



MARYLAND OFFICE OF THE  
INSPECTOR GENERAL FOR EDUCATION

Richard P. Henry  
*Inspector General*

Yvonne K. Brooks, Esq.  
*Deputy Inspector General*

November 17, 2023

**MEMORANDUM**

**SERVED VIA EMAIL: [townsela@calvertnet.k12.md.us](mailto:townsela@calvertnet.k12.md.us)**

To: Dr. Andrae Townsel  
Superintendent  
Calvert County Public Schools  
1305 Dares Beach Road  
Prince Frederick, Maryland 20678

RE: OIGE Case: 23-0005-I

Dear Superintendent Townsel,

The Maryland Office of the Inspector General for Education (OIGE) has concluded its investigation of the Calvert County Public School system. Our investigative findings are included in the attached final report.

Please feel free to contact my office if you have any questions or concerns.

Respectfully,

Richard P. Henry  
Inspector General

Enclosure

cc: Inez N. Claggett, President – Calvert County Board of Education  
Earl F. Hance, President – Calvert County Board of Commissioners  
Gregory A. Hook, CPA – Legislative Auditor, Office of Legislative Audits  
Members At Large, Calvert County Board of Education



# MARYLAND OFFICE OF THE INSPECTOR GENERAL FOR EDUCATION



## Investigative Report Summary

---

OIGE Case 23-0005-I

Issued: November 17, 2023



MARYLAND OFFICE OF THE  
INSPECTOR GENERAL FOR EDUCATION  
Richard P. Henry, Inspector General



November 17, 2023

To the Citizens of Maryland and Calvert County,

The General Assembly, at its First Session after the adoption of the Maryland Constitution, established throughout the State a thorough and efficient System of Free Public Schools and shall provide by taxation, or otherwise, for their maintenance.<sup>1</sup> The Maryland Office of the Inspector General for Education (OIGE) plays a vital role in safeguarding State funds provided to local school systems. Our primary mission is to prevent and detect fraud, waste and abuse, and educational mismanagement within School Boards, the Maryland State Department of Education (MSDE), the Interagency Commission of School Construction (IAC), the twenty-four (24) local education agencies (LEA), and non-public schools who receive State funding throughout the State of Maryland. Except under limited exceptions, the Inspector General may not disclose the identity of the source of a complaint or information provided.

### **Executive Summary**

The OIGE initiated an investigation after receiving a complaint alleging that the Calvert County Public Schools (CCPS) wasted "hundreds of thousands" of dollars by the Superintendent and several administrators in their effort to send 20 students to the 2023 Super Bowl without a vote by the CCPS - Board of Education (BOE). The complainant further alleged the selection process of the students and administrators appeared inequitable.

The investigation revealed that CCPS entered into a \$344,000 sole source contract with Vendor 1 for their noted program designed to provide "access to literacy-rich and motivating educational experiences" for at-risk students to "increase self-efficacy, reading motivation, and academic success." The contract was not procured in accordance with CCPS Administrative Procedures for Policy #5510 (Business) Regarding Procedures for Bidding, Sec VI, and the Code of Maryland Regulation (COMAR) Sec 21.05.05.01-02.

The OIGE found the selection of student participants was conducted in a methodical, metric-based process with limited subjective input applied uniformly amongst the four CCPS High Schools. Therefore, the OIGE could not substantiate the selection process's inequity.

---

<sup>1</sup> Constitution of Maryland, Article VIII, Education, Section 1

## **Background**

The Calvert County Public Schools system encompasses 15,500 students dispersed throughout its four high schools, six middle schools, and 13 elementary schools. The BOE has six members, which includes one student member.

The Superintendent began his tenure in July 2022. Before coming to CCPS, the Superintendent served in the same capacity at the Benton Harbor School System in Michigan. At the time of his arrival, the Chief Financial Officer (CFO), Director of Finance, and Director of Procurement had all retired with the outgoing Superintendent. It was not until September 2022 that all the positions became permanently staffed.

On September 22, 2022, the Supervisor of Finance – Procurement presented the CCPS BOE with agenda item 2.03, a sole source contract memorandum to approve Vendor 1’s literacy and leadership program. The BOE was given time to ask the Superintendent questions and voted unanimously to approve the contract. The contract's value was \$344,000 (\$86,000 for each CCPS high school). A meeting video is available for public viewing on the CCPS BOE website<sup>2</sup>.

The program is incentivized by an all-expense paid trip to the Super Bowl for five students and one administrator per high school at no additional cost. The only CCPS funds expended for the Super Bowl trip were to pay for buses to take the students and administrator to and from the airport.

The OIGE found that CCPS did not have a procurement manual and relied on guidance provided in CCPS Policy #5510, on Maryland.gov, and the Code of Maryland Regulation (COMAR) for procurement guidance.

## **Investigation**

### *Improper Use of Sole Source Procurement*

The Code of Maryland Regulation, Section 21.05.05.01<sup>3</sup>through .02, outlines the circumstances in which a requirement is permissible as a sole source contract. In addition, Section VI<sup>4</sup> of CCPS

---

<sup>2</sup> <https://www.calvertnet.k12.md.us/board-of-education/watch-live-boe-meeting>

<sup>3</sup> 21.05.05.01- If the procurement officer determines that a competitive source selection method cannot be used because there is only one available source for the subject of the contract or if the proposed contract is one that is contemplated by Regulation .02C or D of this chapter, the procurement officer, after obtaining the approval of the agency head and all other approvals required by law or regulation, may award a contract without competition to the sole source.

21.05.05.02 A. Sole source procurement is not permissible unless a requirement is available from only a single vendor. The following are some examples of circumstances which could necessitate sole source procurement:

- (1) When only one source exists which meets the requirements;
- (2) When the compatibility of equipment, accessories, or replacement parts is the paramount consideration;
- (3) When a sole vendor's item is needed for trial use or testing;
- (4) When a sole vendor's item is to be procured for resale;
- (5) When certain public utility services are to be procured and only one source exists.

<sup>4</sup> CCPS Administrative Procedures for Policy #5510, Section VI. Sole Source Procurements

Administrative Procedures for Policy #5510 (Business) Regarding Procedures for Bidding and sole source contracts also aligns with COMAR.

The OIG found the justification as written did not fall within the permissible use of a sole source contract. CCPS justified the sole source contract as appropriate by stating that *"only one vendor provides the required service"* and that "Vendor 1" was *"unique in its design, delivery, and availability."* While "Vendor 1" had a recognized personality, an online celebrity, and a famous motivational speaker as part of the program, it was not the only literacy and leadership program available to select from. Attaching a celebrity or proprietary information to a commonly available program does not make it exclusive and singular. The OIG found no further explanation or elaboration was provided to detail how it is unique in these areas and, therefore, one of a kind.

The OIG further reviewed CCPS sole source contracts from January 9, 2020, and found the same practice of limited or no justification for sole source contracts. For example, the OIG found that CCPS engaged in a \$36,000 contract at \$600 an hour with a consulting service that, according to their website, used;

*"evidence-based, trauma-informed, neurodiversity affirming model of care that helps caregivers focus on identifying the problems that are causing concerning behaviors in kids and solving those problems collaboratively and proactively."*

The OIG searched for related services and found several adolescent behavior consultants. In this instance, the CCPS attached a letter from this vendor to aid in the justification. The letter stated they are "the sole source provider of Dr. Ross Greene's Collaborative & Proactive Solutions model as described in his influential books." The OIG found that attaching self-proclaimed proprietary information to a commonly available program did not make it exclusive and singular unless it could be adequately distinguished from other programs.

## **Findings**

The OIG investigation found that CCPS did not procure vendor services in accordance with CCPS Administrative Procedures for Policy #5510 (Business) Regarding Procedures for Bidding, Sec VI and COMAR 21.05.05.01-02. The sole source justification documented their decision to use a specific vendor rather than justifying the need for a sole source contract. The OIG determined that CCPS used this process, which was inherited<sup>5</sup> and dated back to early 2020.

---

A. If the Superintendent or designee determines that a competitive source selection method cannot be used because there is only one available source for the subject of the contract, then a contract can be awarded to the sole source without competition, provided the necessary approvals required by law or regulation have been obtained.

B. Staff shall provide appropriate written justification for sole source procurement which may include:

1. When only one source exists which meets the requirements
2. When the compatibility of equipment, accessories, or replacement parts is the paramount decision
3. When a sole vendor's product is needed for trial use or testing
4. When certain public utility services are to be procured and only one source exists

<sup>5</sup> Office of Legislative Audits, Financial Management Practices Audit Report, January 2022

## **Recommendations**

The OIGE makes the following recommendations to the CCPS,

### *1. Procurement Manual*

The OIGE recommends that CCPS implement a specific Procurement Manual to standardize procurement processes and maintain compliance with applicable CCPS policies and COMAR.

### *2. Maryland Procurement Academy*

The OIGE recommends that CCPS procurement staff utilize the Maryland Department of General Services, Office of State Procurement, and Maryland Procurement Academy. The department provides detailed procurement resources and offers a three-tiered Procurement Certification Program.

### *3. Cross Train Staff*

The OIGE recommends cross-training for the administrative staff. Since CCPS is a relatively small school system with limited staff members, the sudden and unexpected departure of two staff members can place CCPS at risk with the continuity of essential operations until replacement staff can be hired. A staff member with a basic knowledge of another function can avoid compliance and waste issues.

The OIGE understands that information may be changed or updated after an investigation has been completed. The OIGE appreciates the Superintendent of Schools and Calvert County Public School system members' cooperation in this investigation.

Respectfully,



Richard P. Henry  
Inspector General

cc: Inez N. Claggett, President – Calvert County Board of Education  
Earl F. Hance, President – Calvert County Board of Commissioners  
Gregory A. Hook, CPA – Legislative Auditor, Office of Legislative Audits  
Members At Large, Calvert County Board of Education