



## UNIVERSITY OF MASSACHUSETTS DARTMOUTH PURCHASING MANUAL

### Section 6.7 - Designer Selection Law

1. Projects subject to the requirements of M.G.L. c. 149 are also subject to the requirements of the Designer Selection Law M.G.L. c. 7C, §§ 44-57.
2. The University obtains design contracts following all applicable laws and regulations. These contracts are called “House Doctor Contracts” a complete list of which can be found on the Procurement webpage at [http://www.umassd.edu/admin\\_finance/departments/administrativeservices/purchasing/contractsandacquisitioncompliance/housedoctorcontracts/](http://www.umassd.edu/admin_finance/departments/administrativeservices/purchasing/contractsandacquisitioncompliance/housedoctorcontracts/)
3. The requirements for procuring design contracts under M.G.L. c. 7C, §§ 44-57 are detailed in Chapter II of the Commonwealth of Massachusetts Office of the Inspector General’s publication titled “Designing and Constructing Public Facilities” published in August of 2014, several excerpts from which appear below. The entire manual can be accessed online at <http://www.mass.gov/ig/public-design-and-construction/>
4. In all cases the University shall follow the applicable requirements under State Law when procuring design contracts.
5. Several excerpts relevant to this section from the Commonwealth of Massachusetts Office of the Inspector General’s publication titled “Designing and Constructing Public Facilities” published in August of 2014 appear below.

#### **II. The Designer Selection Process**

“Construction projects typically require the services of registered architects, professional engineers and other professional consultants to plan the work that will ultimately be carried out by construction contractors. The term “designer” is used to refer to the individuals or firms hired to do the architectural and engineering planning and design work for a project.”

“Selecting a qualified designer is essential to the success of a construction project. For building projects, state law requires a designer selection process that is aimed at obtaining high-quality design services for public buildings, while ensuring that qualified designers have the opportunity to compete for public business through a fair, open process. The selection of designers for public works (non-building) construction projects, with the exception of design-build projects procured under M.G.L. c. 149A,11 is not subject to the designer selection law.”

#### **Designer Selection Law Thresholds and Applicability**

“M.G.L. c. 7C, §§ 44-57, the designer selection law, contains procedures for selecting designers for building projects through an advertised, competitive, qualifications-based selection (QBS) process. Contracts for the following services in connection with a building project are subject to the designer selection law: preparation of master plans, feasibility and other studies, surveys, soil tests, cost estimates or programs; preparation of drawings, plans and specifications; supervision or administration of a construction contract; and construction management and scheduling. M.G.L. c. 7C, § 44(b).”

“**Local jurisdictions.** Local jurisdictions, including cities, towns, and agencies, boards,



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commissions, authorities or instrumentalities of cities and towns; regional school districts; and Horace Mann charter schools must follow the designer selection law in awarding any contract for design services for any building construction, reconstruction, alteration, remodeling or repair project with (1) an estimated construction cost of more than \$100,000; and (2) according to guidelines issued by the DSB, an estimated design fee of more than \$10,000. If there is no estimated cost of construction, we recommend that you follow the designer selection law if the design fee is estimated to cost \$10,000 or more. As will be discussed, local jurisdictions are required to adopt their own procedures for selecting designers for building projects.”