnor Road, Bethesda, MD 20817 September 15, 2026 from 1:00 to 2:00 p.m.
Questions due:	September 23, 2026 at 4:00 p.m.
Responses posted:	October 7, 2026
Proposals due:	October 26, 2026 at 2:00 p.m.
Anticipated Board of Education Lease Approval:	January 29, 2027

All dates are subject to change at the discretion of MCPS.

13.0. ADDENDA/ERRATA

Changes and addenda to a solicitation may occur prior to the solicitation opening date and time. It is the Offeror's responsibility to check the MCPS' Procurement website or contact Procurement at 301-740-7600 or Comfort_O_Baiyeshea@mcpsmd.org to verify whether addenda/errata have been issued. In the event that MCPS issues addenda/errata, all terms and conditions will remain in effect unless they are specifically and explicitly changed by the addenda/errata. Offerors must acknowledge receipt of such addenda/errata, prior to the hour and date specified in this RFP or any addenda/errata for receipt of proposals, by returning one signed copy of each of the addenda/errata with its proposal. Failure to provide the signed acknowledgement of the addenda/errata may result in a bid being deemed non-responsive.

14.0. eMaryland Marketplace

As of June 1, 2008, Maryland law requires local and state agencies to post solicitations on eMaryland Marketplace. Registration with eMaryland Marketplace is free. It is recommended that any interested Offeror register at www.eMarylandMarketplace.com, regardless of the award outcome for this procurement, as it is a valuable resource for upcoming bid notifications for municipalities throughout Maryland.

15.0. QUESTIONS AND REQUESTS FOR CLARIFICATION

Questions regarding this solicitation shall be submitted in writing to:

Comfort Baiyeshea
Buyer II
Department of Procurement
Montgomery County Public Schools
45 W. Gude Drive, Suite 3100
Rockville, Maryland 20850

Email: Comfort_O_Baiyeshea@mcpsmd.org

Questions must be received no later than **4:00 p.m. on September 23, 2026**. Responses to questions will be posted on **eMaryland Marketplace** and the **MCPS Procurement website on October 7, 2026**.

MCPS will not be responsible for any oral or telephone explanation or interpretation of this solicitation. Any information provided in response to a written question that is deemed necessary for the preparation of proposals, or the lack of which could be detrimental to Offerors, will be issued in writing as an addendum or erratum. Only written addenda or errata issued by MCPS shall be binding on MCPS.

Offerors are responsible for monitoring eMaryland Marketplace and the MCPS Procurement website for all addenda, errata, and other information related to this solicitation.

From the date this solicitation is issued until a contract is awarded, Offerors shall not contact any MCPS employee regarding this solicitation other than the individual identified above. Any attempt to contact another MCPS employee concerning this solicitation may be considered an attempt to obtain an unfair competitive advantage and may result in the rejection of the Offeror's proposal.

MCPS Procurement website: www.montgomeryschoolsmd.org/departments/procurement/

16.0. OFFEROR OBLIGATIONS

Offeror's Obligation Regarding Criminal Records of Individuals Assigned to Work in MCPS Facilities

I. Prohibition against assigning registered sex offenders and individuals convicted of sexual offenses, child sexual abuse, and other crimes of violence to MCPS contracts:

Maryland Law requires that any person who enters into a contract with a county board of education “may not knowingly employ an individual to work at a school” if the individual is a registered sex offender. Under § 11-722 of the Criminal Procedure Article of the Maryland Code, an employer who violates this requirement is guilty of a misdemeanor and, if convicted, may be subject to up to five years imprisonment and/or a \$5,000 fine.

Effective July 1, 2015, amendments to § 6-113 of the Education Article of the Maryland Code further require that a contractor or subcontractor for a local school system may not knowingly assign an employee to work on school premises with direct, unsupervised, and uncontrolled access to children, if the employee has been convicted of, or pled guilty or nolo contendere to, a crime involving:

- a) A sexual offense in the third or fourth degree under § 3–307 or § 3–308 of the Criminal Law Article of the Maryland Code or an offense under the laws of another state that would constitute an offense under § 3–307 or § 3–308 of the Criminal Law Article if committed in Maryland;
- b) Child sexual abuse under § 3-602 of the Criminal Law Article, or an offense under the laws of another state that would constitute child sexual abuse under § 3-602 of the Criminal Law Article if committed in Maryland; or
- c) A crime of violence as defined in § 14–101 of the Criminal Law Article, or an offense under the laws of another state that would be a violation of § 14–101 of the Criminal Law Article if committed in Maryland, including: (1) abduction; (2) arson in the first degree; (3) kidnapping; (4) manslaughter, except involuntary manslaughter; (5) mayhem; (6) maiming; (7) murder; (8) rape; (9) robbery; (10) carjacking; (11) armed carjacking; (12) sexual offense in the first degree; (13) sexual offense in the second degree; (14) use of a handgun in the commission of a felony or other crime of violence; (15) child abuse in the first degree; (16) sexual abuse of a minor; (17) an attempt to commit any of the crimes described in items (1) through (16) of this list; (18) continuing course of conduct with a child under § 3-315 of the Criminal Law Article; (19) assault in the first degree; (20) assault with intent to murder; (21) assault with intent to rape; (22) assault with intent to rob; (23) assault with intent to commit a sexual offense in the first degree; and (24) assault with intent to commit a sexual offense in the second degree.

Upon execution of a lease, Offeror is required to submit a letter confirming that its direct employees and those of any subcontractors and/or independent contractors assigned to perform work in the building meet this obligation. Additionally, the Offeror must confirm that it continues to meet this obligation on an annual basis and/or when there are changes in the workforce that the Offeror and/or its subcontractors use to operate its child care program in the building. The term “workforce” includes all of the Offeror’s direct

employees, subcontractors and their employees, and/or independent contractors and their employees that the Offeror uses to operate its child care program in the building.

Violation of this provision is a material breach of contract for which MCPS may take appropriate action up to and including termination of the lease.

II. Required criminal background check process for certain individuals in the contractor's workforce:

1. Offeror shall comply with Maryland laws regarding required criminal background checks. § 5-561 of the Family Law Article of the Maryland Code requires that any local school system or child care center, and any contractor or subcontractor of a local school system or child care center, ensure that any individuals in its work-force undergo a criminal background check, including fingerprinting, if the individuals will work in a school or child care facility in circumstances where they have direct, unsupervised, and uncontrolled access to children. Upon the execution of a lease, Offeror shall:
 - a) Implement the background check process in accordance with Maryland law and MSDE child care licensing requirements as set forth in Code of Maryland Regulations 13A.16.06;
 - b) Comply with any determination by MSDE to prohibit the employment of an individual based on the criminal background check;
 - c) Ensure that all individuals in the Offeror's workforce receive training on recognizing, reporting, and preventing child abuse and neglect in accordance with Code of Maryland Regulations 13A.16.06.02; and
 - d) Provide all individuals in Offeror's workforce with an identification badge to be worn at all times in the building.

The badging process will be at the Offeror's expense.

Violation of this provision is a material breach of the lease for which MCPS may take appropriate action up to and including termination of the lease.

17.0. BID PROTESTS

Any bid protests, including appeals, will be governed by the applicable MCPS Division of Procurement Regulations. The burden of production of all relevant evidence, data, and documents and the burden of persuasion to support the protest is on the Offeror making the protest.

18.0. TREATMENT OF TECHNICAL DATA IN PROPOSAL

The proposal submitted in response to this request may contain technical data which the Offeror does not want used or disclosed for any purpose other than evaluation of the proposal. The use and disclosure of any such technical data, subject to the provisions of the Maryland Public Information Act, may be so restricted:

Provided, that Offeror marks the cover sheet of the proposal with the following legend, specifying the pages of the proposal which are to be restricted in accordance with the conditions of the legend: "Technical data contained in pages ___ of this proposal shall not be used or disclosed, except for evaluation purposes."

Provided, that if a contract is awarded to this Offeror as a result of or in connection with the submission of this proposal, MCPS shall have the right to use or disclose these technical data to the extent provided in the contract.

This restriction does not limit the right of MCPS to use or disclose technical data obtained from another source without restriction.

MCPS assumes no liability for disclosure or use of unmarked technical data or products and may use or disclose the data for any purpose and may consider that the proposal was not submitted in confidence and therefore is releasable. Price and cost data concerning salaries, overhead, and general and administrative expenses are considered proprietary information and will not be disclosed, if marked in accordance with the instructions in Section 19.0.

19.0. PROPRIETARY AND CONFIDENTIAL INFORMATION

Offerors are notified that MCPS and Selection Team members have unlimited data rights regarding proposals submitted in response to this solicitation. Unlimited data rights means that MCPS and Selection Team members have the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, or perform publicly and display publicly any information submitted by the Offerors in response to this or any solicitation issued by MCPS. However, MCPS will exempt information that is confidential commercial or financial information of an Offeror, as defined by the Maryland Public Information Act, State Government Article, Section 10-617, from disclosure. It is the responsibility of the Offeror to clearly identify each part of its proposal that is confidential commercial or financial information by stamping the **bottom right-hand corner** of each pertinent page with one-inch bold face letters stating the words "**confidential**" or "**proprietary**." The Offeror agrees that any portion of the proposal that is not stamped as proprietary or confidential is not proprietary or confidential. As a condition for MCPS keeping the information confidential, the Offeror must agree to defend and hold MCPS harmless if any information is inadvertently released. Each Offeror must submit a proprietary and confidential redacted copy of its proposal to be used in responding to MPIA requests.

20.0. UNNECESSARILY ELABORATE BROCHURES

Unnecessarily elaborate brochures or other presentations beyond those sufficient to present a complete and effective proposal are not desired and may be construed as an indication of the Offeror's lack of cost consciousness. Elaborate art work and expensive visual and other presentation aids are neither necessary nor wanted.

ATTACHMENTS AND FORMS