Division of Capital Asset Management Standard Designer Evaluation Forms for Public Agencies

The Standard Designer Evaluation forms are required by Section 13 of Chapter 159 of the Acts of 2000 which amends Section 38E of MGL Chapter 7. As of November 1, 2000 every Public Agency as defined in section 44A of Chapter 149 must complete the Standard Designer Evaluation Form for Designers hired by the Awarding Authority, in order to be eligible for state funding.*

- The Standard Designer Evaluation Form is available on the Commonwealth’s web site at [www.State.ma.us/cam/deseval.htm](http://www.State.ma.us/cam/deseval.htm) and by request to the Designer Selection Board – telephone: (617) 727-4046 or by email request to Designer.Evaluations@state.ma.us.
- The Public Agency must complete the Designer Evaluation form at the completion of the project and submit it to the Designer no later than 30 days after the project completion. “Occupancy” shall determine project completion for purposes of the Designer Evaluation Form.
- The Designer may submit a written response to the Division and the Board no later than 30 days after receipt of the completed evaluation. The letter should set forth any additional information concerning the building project or the oversight of the building construction contract by the public agency as may be relevant to the evaluation of the designer’s performance on the contract.
- The Public Agency must submit the completed Designer Evaluation Form and the written response from the Designer, if any, to the Designer Selection Board, to be included in the Designer’s Qualification File, and a copy shall be forwarded by the Public Agency to the Division of Capital Asset Management.
- Public Agencies must submit the Evaluation forms to the following addresses:
  - By mail or in person to both the Designer Selection Board Headquarters, One Ashburton Place, 10th Floor, Room 1004, Boston, MA 02108 and to Designer Evaluations, Division of Capital Asset Management, Office of Programming, One Ashburton Place, Boston, MA 02108, Attn: Designer Evaluations
- Refer to the attached copy of the legislation.

Below is an outline of the procedures for the completion and submission of the Standard Designer Evaluation Form for Public Agencies.

Procedures:
1. If a project is limited to preliminary design, such as a building feasibility study or Master plan, the Public Agency must submit the Designer Evaluation Form at the completion of the study or master plan.
2. For projects involving both design and construction, there are two stages in the project at which the Public Agency must complete the evaluation form as follows:
   - At the completion of the Schematic Design phase, the Agency must provide the Designer with a written preliminary evaluation for informational purposes. The Design Phase form may be utilized at this phase. This preliminary evaluation is not required to be submitted to DCAM and the DSB, but must be provided to the Designer no later than 30 days after completion of the schematic design phase of the project.

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* “Public Agency” means a department, agency, board, commission, authority, or other instrumentality of the commonwealth or political subdivision of the commonwealth, or two or more subdivision thereof but not including the Massachusetts Bay Transportation Authority. “Public Agency” and “Awarding Authority” are used interchangeably in this document.

“Designer” is defined in MGL Chapter 7, Section 38 A ½.
At the completion of the Construction project, the Public Agency must provide the Designer with a completed Design Phase and Construction Phase Evaluation Form for the entire project. These two completed forms must be submitted to the Designer no later than 30 days after the project completion. The Public Agency must then submit these forms to the Designer Selection Board and the Division of Capital Asset Management no later than 70 days after the project completion.

3. The Official from the Public Agency or the Owner’s Representative (as described in Section 44A of Chapter 149*) shall certify that the information contained on the Designer Evaluation form represents, to the best of his/her knowledge, a true and accurate analysis of the designer’s performance record on the contract.

4. The Designer will have the opportunity to submit a written response to DCAM and to the Designer Selection Board disputing any information contained in the form and setting forth any additional information concerning the building project or the oversight of the building construction contract by the public agency as may be relevant to the evaluation of the designer’s performance on the contract. Any such letter must be attached by the Public Agency to the evaluation forms submitted to the Designer Selection Board and the Division of Capital Asset Management.

5. The information in the Designer’s Qualification File including the completed evaluation forms will be made available to Public Agencies only upon written request to the Designer Selection Board or to the Division of Capital Asset Management.

6. Section 13 of Chapter 159 of the Acts of 2000 contains language providing limited indemnification for any public employee or public employer (as defined in Section 1 of Chapter 258) who has completed a Designer Evaluation form. The public employee is ensured of legal representation by the Commonwealth or the Public Agency, if sued, and the State will indemnify the employee from all personal financial losses and expenses including, but not limited to, legal fees and filing costs, if any, in an amount not to exceed $1,000,000. If the employee is found to have acted in a “willful, wanton or reckless manner”, by the courts, the Public Agency or the Commonwealth will still cover legal fees and filing costs, but not damages. Please review the attached legislation for more details regarding this provision in the law.

7. Designer Evaluations must be completed for all building project contracts of $500,000 or more and dated on or after January 1, 2002.
Instructions for Completion of Consultant Evaluation Form

Purpose
The purpose of this form is to fulfill the mandate of the law (Section 13 of chapter 159 of the Acts of 2000 which amends Section 38E of chapter 7) which requires State Agencies utilizing State funds to evaluate the performance of Designers.

Responsibility
Responsibility for completing the evaluation forms rests with the Project Manager (PM) at the Public Agency. The evaluation is intended to be objective, independent and fair. The evaluation should be reviewed by the Project Manager's Supervisor and approved prior to its submission to the Designer. The Consultant Evaluation Form must be completed by the user Agency within 70 days of project final completion in order to be eligible for future State funds. Refer to the Procedures included in this package for full details.

Process
Evaluation Forms are to be completed at a minimum at the completion ("occupancy") of the project. If the role of the Designer is limited to design only, such as with a feasibility study or Master plan document, the Designer evaluation should be completed at the completion of the Study phase utilizing this Design Phase evaluation form. If the project involves both Design and Construction by the same designer, then both this Design Phase form and the Construction Phase form should be completed at the completion ("occupancy") of the project. It is recommended that evaluations be submitted at both the completion of the programming phase of a Study and at the Study completion phase with the intention of providing the consultant with opportunities for corrective action to be taken prior to the completion of the project.

Rating/Scoring
The rating for each category should be based on overall performance, but specific issues and problems can be noted through remarks annotated at the relevant category. The more detailed and constructive criticism, the more opportunity for the Consultant to respond and improve. Ratings should be entered in whole numbers (integers 1, 2, 3 or 4) only. The score should be calculated by multiplying each score by the weighting factor, (percentage noted inside box next to score) which is based on the relative importance of the various responsibilities. A score of 1 indicates dissatisfactory performance and must be accompanied by a detailed description of areas in need of improvement.

Indicate the project phase that has just been completed, note that Construction Administration utilizes a different form. All questions have relevance to each of the design phases of a project. Where a specific bulleted question does not apply, consider the overall numbered question.

Question #1 This question addresses the Designer’s ability to understand and interpret the design and program requirements of the project. It has the most relevance during the Study and early design phases, but should be evaluated even at CD’s to be certain that the stated program/design requirements are carried throughout the entire development of the project.

Question #2 The Designer has a responsibility to be mindful of the established budget limitations through all project phases. This question evaluates their attention to the budget including overseeing the work of the Cost Estimator and other consultants.

Question #3 The Designer has a leadership role in the project to ensure overall communication and documentation as well as management and review of all sub-consultants’ work. This section evaluates their ability to provide that leadership and review, as well as the quality of the documentation. If there was a problem with the performance of a subconsultant, it is ultimately the Designer’s responsibility to resolve the issues – this is the section in which to document that situation. As a means to tracking dissatisfactory sub-contractor performance, be sure to indicate the name of any relevant subcontractor and describe the nature of the problems.

Question #4 This question evaluates the Designer’s technical expertise and their ability to communicate issues and facilitate resolution in a timely manner.

Question #5 This question should document the ability of the Designer to maintain the schedule (where under their control) and provide appropriate and consistent staffing for the project. Was the Designer reasonable and responsible in their interpretation of the project scope, or did they consistently request additional services for work that was clearly within the contract scope?

Question #6 Regulatory and permitting issues can have a major impact on project schedules, design and costs. Attention to these issues must be paid throughout the duration of the design process. This question documents the designer’s leadership and technical capability in this area.

Question #7 This question evaluates the quality of the Designer’s communications from memos and meeting minutes to contract drawings and specifications. In phases where no contract documents are produced, evaluate the quality of the progress drawings, presentation materials or other communications and submissions. Did the Designer incorporate the comments and respond to the feedback received from all parties during the design process?

Project Manager’s are encouraged to add remarks to elaborate on the ratings and to provide additional feedback to the consultants.
Standard Designer Evaluation Form for All Building Contracts of $500,000 or Greater

Design Phase

Study/Design Consultant: ___________________________ Date Completed: ___________________________
Project Title: ___________________________ Project #: ___________________________
Contracting Agency: ___________________________ Project Manager: ___________________________
Signature Public Agency Official or Owner’s Representative: ___________________________

Performance Rating Scale:

1 2 3 4
Unsatisfactory Fair Good Excellent

Phase: ___________________________

1. Designer’s responsiveness to Capital Asset Management and User Agency design and program criteria.
   • Did the Designer incorporate the articulated goals and criteria of the design program?
   • Did the Designer analyze, interpret and discuss suggestions and issues in a professional manner? X.10= ___________________________
   • Did the Designer actively participate in meeting discussions?
   • Did the Designer follow through on decisions made at meetings and respond to reviewer comments?
   • Did the Designer work well with the Public Agency and other project participants?

   Comments: ___________________________

2. Designer’s adherence to established project budget limitations.
   • Was the Designer responsive to the established budget? X.10= ___________________________
   • Did the Designer work creatively to achieve the program goals within the existing budget?
   • Did the Designer review and adjust the cost estimate to achieve the established project goals within budget limitations?

   Comments: ___________________________

3. Designer’s ability to effectively manage the project team and relay information to its consultants and personnel.
   • Did the Designer keep the team members informed of issues? X.05= ___________________________
   • Did the Designer effectively use the project team members as informational resources?
   • Did the Designer adequately review subconsultants’ work prior to submittals for review approval?
   • Did the Designer take responsibility for ensuring the quality of work from all subconsultants and adequately coordinate the different trade’s work in Design.

   Comments: ___________________________

4. Designer’s ability to solve technical/design problems.
   • Did the Designer address design constraints and take advantage of design opportunities? X.15= ___________________________
   • Did the Designer identify design problems in a timely manner?
   • Did the Designer propose design alternatives and articulate their advantages/disadvantages?
   • Was the Designer able to balance technical issues and aesthetics issues?

   Comments: ___________________________

8/1/02 Division of Capital Asset Management
Questionnaire p. 1
5. Designer's ability to submit complete design/study packages within the established project specific schedules and fee.
   - Did the Designer prepare submittals in accordance with the agreed upon schedule?  
   - Were the submittals complete?  
   - Did the Designer alert the Project Manager to possible schedule problems in advance of delays?  
   - Did the Designer staff the project appropriately and in keeping with their original application?  
   - Did the Designer make requests for additional services fees for work that was within the scope of the contract?  

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   Comments: ____________________________________________________________

6. Designer's ability to manage its responsibilities in the regulatory/approvals process.
   - Did the Designer adequately research and document building code and life safety/accessibility issues?  
   - Did the Designer assist the Project Team in understanding codes/regulations and their implications?  
   - Did the Designer pay adequate attention to regulatory restrictions during the design process?  
   - Did the Designer make timely submittals of permit applications materials?  

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   Comments: ____________________________________________________________

   - Were the materials submitted complete in all respects?  
   - Was the writing style/presentation clear and straightforward with adequate back-up?  
   - Were all comments and review requests adequately incorporated into the report/documents?  
   - Were the contract documents sufficiently clear and complete that no addenda or only minor addenda had to be issued?  
   - Were the contract documents well coordinated?  
   - Was the Designer thorough and consistent in its use of graphic symbols and terminology?  

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   Comments: ____________________________________________________________

Total Rating

Remarks: (include additional sheets as necessary)

Overall Comments: ______________________________________________________

Total Score