

M.G.L. c. 7C, §§ 44-57 – DESIGN SERVICES FOR PUBLIC BUILDING PROJECTS: Cities, Towns, Regional School Districts and Horace Mann Charter Schools¹

| Estimated Construction Cost (ECC)/Estimated Design Fee (EDF) | ECC \$100,000 or less or EDF less than \$10,000 | ECC more than \$100,000 <u>and</u> EDF \$10,000 or more (both ECC <u>and</u> EDF thresholds must be met before the designer selection procedure is required).* |
|---------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Procurement Procedure | None. Recommend soliciting qualifications and prices from at least three designers. | Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit. |
| Advertising Required | No. | Advertise in the <i>Central Register</i> and your local newspaper at least two weeks before the deadline for filing applications. |
| Designer Selection Board¹ | No. | No – adopt selection procedure in writing. ^{2,3} |
| Designer Application | No. | Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)” |
| Designer Evaluation (Submit to DCAMM and Designer Selection Board) | No. | Yes. See http://www.mass.gov/anf/property-mgmt-and-construction/design-and-construction-of-public-bldgs/designer-selection-process/designer-selection-proc-and-evals-for-municipalities/dsgnr-eval-frms-and-info-for-municips-and-pub-agencies.html |
| Registration | Yes. | Yes. |
| Insurance | No. | 10% of the total cost of the project or \$1 million, whichever is less. ⁴ |
| Prevailing Wage | No. | No. |

*See The Designer Selection Board’s *Guidelines for City and Town Building Projects*, dated September 2015.

¹ Executive Departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$10,000 or more and the construction project is estimated to cost \$100,000 or more.

² Cities, towns, school districts and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in M.G.L. c. 7C, §§ 44 – 57, and noted herein. See this Office’s *Model Designer Selection Procedures for Municipalities and Other Local Public Agencies*, available at <http://www.mass.gov/ig/publications/guides-advisories-other-publications/model-designer-selection-procedures-municipalities-and-other-local-public-agencies.html>.

³ Housing Authorities must follow the procedures established by the Department of Housing and Community Development for the design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

⁴ M.G.L. c. 7C, § 51.