

**PROJECT MINUTES**

Project:	W. Edward Balmer Elementary School Feasibility Study	Project No.:	17020
Prepared by:	Joel Seeley	Meeting Date:	3/7/2017
Re:	School Building Committee Meeting	Meeting No:	1
Location:	High School Health Conference Room	Time:	6:30pm
Distribution:	School Building Committee Members, Attendees (MF)		

## Attendees:

PRESENT	NAME	AFFILIATION	VOTING MEMBER
✓	Joseph Strazzulla	Chairman, School Building Committee	Voting Member
✓	Melissa Walker	School Business Manager	Voting Member
✓	James Marzec	Chairman, Board of Selectmen	Voting Member
	Michael LeBrasseur	Member, School Committee	Voting Member
✓	Paul Bedigian	Representative of the Building, Planning, Construction Committee	Voting Member
	Steven Gogolinski	Representative of the Finance Committee	Voting Member
✓	Jeffrey Tubbs	Community Member with building design and/or construction experience	Voting Member
✓	Peter L'Hommedieu	Community Member with building design and/or construction experience	Voting Member
✓	Jeff Lundquist	Community Member with building design and/or construction experience	Voting Member
✓	Andrew Chagnon	Community Member with building design and/or construction experience	Voting Member
✓	Spencer Pollock	Parent Representative	Voting Member
	Theodore Kozak	Town Manager	Non-Voting Member
✓	Dr. Catherine Stickney	Superintendent of Schools	Non-Voting Member
		Building Maintenance Local Official	Non-Voting Member
✓	Karlene Ross	Principal, W. Edward Balmer Elementary School	Non-Voting Member
✓	Jill Healy	Principal, Northbridge Elementary School	Non-Voting Member
✓	Kathleen Perry	Director of Pupil Personnel Services	Non-Voting Member
✓	Joel Seeley	SMMA, OPM	Non-Voting Member

Item #	Action	Discussion
1.1	Record	Call to Order, 6:30 PM, meeting opened.
1.2	Record	A motion was made by J. Marzec and seconded by J. Lundquist to approve the 9/22/2016 School Building Committee meeting minutes. No discussion, motion passed unanimous by those attending, one abstention.
1.3	Record	<p>A motion was made by A. Chagnon and seconded by J. Marzec to approve the 12/7/2016 School Building Committee meeting minutes as amended as follows:</p> <p>Change wording of Action Item III A to reflect the Selection Subcommittee is authorized to make the final selection of the OPM and recommend to the MSBA their decision and that C. Stickney is member of the Selection Subcommittee.</p> <p>Motion passed unanimous by those attending, one abstention.</p>
1.4	Record	M. Walker provided a summary of the OPM selection process and introduced J. Seeley of SMMA as the selected OPM. The Selection Subcommittee will be submitting the required documentation to MSBA in support of the decision and anticipates attending the MSBA OPM Panel meeting on 4/3/2017 to review the selection.
1.5	Record	J. Seeley introduced himself and the firm and provided an overview of the Feasibility Study process, the role of the OPM and the role of the MSBA.
1.6	Record	J. Seeley distributed and reviewed the Preliminary Project Schedule, attached.
1.7	Committee	<p>J. Seeley distributed and reviewed the draft Request for Designer Services, attached, and reviewed the designer selection process. The Committee will review the draft and provide comments at the next Committee meeting.</p> <p>The Designer Proposal Review Subcommittee members and the three SBC members to sit on the MSBA Designer Selection Panel (DSP) will be appointed at the next Committee meeting.</p>
1.8	J. Strazzulla	The Committee discussed potential alternative sites to be included in the Feasibility Study. J. Strazzulla will provide a list of currently known potential sites for Committee discussion at the next meeting.
1.9	J. Seeley	J. Seeley to draft a schedule of upcoming Committee meetings and agenda topics thru the end of June.
1.10	J. Seeley	J. Seeley to coordinate with C. Stickney on creating a Project Page on the NPS Website.
1.11	J. Seeley	<p>J. Seeley to develop a press release on the selection of the OPM and forward to the Committee for review.</p> <p>A PR Subcommittee will be discussed and if acceptable, members be appointed at the next Committee meeting.</p>
1.12	Record	<b>Next SBC Meeting: March 20, 2017 at 6:30 pm</b> at the High School Health Conference Room.
1.13	Record	A Motion was made by J. Tubbs and seconded by J. Lundquist to adjourn the meeting. No discussion, voted unanimously.

Project: W. Edward Balmer Elementary School Feasibility Study

Meeting Date: 3/7/2017

Meeting No.: 1

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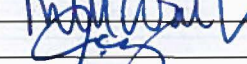
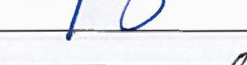
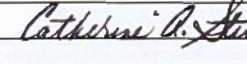

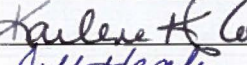
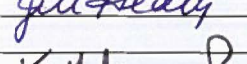
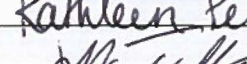
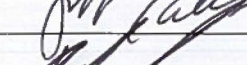
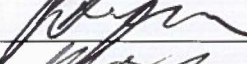
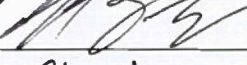

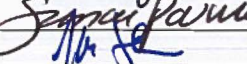
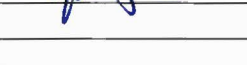


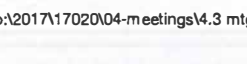
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Attachments: Agenda, Preliminary Project Schedule, Draft Request for Designer Services

The information herein reflects the understanding reached. Please contact the author if you have any questions or are not in agreement with these Project Minutes

## PROJECT MEETING SIGN-IN SHEET

Project: W. Edward Balmer Elementary School Feasibility Study Project No.: 17020  
 Prepared by: Joel Seeley Meeting Date: 3/7/2017  
 Re: School Building Committee Meeting Meeting No: 1  
 Location: High School Health Conference Room Time: 6:30pm  
 427 Linwood Avenue, Whitinsville, MA  
 Distribution: Attendees, (MF)

SIGNATURE	ATTENDEES	EMAIL	AFFILIATION
	Joseph Strazzula	<a href="mailto:jstrazzula@nps.org">jstrazzula@nps.org</a>	Chairman, School Building Committee
	Melissa Walker	<a href="mailto:mwalker@nps.org">mwalker@nps.org</a>	School Business Manager, MCPPO
	James Marzec	<a href="mailto:james.r.marzec@gmail.com">james.r.marzec@gmail.com</a>	Chairman, Board of Selectmen, CEO
	Thomas Kozak	<a href="mailto:tkozak@northbridgemass.org">tkozak@northbridgemass.org</a>	Town Manager
	Michael LaBrasseur	<a href="mailto:mlebrasseur@nps.org">mlebrasseur@nps.org</a>	Member, School Committee
	Dr. Catherine Stickney	<a href="mailto:cstickney@nps.org">cstickney@nps.org</a>	Superintendent of Schools, NPS
	Paul Bedigian	<a href="mailto:bedigianps@cdmsmith.com">bedigianps@cdmsmith.com</a>	Building Maintenance Local Official
	Karlene Ross	<a href="mailto:kross@nps.org">kross@nps.org</a>	Representative of the Building, Planning, Construction Committee
	Jill Healy	<a href="mailto:jhealy@nps.org">jhealy@nps.org</a>	Principal, W. Edward Balmer Elementary School
	Steven Goglinski	<a href="mailto:steve@goglinskicpa.com">steve@goglinskicpa.com</a>	Principal, Northbridge Elementary School
	Kathleen Perry	<a href="mailto:kperry@nps.org">kperry@nps.org</a>	Representative of the Finance Committee
	Jeffrey Tubbs	<a href="mailto:jtubbs@charter.net">jtubbs@charter.net</a>	Director of Pupil Personnel Services
	Peter L'Hommedieu	<a href="mailto:PLHommedieu@shawmut.com">PLHommedieu@shawmut.com</a>	Member of community with architecture, engineering and/or construction experience
	Jeff Lundquist	<a href="mailto:jlundquist@therichmondgroup.com">jlundquist@therichmondgroup.com</a>	Member of community with architecture, engineering and/or construction experience
	Andrew Chagnon	<a href="mailto:achagnon@parecorp.com">achagnon@parecorp.com</a>	Member of community with architecture, engineering and/or construction experience
	Spencer Pollock	<a href="mailto:spencerpollock22@gmail.com">spencerpollock22@gmail.com</a>	Member of community with architecture, engineering and/or construction experience
	Joel Seeley	<a href="mailto:jseeley@smma.com">jseeley@smma.com</a>	Parent Representative
			SMMA

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**AGENDA**

Project:	W. Edward Balmer Elementary School Feasibility Study	Project No.:	17020
Re:	School Building Committee Meeting	Meeting Date:	3/7/2015
Meeting Location:	High School Health Conference Room 427 Linwood Avenue, Whitinsville, MA		
Prepared by:	Joel Seeley	Meeting Time:	6:30 PM
Distribution:	Committee Members (MF)		

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1. Call to Order
2. Introductions
3. Feasibility Study and Designer Selection Overview
4. Review of Draft Designer RFS
5. Public Comments
6. Next Meeting
7. Adjourn

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**W. Edward Balmer Elementary School**  
**Feasibility Study**  
**Preliminary Project Schedule**

PROJECT MANAGEMENT

ID	Task Name	Duration	Start	Finish	2015	2016	2017	2018	2019	2020	2021	2022	2023
1	<b>MSBA PREREQUISITES</b>	<b>434 days</b>	<b>3/9/2015</b>	<b>11/9/2016</b>									
2	Original Statement of Interest (SOI) Submission	0 days	3/9/2015	3/9/2015									
3	MSBA Invite into Eligibility	0 days	11/9/2016	11/9/2016									
4	<b>RETAIN OPM</b>	<b>45 days</b>	<b>1/30/2017</b>	<b>4/3/2017</b>									
5	Submit OPM Proposals	0 days	1/30/2017	1/30/2017									
6	OPM Interview	1 day	2/13/2017	2/13/2017									
7	Negotiate OPM Contract	12 days	2/13/2017	2/28/2017									
8	Submit Documents to MSBA OPM Panel	0 days	3/8/2017	3/8/2017									
9	<b>MSBA OPM Panel Meeting</b>	<b>0 days</b>	<b>4/3/2017</b>	<b>4/3/2017</b>									
10	<b>RETAIN DESIGNER</b>	<b>80 days</b>	<b>3/8/2017</b>	<b>6/27/2017</b>									
11	Draft Designer RFS and Submit to MSBA	10 days	3/8/2017	3/21/2017									
12	MSBA Approve Draft RFS	11 days	3/21/2017	4/4/2017									
13	Submit to Central Register	0 days	4/6/2017	4/6/2017									
14	Notice in Central Register	0 days	4/12/2017	4/12/2017									
15	Briefing Session	0 days	4/18/2017	4/18/2017									
16	Submit Designer Proposals	0 days	5/2/2017	5/2/2017									
17	<b>MSBA DSP Proposal Review Meeting</b>	<b>0 days</b>	<b>6/6/2017</b>	<b>6/6/2017</b>									
18	<b>MSBA DSP Interview Meeting</b>	<b>0 days</b>	<b>6/13/2017</b>	<b>6/13/2017</b>									
19	Negotiate Designer Contract	11 days	6/13/2017	6/27/2017									
20	<b>FEASIBILITY STUDY (FS)</b>	<b>121 days</b>	<b>6/27/2017</b>	<b>12/13/2017</b>									
21	Develop Preliminary Design Program (PDP)	53 days	6/27/2017	9/7/2017									
22	Community Presentations	31 days	7/27/2017	9/7/2017									
23	Grade Reconfiguration Public Meetings	10 days	8/25/2017	9/7/2017									
24	<b>Submit PDP to MSBA Staff</b>	<b>0 days</b>	<b>9/7/2017</b>	<b>9/7/2017</b>									
25	Develop Preferred Schematic Report (PSR)	46 days	9/7/2017	11/9/2017									
26	Community Presentations	46 days	9/7/2017	11/9/2017									
27	Grade Configuration Public Meetings	46 days	9/7/2017	11/9/2017									
28	<b>Submit PSR to MSBA FAS</b>	<b>0 days</b>	<b>11/9/2017</b>	<b>11/9/2017</b>									
29	<b>MSBA Board Meeting</b>	<b>0 days</b>	<b>12/13/2017</b>	<b>12/13/2017</b>									
30	<b>SCHEMATIC DESIGN (SD)</b>	<b>105 days</b>	<b>12/13/2017</b>	<b>5/9/2018</b>									
31	Develop Schematic Design	72 days	12/13/2017	3/22/2018									
32	Community Presentations	29 days	2/12/2018	3/22/2018									
33	<b>Submit Schematic Design to MSBA</b>	<b>0 days</b>	<b>3/22/2018</b>	<b>3/22/2018</b>									
34	<b>MSBA Board Meeting</b>	<b>0 days</b>	<b>5/9/2018</b>	<b>5/9/2018</b>									
35	<b>LOCAL APPROPRIATION</b>												
38	<b>DESIGN AND CONSTRUCTION (TBD)</b>												

◆ 3/9/2015

◆ 11/9/2016

◆ 1/30/2017

◆ 3/8/2017

◆ 4/3/2017 MSBA OPM Panel Meeting

◆ 4/6/2017

◆ 4/12/2017

◆ 4/18/2017

◆ 5/2/2017

◆ 6/6/2017 MSBA DSP Proposal Review Meeting

◆ 6/13/2017 MSBA DSP Interview Meeting

◆ 9/7/2017

◆ Submit PDP to MSBA Staff

◆ 11/9/2017

◆ Submit PSR to MSBA FAS

◆ 12/13/2017 MSBA Board Meeting

◆ 3/22/2018

◆ Submit Schematic Design to MSBA

◆ 5/9/2018

◆ MSBA Board Meeting





## **REQUEST FOR DESIGNER SERVICES (RFS)**

### **Town of Northbridge, MA Whitinsville Public Schools**

#### **W. Edward Balmer Elementary School**

**March 7, 2017**

**Invitation:** The Town of Northbridge (“Owner”) is seeking the services of a qualified “Designer” within the meaning of M.G.L. Chapter 7C, Section 44 to provide professional design and construction administration services for the W. Edward Balmer Elementary School in Whitinsville, Massachusetts. Selection of a Designer will be made by the Designer Selection Panel of the Massachusetts School Building Authority (“MSBA”) in accordance with the MSBA’s Designer Selection Procedures.

The Owner is seeking design services to conduct a Feasibility Study which will include the development and evaluation of potential alternative solutions and continue through the Schematic Design Phase of the preferred alternative initially. Subject to the approval of a Project by the MSBA and further subject to adequate funding authorized by the Owner, the contract between the Owner and the Designer may be amended to include continued designer services through design development, construction contract documents, bidding, award of construction contract(s), construction administration, final closeout and warranty period of the potential Project. A potential Project may include a renovation of the existing school, a renovation of and addition to the existing school and/or new construction.

The estimated construction budget for a potential Project may range from \$35 Million to \$70 Million depending upon the solution that is agreed upon by the Owner and the MSBA and that is ultimately approved by a vote of the MSBA’s Board of Directors. The Fee for Basic Services will be negotiated.

Pursuant to M.G.L. Chapter 7C, Section 6, the Designer must agree to contract with minority and women-owned businesses as certified by the Supplier Diversity Office (SDO). The amount of participation that shall be reserved for such enterprises shall not be less than seventeen and nine tenths percent (17.9%) of the contract price for combined minority business enterprises (MBE) and women-owned business enterprises (WBE). Applicants must include a reasonable representation of both MBE and WBE firms that meets or exceeds the combined goal. Proposed MBE/WBE participation plans that include solely MBE or solely WBE participation, or do not include a reasonable amount of participation by both MBE and WBE firms to meet the combined goal, will not be considered responsive. Applications from MBE and WBE firms as prime designers are encouraged. Where the prime Designer is an SDO certified MBE or WBE, the Designer must bring a reasonable amount of participation by a firm or firms that hold the certification which is not held by the prime Designer on the project.

The minority and women-owned business enterprises must be selected from those categories of work identified in Item F of this RFS or be assigned to tasks required under Basic Services as specifically set forth in the Contract for Designer Services as amended. Applicants are strongly encouraged to utilize multiple disciplines and firms to meet their MBE/WBE goals. Consultants to the prime Designer can team within their disciplines in order to meet the MBE/WBE goals but must state this relationship on the organizational chart (Section 6 of the application form).

***Attention is directed to the memorandum dated April 21, 2016 issued by the Massachusetts Supplier Diversity Office which provides that effective April 12, 2016, Portuguese-owned business enterprises, formerly certified as MBEs by the Massachusetts Supplier Diversity Office, will no longer be considered MBEs and will not count towards MBE/WBE participation goals. Applicants are strongly urged to verify the current MBE/WBE certification status of all potential sub-consultants. The April 12, 2016 memorandum is available from the SDO website at <http://www.mass.gov/anf/docs/dcam/ofa-forms/pbe-change-16-4-21.pdf>.***

For additional information on Designer qualifications see Sections E. and F. in this RFS.

#### **A. Background:**

The Town of Northbridge, situated in the southeastern part of Worcester County, is a growing suburban town made up of several villages, including Linwood, Northbridge, Riverdale, Rockdale and Whitinsville. According to the latest US Census, there are 15,707 residents in Northbridge. The Town comprises 18.1 square miles of contrasting landscapes, including historical manufacturing and mill districts, settled villages, and suburban communities. Historic Whitinsville has recently been designated part of the Blackstone River Valley National Historical Park.

The Northbridge Public Schools consists of four schools and an administration building. The Northbridge Elementary School houses students in PreK – Grade 1; the W. Edward Balmer Elementary School houses students in Grade 2 – Grade 4; the Northbridge Middle School houses students in Grade 5 – Grade 8; and the Northbridge High School houses students in Grade 9 – Grade 12. The Northbridge Elementary School, Northbridge Middle School, Northbridge High School, and District Administration Building, along with the Whitinsville Christian School, a private school within the Town of Northbridge, are all located within a half mile radius. The W. Edward Balmer Elementary School is not considered a historical building.

The current enrollment of the Northbridge Public Schools is 2,270. Approximately 38% of the students are low income, 17% of the students have special needs, and although small percentage wise, the population of students who speak English as a second language is rapidly growing.

#### **B. Project Goals and General Scope:**

On or about March 9, 2015, the Owner submitted a Statement of Interest (Attachment A) to the MSBA for W. Edward Balmer Elementary School. The MSBA is an independent public authority that administers and funds a program for grants to eligible cities, towns, and regional school districts for school construction and renovation projects. The MSBA's grant program is discretionary, and no city, town, or regional school district has any entitlement to any funds from the MSBA. At the November 9, 2016 Board of Directors meeting, the MSBA voted to issue an invitation to the Owner to conduct a feasibility study for this Statement of Interest to identify and study possible solutions and, through a collaborative process with the MSBA, reach a mutually-agreed upon solution. The MSBA has not approved a Project and the results of this feasibility study may or may not result in an approved Project.

It is anticipated that the feasibility study will review the problems identified in the Statement of Interest at the W. Edward Balmer Elementary School.



The W. Edward Balmer Elementary School is a 70,857 square foot building that was constructed in 1967 and opened in 1968. The Balmer School is located on 30 acres of land in a neighborhood called the "New Village". The area surrounding the school is residential. The land that the School is on contains an asphalt play area and a play scape as well as small soccer, baseball and softball fields that are shared with the Town. A wetland area is situated about 1,000 feet from the rear of the building. The current driveway configuration of the property only allows for one entry/exit point which is not wide enough for two buses to pass in and out. All school bus, staff, and parent pick-up/drop-off traffic is intermingled and creates major backups. Staff and visitor parking are limited.

The W. Edward Balmer Elementary School currently serves the District's entire Grade 2 – 4 enrollment of 527 students. The District is interested in studying the feasibility of a PreK – Grade 5 configuration and wishes to examine the consolidation of the W. Edward Balmer Elementary School with the Northbridge Elementary School, which presently serves as the District's PreK- Grade 1 elementary school. Additionally, the District is interested in moving Grade 5 back into the elementary setting. There are currently 390 students in PreK – Grade 1 and 182 students in Grade 5. The agreed upon enrollment figure for this study option is 510 students for a Grade 2 – 4 configuration and 1,030 for a K – 5 configuration, with additional space to be factored in for the preschool population. In addition, the feasibility study may include evaluating the potential relocation of District staff currently located in the Administration Building.

As exemplified by additional detail in the attached Statement of Interest, the W. Edward Balmer Elementary School facility is outdated and not appropriately configured for the number of students attending the school, particularly for students with disabilities and students requiring Title I services. All available space is being used for instruction; the intensive special needs room is segregated from the rest of the classrooms and is housed in a locker room off the gymnasium; small group Title I instruction is being provided to students in cleared out closet/storage spaces; and the computer lab is a small, poorly cooled converted teachers' lounge. Handicapped students at the W. Edward Balmer Elementary School cannot access the second floor due to the lack of an elevator.

Most systems are original to the building including the mechanical and electrical systems. The pipes and fixtures are also original to the building. While there have been some recent updates to select pieces of kitchen equipment, much of the kitchen is still original and poses challenges. Despite some lighting upgrades, the building is not energy efficient as there is no insulation in the exterior wall cavities, the windows are original single pane, the pneumatic heating system has limited controls with only a day and night setting available, and the boiler system is antiquated and inefficient. The Town of Northbridge is working to become a Green Community and is interested in pursuing an energy efficient building and evaluating alternative energy sources.

In addition to lacking appropriate space for its current population, the W. Edward Balmer Elementary School is in need of a number of repairs and upgrades. There is an original 8,000 gallon underground oil tank that needs to be removed, the roof needs to be replaced, asbestos tile needs to be abated, the intercom system needs to be upgraded and expanded, and the electrical distribution system needs to be addressed.

The Feasibility Study shall include a study of all alternatives and contain all information required by 963 CMR 2.10(8) and any other applicable rules, regulations, policies, guidelines and directives of the Authority, including, but not limited to, a final design program, space summary, budget statement for educational objectives, and a proposed total project budget. The Feasibility Study further includes:

1. Developing construction alternatives to support a school building for 510 students in grades 2-4 at the W. Edward Balmer Elementary School Site, or other Town-owned property or property abutting the Northbridge High School.
2. Developing construction alternatives to support a school building for 1,030 students in grades K-5, plus PreK, at the W. Edward Balmer Elementary School, or other Town-owned property or property abutting the Northbridge High School.

3. Developing construction alternatives to support relocation of the District staff currently located in the Administration Building into either of the alternatives listed above or into the Northbridge Middle School.
4. Performing existing condition assessments and capacity analysis of the W. Edward Balmer Elementary School and site, and the Northbridge Elementary School and site. Performing a capacity analysis of the Northbridge Middle School.
5. Conducting an educational visioning study to develop the best model for a grade 2-4 and grade Prek-5 school and develop the Educational Program and Space Template for each of the alternative grade configurations.
6. Assisting the Town in understanding the impacts of repurposing the existing W. Edward Balmer Elementary School or the Northbridge Elementary School as a complement to either of the construction alternatives above and based on the site selected.
7. Assisting the Town in understanding the capacity and use impacts to the Northbridge Middle School as a complement to the 1,030 student construction alternative.
8. Assisting the Town in understanding the operational, educational and community impacts and differences between the 510 student construction alternative and the 1,030 student construction alternative.
9. Consolidate all information in an overall Feasibility Matrix, and assist the Town in determining the most educationally and community appropriate, efficient and cost effective plan.

The Schematic Design shall include, but not be limited to, the information required by the Authority's Feasibility Study Guidelines, including, but not limited to, a site development plan, environmental assessment, geotechnical assessment, geotechnical analysis, code analysis, utility analysis, schematic building floor plans, schematic exterior building elevations, narrative building systems descriptions, NE-CHPS or LEED-S scorecard, outline specifications, cost estimates, project schedule and proposed total project budget.

A copy of limited as-built drawings will be made available in the procurement documents.

Project Objectives under consideration by the Owner include:

- Identification of community concerns that may impact the study options.
- Identification of the current site, structural, educational, and maintenance challenges of the W. Edward Balmer Elementary School and the Northbridge Elementary School;
- Identification of alternate building sites within the town, including, but not limited to, Town owned property and property abutting the Northbridge High School;
- Identification of site permitting concerns, including Article 97.
- Development of a plan to ensure the educational experience of W. Edward Balmer Elementary School students is not impacted by the construction process if a renovation or onsite replacement is selected;
- Life cycle costs of operating the School as it relates to future operational budgets;
- Identification of specific milestone requirements and/or constraints of the District – e.g. Town votes, swing space, occupancy issues;
- Northeast Collaborative for High Performance Schools (NE-CHPS) criteria or US Green Building Council's LEED for Schools (LEED-S) Rating System; and
- Evaluation of the CM-at-Risk Delivery Method.

### C. Scope of Services:

The required scope of services is set forth in the MSBA's standard Contract for Designer Services (Contract), a copy of which is attached hereto and incorporated herein by reference. If the Owner decides to proceed with the Project beyond the Schematic Design Phase and when the project delivery method is decided (Design/Bid/Build or Construction Manager at Risk), the Contract will be amended accordingly. Copies of Designer Services Contract Amendments for Design/Bid/Build and Construction Manager at Risk are also attached hereto and incorporated herein by reference. Unless specifically excluded, the Designer's Basic Services consist of the tasks described in the Contract for Designer Services as amended and this RFS including all investigative work (to the extent provided for in the Contract), feasibility study, schematic design, and, at the Owner's option, design work, preparation of construction documents, bidding period administration, construction administration, and other related work reasonably inferred in the opinion of the Owner and the Authority as being necessary to meet the project's stated scope and goals.

This RFS will be appended to and become part of the Contract for Designer Services. Any Designer selected as a result of this RFS will be required to execute the Contract for Designer Services and applicable amendment that are attached hereto.

Basic Services include, but are not limited to, verification of existing record information including building dimensions, details and general existing conditions, cost estimating, architecture, civil, sanitary, mechanical, electrical, plumbing, fire protection, structural, site planning and landscape architecture, basic local site and environmental permitting, graphics, lighting design, acoustics, data and communication, educational consultants, any specialty consultants for sustainable design (LEED-S), laboratory, library/media center and kitchen space, code consultants, accessibility, energy evaluations, detailed cost estimates; preparation of construction documents; bidding and administering the Construction Contract Documents and other design and consulting services incidental and required to fulfill the project goals. Please refer to the Contract and amendments for a complete summary of Basic Services.

Extra and reimbursable expenses are defined in Articles 8 and 9 of the Contract in Attachment B.

### D. Project Phases and Work Plan:

Work under this RFS is divided into the Project Phases as listed in Article 7 of the Contract as amended and as may be augmented in this RFS. Each Project Phase will consist of one or more required submissions, and may include site visits, meetings with the Owner, Owner's Project Manager, the Authority and others, and other tasks as described.

The estimated total duration of the Contract for Designer Services from Feasibility Study through the approval of Schematic Design, inclusive of review and approval time, is estimated to be **46 weeks** as follows:

<b>Preliminary Program through Final Design Program</b>	<b>26</b>	weeks
<b>Schematic Design Phase</b>	<b>20</b>	weeks
<b>Design Development through 100% CD</b>	<b>TBD</b>	weeks
<b>Bidding</b>	<b>TBD</b>	weeks
<b>Construction Administration Phase</b>	<b>TBD</b>	weeks
<b>Estimated Total Duration (Exclusive of Completion Phase)</b>	<b>TBD</b>	weeks

The durations for the Bidding and Construction Administration Phases are estimates only. Actual durations may vary depending upon the agreed upon solution, the extent of required document revisions, the time required for regulatory approvals, and the construction contractor's performance.

Such variances in estimated time will not, in and of themselves, constitute a justification for an increased Fee for Basic Services, nor are they a substitute for the performance time requirements shown below.

The Designer performance times listed in the table below are requirements, not estimates. The Owner, through the Owner's Project Manager will review each submission and, if acceptable, provide notice to the Designer to proceed to the next phase.

The Designer's adherence to the performance times listed below will be part of the Owner's performance evaluation of the Designer's work, which will be conducted at the end of the Project.

	<u>Within/Weeks</u>	
• Attend a "Kick-Off" meeting	2	Execution of a contract with the Owner
• Preliminary Program	4	Execution of a contract with the Owner
• Development of Alternatives	12	Execution of a contract with the Owner
• Preliminary Evaluation of Alternatives	4	Approval of Alternatives
• Final Evaluation of Alternatives	2	Approval of Preliminary Evaluation
• Recommendation of Preferred Solution	4	Approval of Final Evaluation
• Final Design Program	4	Approval of Preferred Solution
• Schematic Design	20	Approval of the Final Design Program
• Design Development	TBD	Approval of the Schematic Design
• 60% Construction Documents	TBD	Approval of Design Development
• 100% Construction Documents	TBD	Approval of Design Development

#### **E. Minimum qualifications:**

Selection will be made by the MSBA Designer Selection Panel in accordance with the Authority's Designer Selection Procedures, attached hereto as Attachment E. The Respondent must certify in its cover letter that it meets the following minimum requirements. Any Respondent that fails to include such certification in its response, demonstrating that these criteria have been met, will be rejected without further consideration. To be eligible for selection, the Designer must meet all of the following qualifications.

1. Be a qualified Designer within the meaning of M.G.L. Chapter 7C, Section 44, employing a Massachusetts registered Architect responsible for and being in control of the services to be provided pursuant to the Contract.
2. The Massachusetts registered Architect responsible for and in control of the services to be provided has successfully completed the Massachusetts Certified Public Purchasing Official Program seminar "Certification for School Project Designers and Owner's Project Managers" as administered by the Office of the Inspector General of the Commonwealth of Massachusetts, and must maintain certification by completing the "Recertification for School Project Designers and Owner's Project Managers" seminar every three years thereafter. Proof of recertification or registration in the next recertification seminar for which space is available must be provided.

3. Pursuant to M.G.L. Chapter 7C, Section 6, the Designer must agree to contract with minority and women-owned businesses as certified by the Supplier Diversity Office (SDO). The amount of participation that shall be reserved for such enterprises shall not be less than seventeen and nine tenths percent (17.9%) of the design contract price for combined minority business enterprises and women-owned business enterprises. Applicants must include a reasonable representation of both MBE and WBE firms that meets or exceeds the combined goal.

**F. Selection Criteria:**

In evaluating proposals, the Owner and Designer Selection Panel will consider the members of the proposed design team. Identify those member(s) of the proposed design team who will be responsible for the following categories of work: (Firm's name, individual's name and professional registration or license number, as applicable, must be listed in the application for each category of work, as well as whether the firm is SDO certified as an MBE and/or WBE).

1. *Architecture*
2. *Environmental Permitting*
3. *Geotechnical Engineering*
4. *Geo-Environmental Engineering*
5. *Site Surveying*
6. *Hazardous Materials*
7. *Civil Engineering*
8. *Structural Engineering*
9. *Landscape Architecture*
10. *Fire Protection Engineering*
11. *Plumbing Engineering*
12. *HVAC Engineering*
13. *Electrical/Lighting Consultant*
14. *Data/Communications Consultant*
15. *Kitchen/Food Service Consultant*
16. *Acoustical Consultant*
17. *Specifications Consultant*
18. *Library/Media Consultant*
19. *Theatrical Consultant*
20. *Sustainable/Green Design/Renewable Energy Consultant*
21. *Cost Estimating*
22. *Accessibility Consultant*
23. *Traffic Consultant*
24. *Furniture, Fixtures and Equipment Consultant*
25. *Code Consultant*
26. *Educational Programming Consultant*
27. *Security Consultant*
28. *Technology Consultant/Audio Visual Consultant*

**\*\* N.B. –**

Applicants must address each category of work listed above in their application whether it is to be performed by in-house staff or by sub-consultant(s).

The members of the team for each of the categories of work listed above must be identified including the firm's name, individual's name and professional registration or license number, as applicable, as well as whether the firm is SDO certified as an MBE and/or WBE.

Failure to address each category may result in the elimination of the applicant from consideration on this project.

Applicants should not list any consultants other than those for the categories of work listed above.

The minority and women-owned business enterprises must be selected to perform services addressing the categories of work listed above or be assigned to tasks required under Basic Services as specifically set forth in the Contract for Designer Services as amended. Consultants other than those proposed for the categories of work listed above or required to perform Basic Services may not be used for purposes of meeting M/WBE requirements. Applicants are strongly encouraged to utilize multiple disciplines and firms to meet their MBE/WBE goals. Consultants to the prime Designer can team within their disciplines in order to meet the MBE/WBE goals but must state this relationship on the organizational chart (Section 6 of the application form). *Attention is directed to the memorandum dated April 21, 2016 issued by the Massachusetts Supplier Diversity Office which provides that effective April 12, 2016, Portuguese-owned business enterprises, formerly certified as MBEs by the Massachusetts Supplier Diversity Office, will no longer be considered MBEs and will not count towards MBE/WBE participation goals. Applicants are strongly urged to verify the current MBE/WBE certification status of all potential sub-consultants. The April 12, 2016 memorandum is available from the SDO website at <http://www.mass.gov/anf/docs/dcam/ofa-forms/pbe-change-16-4-21.pdf>.*

The Owner and Designer Selection Panel will consider the following additional criteria in evaluating proposals:

1. Prior similar experience best illustrating current qualifications for the specific project.
2. Past performance of the firm, if any with regard to public, private, DOE-funded, and MSBA funded projects across the Commonwealth, with respect to:
  - a. Quality of project design.
  - b. Quality, clarity, completeness and accuracy of plans and contract documents.
  - c. Ability to meet established program requirements within allotted budget.
  - d. Ability to meet schedules including submission of design and contract documents, processing of shop drawings, contractor requisitions and change orders.
  - e. Coordination and management of consultants.
  - f. Working relationship with contractors, subcontractors, local awarding authority and MSBA staff and local officials.
3. Current workload and ability to undertake the contract based on the number and scope of projects for which the firm is currently under contract.
4. The identity and qualifications of the consultants who will work on the project.
5. The financial stability of the firm.
6. The qualifications of the personnel to be assigned to the project.
7. Geographical proximity of the firm to the project site or willingness of the firm to make site visits and attend local meetings as required by the client.
8. Additional criteria that the MSBA Designer Selection Panel considers relevant to the project.

## G. Proposal requirements

Persons or firms interested in applying must meet the following requirements:

1. **Applicants must have an up-to-date Master File Brochure on file at the Massachusetts School Building Authority.**
2. Applications shall be on “[Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction \(Updated May 2014\)](#)” as developed by the Designer Selection Board of the Commonwealth of Massachusetts. **Applications (one original, twenty-five (25) hard copies, and two (2) digital copies in PDF format on separate compact disks) must be received on or before**



**2:00 PM, May 2, 2017.** Applications should be printed double-side and bound in such a manner that the pages lie and remain flat when opened. The specific organization and orientation of the proposal is at the applicant's discretion, but it is recommended that the proposal be laid out in such a manner that the reader doesn't need to be constantly rotating the proposal. Applications should not be provided with acetate covers.

3. Applications must be accompanied by a concise cover letter that is a maximum of two pages in length. A copy of the cover letter should be attached to each copy of the application. The cover letter must include the certifications as noted in Section E of this RFS. (A copy of the MCPPO certification must be attached to the cover letter as well as any SDO letters.)
4. Applicants may supplement this proposal with graphic materials and photographs that best demonstrate design capabilities of the team proposed for this project **subject to the page limitations as set forth in the Standard Designer Application Form.**
5. **Responses are to be delivered in person or by certified/express mail. Responses submitted by fax or electronic mail will not be considered.**

**The Owner assumes no responsibility or liability for late delivery or receipt of responses. All responses received after the stated submittal date and time (local time) will be judged to be unacceptable and will be returned un-opened to the sender.**

Proposals shall be addressed to:

***Melissa Walker, Business Manager  
Northbridge Public Schools  
Town of Northbridge  
87 Linwood Avenue  
Whitinsville, Massachusetts 01588***

6. Proposals must be clearly identified by marking the package or envelope with the following:

***Town of Northbridge – W. Edward Balmer Elementary School***  
"Name of Applicant"

7. All questions regarding this RFS must be received on or **before 2:00 PM on April 25, 2017,** and should be addressed exclusively in writing to:

***Joel G. Seeley  
Symmes Maini & McKee Associates, Inc. (SMMA)  
1000 Massachusetts Avenue  
Cambridge, Massachusetts 02138  
Phone: 617-547-5400 Email: [opm@smma.com](mailto:opm@smma.com)***

#### **8. Procurement Documents**

The Procurement Documents (Request for Services) will be available at **[procurementdocuments.smma.com](http://procurementdocuments.smma.com)** for downloading by the Applicant on or after **2:00 PM on April 12, 2017.**

## **H. Pre-Proposal Meeting**

All interested parties should attend a voluntary briefing session at **W. Edward Balmer Elementary School** scheduled for **April 18, 2017 at 9:00 AM.**

## **I. Withdrawal**

Applicants may withdraw an application as long as the written request to withdraw is received by the Owner prior to the time and date of the proposal opening.

## **J. Public Record**

All responses and information submitted in response to this RFS are subject to the Massachusetts Public Records Law, M.G.L. c. 66, § 10 and c. 4, § 7(26). Any statements in submitted responses that are inconsistent with the provisions of these statutes shall be disregarded.

## **K. Waiver/Cure of Minor Informalities, Errors and Omissions**

The Owner reserves the right to waive or permit cure of minor informalities, errors or omissions prior to the selection of a Respondent, and to conduct discussions with any qualified Respondents and to take any other measures with respect to this RFS in any manner necessary to serve the best interest of the Owner and its beneficiaries.

## **L. Rejection of Responses, Modification of RFS**

The Owner reserves the right to reject any and all responses if the Owner determines, within its own discretion, that it is in the Owner's best interests to do so. This RFS does not commit the Owner to select any Respondent, award any contract, pay any costs in preparing a response, or procure a contract for any services. The Owner also reserves the right to cancel or modify this RFS in part or in its entirety, or to change the RFS guidelines. A Respondent may not alter the RFS or its components.

## **M. Additional Information**

None.

### **ATTACHMENTS:**

Attachment A: Statement of Interest

Attachment B: Contract for Designer Services - Base Contract for Design Bid Build or CM-at-Risk Project  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines\\_Forms/Contracts\\_Forms/Base%20Contract%20v\\_02\\_25.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines_Forms/Contracts_Forms/Base%20Contract%20v_02_25.pdf))

Designer Services Contract Amendment for Design/Bid/Build  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines\\_Forms/Contracts\\_Forms/DBB%20v\\_02\\_25.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines_Forms/Contracts_Forms/DBB%20v_02_25.pdf))

Designer Services Contract Amendment for CM-at-Risk  
([http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines\\_Forms/Contracts\\_Forms/CM-R%20v\\_02\\_25.pdf](http://www.massschoolbuildings.org/sites/default/files/edit-contentfile/Guidelines_Forms/Contracts_Forms/CM-R%20v_02_25.pdf))

Attachment C: Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated May 2014)

(<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/procedures-and-apps-for-municipalities.html>)

Attachment D: Certifications (*Certificate of Non-Collusion, Tax Compliance Form, Conflict of Interest Certification, Non- Debarment Certification, Hold Harmless Certification*)

Attachment E: [MSBA's Designer Selection Panel's Procedures](#)

**End of Request for Designer Services**

DRAFT

# **Massachusetts School Building Authority**

## **Designer Selection Procedures**

### **Section 1: Introduction**

The following designer selection process has been adopted by the Massachusetts School Building Authority (MSBA) pursuant to Massachusetts General Laws, Chapter 7C, Sections 44 through 58 to serve as the basis for the exemption under Section 46 from the jurisdiction of the Commonwealth's Designer Selection Board for the procurement of designers, and programmers by cities, towns, regional school districts, and independent agricultural and technical schools seeking funding from the MSBA for public school construction projects where the estimated construction cost is equal to or greater than \$5,000,000.00 (or other such amount as may be determined from time to time by the Executive Director of the MSBA), except for the MSBA's model schools program. Designer selection for public school construction projects where the estimated construction cost is less than \$5,000,000.00 (or other such amount as may be determined from time to time by the Executive Director of the MSBA) shall be conducted pursuant to Massachusetts General Laws, Chapter 7C, Section 54, by the respective city, town, regional school district or independent agricultural and technical school and in accordance with the MSBA's Designer Selection Guidelines.

### **Section 2: Designer Selection Panel**

- A. The MSBA Designer Selection Panel (DSP) shall be composed of the following individuals who shall be appointed to the DSP by the MSBA's Executive Director ("Executive Director") in accordance with following procedures:
1. The Executive Director, ex officio, or his/her designee;
  2. Three (3) MSBA staff members associated with project management, design and/or construction oversight selected by the Executive Director;
  3. One (1) public member selected by the Executive Director;
  4. One (1) member who is a Massachusetts registered architect or architect emeritus as recommended by the Boston Society of Architects;
  5. Two (2) members who are Massachusetts registered architects or architect emeritus selected by the Executive Director;
  6. One (1) member who is a Massachusetts registered engineer as recommended by the American Council of Engineering Companies of Massachusetts;
  7. Two (2) members who are Massachusetts registered professional engineers selected by the Executive Director;
  8. One (1) member who is a representative of the construction industry as recommended by Associated General Contractors of Massachusetts;

9. One (1) member who is a representative of the construction industry as recommended by the Massachusetts Building Trades Council;
  10. Three (3) members who are proposed by the respective city, town, regional school district, independent agricultural and technical school or other public agency that is the Eligible Applicant, as defined in M.G.L. Chapter 70B, Section 2 for the specific project under consideration, one (1) of whom shall be designated by the school committee, district school committee, or board of trustees of the Eligible Applicant, as the case may be; one (1) of whom shall be the superintendent of schools of the Eligible Applicant, ex officio, or his/her designee; and one (1) of whom shall be the chief executive officer of the city or town that is the Eligible Applicant, ex officio, or his/her/its designee or, in all other cases, a member of the School Building Committee designated by the School Building Committee. The appointment of members pursuant to this Section 2(A)(10) shall be subject to the execution of a certification by each such member that the member has read and understands these procedures and the Designer Selection Guidelines.
- B. Members proposed or recommended by the societies or associations pursuant to subsections 2(A)(4), 2(A)(6), 2(A)(8), and 2(A)(9) above and the members proposed by the Eligible Applicant pursuant to subsection 2(A)(10) above shall be subject to appointment by the Executive Director who reserves the right, within his/her discretion, not to appoint or to disapprove the appointment of said proposed or recommended members. In considering the appointment of members proposed by the Eligible Applicant pursuant to subsection 2(A)(10), the Executive Director may consider, among other things, the extent to which the three (3) proposed members, as a whole, represent the interests of the Eligible Applicant.
  - C. The Executive Director shall appoint a chairperson from one of the members appointed to the DSP pursuant to subsections 2(A)(3) through 2(A)(9) above, who is a registered architect, architect emeritus or registered professional engineer and who shall also serve as chairperson of any subcommittee of the DSP.
  - D. All meetings of the DSP shall be open to the public unless the DSP votes to go into executive session by a roll call vote and announces the purpose of the executive session and whether the DSP will convene in open session at the conclusion of the executive session. Any action taken by the DSP in executive session shall be by a roll call vote.
  - E. The presence of nine (9) members, no less than four (4) of whom shall be registered architects, architects emeritus or registered professional engineers, shall constitute a quorum. The DSP shall not conduct any business without the presence of a quorum. The affirmative vote of a simple majority of the members present and voting shall be necessary and sufficient for any action taken by the DSP. No vacancy in the membership of the DSP shall impair the right of a quorum to exercise all the rights and duties of the DSP. In the absence of a quorum, the Chairperson may recess a meeting to some other time or until a quorum is obtained.
  - F. Subject to the discretion of the Executive Director, each member appointed pursuant to subsections 2(A)(2) through 2(A)(9) shall serve for a two-year term provided that every member that is appointed by the Executive Director shall continue to serve until a successor has been appointed to the DSP by the Executive Director. Members representing the Eligible Applicant who are appointed pursuant to subsection 2(A)(10) shall serve only while the DSP

conducts business directly related to the selection of a designer for the project being proposed by that particular Eligible Applicant.

- G. The MSBA shall give written notice of the names of the appointed members of the DSP to the Commonwealth's Designer Selection Board.
- H. No member of the DSP shall participate in the selection of a designer as a finalist for any project if the member's participation would constitute a conflict of interest or an appearance of conflict in violation of M.G.L. Chapter 268A.

### **Section 3: Public Notice**

- A. Each contract for designer services for a project subject to these procedures shall be publicly advertised in a newspaper of general circulation in the area in which the project is located or is to be located and in the Massachusetts Central Register at least two weeks before the deadline for filing applications. The public notice shall contain:
  - 1. A description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
  - 2. If there is a program for the project, a statement of when and where the program will be available for inspection by applicants, and when and where a briefing session will be held for applicants and if there is not a program for the project, a statement to the effect;
  - 3. The qualifications required of applicants for the projects;
  - 4. The categories of designers' consultants, if any, for which applicants must list the names of consultants which the applicant may choose to use;
  - 5. Whether the fee has been set or will be negotiated, and if the fee has been set, the amount of the fee;
  - 6. The deadline for submission of applications;
  - 7. The person and address from which application forms may be obtained and, when completed, to whom they may be delivered;
  - 8. Any other pertinent information that may be required by law or deemed appropriate by the MSBA.
- B. The individual designated by the Eligible Applicant to be in charge of procurement for a project who holds the Massachusetts Certified Public Purchasing Official Program certification shall certify that the public notice and all other documents issued pursuant to the selection of a designer, including, but not limited to, program descriptions and request for services, have been prepared and issued in conformance with these procedures and Massachusetts General Laws, Chapter 7C, Sections 44 through 58.



#### **Section 4: Master File Brochure and Application**

- A. Prior to filing an application for any project, designers shall first file a Master File Brochure with the DSP containing the following information:
1. Certification that the applicant, if applying to perform design services other than preparation of studies, surveys, soil testing, cost estimates or programs, is a designer as defined in M.G.L. Chapter 7C, Section 44 paragraph (b);
  2. The names and addresses of all partners, if a partnership, of all officers, directors and all persons with an ownership interest of more than five per cent in the applicant if not a partnership;
  3. The registration number and status of each such person in every jurisdiction in which such person has ever been registered as an architect, landscape architect or engineer;
  4. A list of all projects for all public agencies within the Commonwealth for which the applicant has performed or has entered into a contract to perform design services within the five year period immediately preceding the filing of the information required in this section;
  5. A list of all current projects for which the applicant is performing or is under contract to perform any design services; and
  6. If the applicant is a joint venture, the information required in this section shall be required for each joint venturer, as well as for the joint venture itself.
- B. The DSP shall keep a permanent record of the Master File Brochures. Each designer shall update its Master File Brochure on an annual basis and shall make current the lists of projects required under Section 4(A)(4)-(6) with each application filed.
- C. An applicant to perform design, programming or feasibility study services on a project must file, in addition to the Master File Brochure, a written application prescribed by the DSP relating to the applicant's experience, ability, and qualifications.

Every application or Master File Brochure filed shall be sworn to under penalties of perjury. Any applicant who has been determined by the DSP to have filed materially false information shall be disqualified by the DSP from further consideration for any project for such time as the DSP determines is appropriate.

#### **Section 5: Selection Criteria**

- A. Minimum qualifications shall include:
1. Must be a qualified Designer within the meaning of M.G.L. Chapter 7C, Section 44 employing a Massachusetts registered architect or engineer responsible for and being in control of the services to be provided.
  2. The Massachusetts registered architect or engineer responsible for and being in control of the services to be provided for the Designer must have successfully completed the Massachusetts Certified Public Purchasing Official Program seminar "Certification for

School Project Designers and Owner's Project Managers," as administered by the Office of the Inspector General of the Commonwealth of Massachusetts, and must maintain certification by completing the "Recertification for School Project Designers and Owner's Project Managers" seminar every three years thereafter. Proof of recertification or registration in the next recertification seminar for which space is available must be provided.

3. Pursuant to M.G.L. Chapter 7C, Section 6, the Designer must agree to contract with minority and women-owned businesses as certified by the Supplier Diversity Office (SDO) formerly known as the State Office of Minority and Women Business Assistance (SOMWBA). The amount of participation that shall be reserved for such enterprises shall not be less than seventeen and nine tenths percent (17.9%) of the contract price for combined minority business enterprises (MBE) and women-owned business enterprises (WBE). Applicants must include a reasonable representation of both MBE and WBE firms that meets or exceeds the combined goal.

B. Other criteria for selection of finalists shall include:

1. Prior similar experience best illustrating current qualifications for the specific project.
2. Past performance of the firm, if any, with regard to public, private, DOE-funded, and MSBA-funded projects across the Commonwealth, with respect to:
  - a) Quality of project design.
  - b) Quality, clarity, completeness and accuracy of plans and contract documents.
  - c) Ability to meet established program requirements within allotted budget.
  - d) Ability to meet schedules including submission of design and contract documents, processing of shop drawings, contractor requisitions and change orders.
  - e) Coordination and management of consultants.
  - f) Working relationship with contractors, subcontractors, local awarding authority and MSBA staff and local officials.
3. Current workload and ability to undertake the contract based on the number and scope of projects for which the firm is currently under contract.
4. The identity and qualifications of the consultants who will work on the project.
5. The financial stability of the firm.
6. The qualifications of the personnel to be assigned to the project.
7. Geographical proximity of the firm to the project site or willingness of the firm to make site visits and attend local meetings as required by the client.
8. Any other criteria that may be required by law or that the DSP considers relevant to the project.

## **Section 6: Selection Process**

- A. Cities, towns, regional school districts, and independent agricultural and technical schools subject to these procedures shall not rank or pre-rank applicants. Rankings shall occur only by vote of the DSP in accordance with these procedures and shall occur only after interviews, if allowed by vote of the DSP, have been concluded by the DSP.
- B. In the event that, upon reaching the deadline for submission of applications, three or fewer designer applications are received for a project, the Eligible Applicant may choose to modify the project description, estimated construction cost, program, desired designer qualifications, fee information, or other project information as necessary to attract interested designer applicants and begin the selection process again, starting with re-advertisement pursuant to Section 3: Public Notice. Should the Eligible Applicant choose to proceed with three or fewer designer applications and not re-advertise, the following procedure shall be followed:
1. The Eligible Applicant designee shall submit a statement that explains why the Eligible Applicant may have received three or less applications for the proposed project. The explanation should include but not necessarily be limited to:
    - a. A description of the public advertisement including the names of the publications in which the advertisement was placed and the date(s) in which the advertisement was published.
    - b. A description of the pre-proposal conference, if any, including the date, time, and location of the conference and names of attendees and the firms they represent.
  2. The Eligible Applicant designee and/or the OPM shall contact those design firms that attended the pre-proposal conference/walkthrough but did not submit an application and summarize why an application was not submitted for the proposed project.
  3. Legal counsel for the Eligible Applicant (i.e. town counsel or city solicitor) and the individual designated by the Eligible Applicant to be in charge of procurement for a project who holds the Massachusetts Certified Public Purchasing Official Program certification shall certify as to the adequacy and completeness of the procurement activity undertaken by the Eligible Applicant.
  4. At the discretion of the chairperson and with the concurrence of the three DSP members representing the Eligible Applicant, the DSP may forego the initial application review and invite all the designer applicants to appear for an interview before the DSP.
- C. The DSP may require any number of applicants to:
1. Appear for an interview before the DSP;
  2. Present a written proposal to the DSP through the Eligible Applicant; or
  3. Participate in a design competition held by the DSP through the Eligible Applicant.
- D. The DSP shall use the following procedures to rank three (3) finalists in order of qualifications from among the applicants for a particular project:

1. Prior to a DSP meeting at which the selection of finalists will be made or discussed, each member of the DSP shall be given a copy of each designer's application for his or her review.
2. At the DSP meeting, the DSP shall consider each application alphabetically or by some other method that may be determined by the chairperson from time to time.
3. When recognized by the chairperson, members of the DSP may comment or ask questions related to the selection process or the applications before the DSP.
4. Any potentially disqualifying deficiencies in an application should be noted in the record of the meeting.
5. After each member of the DSP has been given an opportunity to comment or ask questions, at the direction of the chairperson, each member of the DSP who is present shall utilize a ballot form provided by the MSBA to assign points to his or her top three (3) choices in order of qualifications so that each number one choice shall receive three (3) points, each number two choice shall receive two (2) points, and each number three choice shall receive one (1) point. The completed ballot forms shall be signed by each member and submitted to the DSP Administrator who shall tally the total points awarded to each applicant. The chairperson shall then read aloud the total points awarded to each of the applicants.
6. Once the point totals have been read aloud by the chairperson, the DSP may request interviews of the applicants with the highest point totals by the following procedure: Upon motion of one of the members, duly seconded by one of the other members, the DSP may vote to interview the applicants with the highest point totals.
7. If the DSP does not vote to conduct interviews, the DSP shall then vote to rank three (3) finalists in order of qualifications. If the DSP votes to conduct interviews, the DSP shall defer the ranking of the three (3) finalists until after the interviews have been concluded.
8. If the DSP votes to conduct interviews, the chairperson shall schedule the time and place of the interviews and written notice shall be given to the firms to be interviewed. Interviews shall be conducted in open session except that the chairperson may order competing firms, their agents and employees, to leave the meeting room during the interviews of their competitors. The MSBA may, within its discretion, develop standard questions to be answered or topics to be discussed by the applicants in the interview. Once the interviews have been concluded, at the direction of the chairperson, the DSP shall award points to each of the firms in accordance with the procedures set forth in subsection 6(C)(5). Once the point totals have been read aloud by the chairperson, the DSP shall then vote to rank three (3) finalists in order of qualifications.
9. In the event of a tie for the first, second or third highest point totals awarded to applicants by the DSP under Section 6(C)(5) or 6(C)(8), the chairperson shall determine, in his or her complete discretion, the procedure by which the tie shall be broken. The chairperson shall then read aloud the total points awarded to each of the applicants. Once the point totals have been read aloud by the chairperson, the DSP shall then vote to rank three (3) finalists in order of qualifications.

Once the DSP has voted to rank the top three (3) firms in order of qualifications, the MSBA shall transmit a list of the three (3) finalists ranked in order of qualifications to the Eligible Applicant along with a record of the final vote of the DSP on the selection and a written statement explaining the DSP's reasons for its ranking of the finalists.

#### **Section 7: Award of Contract**

- A. The authority to award a contract for designer services for a project that will receive funding from the MSBA is vested with the Eligible Applicant and subject to the approval of the MSBA.
- B. In the selection of a designer when the fee for designer services has been set prior to advertisement, the Eligible Applicant shall appoint a designer from the ranked list transmitted by the MSBA to the Eligible Applicant in the order of qualifications as determined by the DSP. If the Eligible Applicant proposes to select any designer other than the one ranked first by the DSP, it shall file a written justification for the proposed appointment with the DSP and shall not proceed until it has obtained written approval to proceed from the Executive Director.
- C. When the fee for designer services is to be negotiated, the Eligible Applicant shall review the list transmitted by the MSBA in the order of qualifications as determined by the DSP and may exclude any designer from the list if a written statement of reasons for the exclusion is filed with the DSP. The Eligible Applicant shall then appoint a designer based upon a successful fee negotiation. The Eligible Applicant shall first negotiate with the first ranked designer remaining on the list. Should the Eligible Applicant be unable to negotiate a satisfactory fee with the first ranked designer within thirty (30) days, negotiations shall be terminated and negotiations undertaken with the remaining designers, one at a time, in the order in which they were ranked by the DSP, until an arrangement is reached. Should the Eligible Applicant be unable to negotiate a successful fee with any designer initially selected by the DSP, the DSP shall recommend additional finalists in accordance with a procedure to be determined by the chairperson of the DSP that is not inconsistent with the procedures set forth in Section 6(B) above. The Eligible Applicant may require a finalist with whom a fee is being negotiated to submit a fee proposal and to provide current cost and pricing data on the basis of which the designer's fee proposal may be evaluated.

#### **Section 8: Continued or Extended Services**

- A. The Eligible Applicant may appoint a designer to perform continued or extended services that were not contemplated in the original public notice if the following conditions are met:
  - 1. A written statement is filed with the DSP explaining the reasons for the continuation or extension of services;
  - 2. The program for the design services is filed with the DSP;
  - 3. MSBA staff has made a written determination that the request for continued or extended services is otherwise in compliance with the MSBA's regulations, policies, procedures, and guidelines and the provisions of the feasibility study agreement, project scope and budget agreement, and/or project funding agreement, as applicable;

4. The DSP approves the appointment of the designer for continued or extended services and states the reason therefore.

#### **Section 9: Emergency Designer Selection Process**

- A. If a situation arises in accordance with Chapter 7C, Section 53, which has been declared an “emergency” by the Executive Director, an Eligible Applicant may request an emergency selection of a designer.
- B. In consultation with the technical staff of the MSBA, the Eligible Applicant shall prepare a proposed scope of work, an estimate of the cost of construction and a lump sum fee for the designer’s services, and submit this, and any other relevant information to the Executive Director.
- C. In lieu of public advertisement, the Executive Director or his/her designee will consult with the Eligible Applicant to select three to six qualified firms who have Master File Brochures on file, to solicit to perform this work.
- D. The MSBA staff will poll an ad-hoc committee of three members of the DSP to select at least three qualified finalists and forward the names of the finalists to the Eligible Applicant with a written statement explaining the committee’s reasons for its choice(s).
- E. The Eligible Applicant will select one of the three finalists to perform the work and forward the name of the selected firm to the DSP with a written statement explaining the reasons for its choice.
- F. The DSP will immediately notify the Designer Selection Board of the actions taken under the expedited procedures process, in addition to the mandated annual report.

#### **Section 10: Annual Report**

- A. The DSP shall submit an annual report to the Commonwealth’s Designer Selection Board which must contain:
  1. A list of all finalists selected by the DSP and awards made by the Eligible Applicants;
  2. A summary of the activities and other actions of the DSP, the Eligible Applicants and the MSBA staff relating to activities undertaken pursuant to these procedures; and
  3. Any other items which the MSBA deems appropriate.

#### **Section 11: Statutory Representations by the MSBA**

- A. The projects of the MSBA and the Eligible Applicants are not subject to the jurisdiction of the Division of Capital Asset Management and Maintenance.




- B. The DSP procedures substantially incorporate the procedures required of the Commonwealth's Designer Selection Board in M.G.L. Chapter 7C, Section 45 through 53, inclusive, and Section 55.

**Section 12: Effective Dates**

- A. The above designer selection procedures will be effective for all MSBA-funded projects through January 31, 2017.

Respectfully submitted under the penalties of  
perjury this 21st day of January, 2015



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John K. McCarthy, Executive Director  
Massachusetts School Building Authority