

# *THE COMMONWEALTH OF MASSACHUSETTS*

*Executive Office for Administration and Finance*



## **Designer Selection Board**

*Fifty-Second Annual Report*

*January 1, 2022 through December 31, 2022*

**Martha Blakey Smith, AIA**  
*Chair*

**Claire G. Hester**  
*Acting Executive Director*



**The Commonwealth of Massachusetts**  
**Executive Office for Administration and Finance**  
**Designer Selection Board**  
**One Ashburton Place**  
**Boston, Massachusetts 02108**

**MAURA T. HEALEY**  
**GOVERNOR**

**KIMBERLEY DRISCOLL**  
**LIEUTENANT GOVERNOR**

**CLAIRE G. HESTER**  
**ACTING EXECUTIVE DIRECTOR**  
**MARTHA BLAKEY SMITH, AIA**  
**CHAIR**

August 1, 2023

Carol Gladstone, Commissioner  
Division of Capital Asset Management and Maintenance  
Executive Office for Administration & Finance  
One Ashburton Place, 15th Floor  
Boston, MA 02108

Dear Commissioner Gladstone:

The attached 2022 Annual Report of the Designer Selection Board is hereby provided in accordance with Chapter 7C, Section 56. This Annual Report lists all finalists selected by the Board during this period including a summary of the actions taken and a description of other relevant activities.

Twenty-four public meetings were held during this period. These meetings were held remotely via Zoom and it is expected that they will continue to be held in this manner indefinitely.

The "Executive Narrative" outlines the Board's accomplishments, actions, and other developments which have had an impact on the conduct of our business. The office staff spent considerable time responding to questions from architects, engineers, and municipalities on designer selection procedures and specific inquiries on Division of Capital Asset Management and Maintenance (DCAMM) and charter school projects, past, present and future.

This Board's responsibility as the central administering body for selection of all designers for vertical building construction projects throughout the Commonwealth necessitated direct involvement in review and approval of the designer selection procedures for certain public agencies, including Mass. Convention Center Authority; Massport; Executive Office of Housing and Livable Communities.

The Board had a busy and productive year. We trust our involvement in expediting the selection of designers will be beneficial to the Commonwealth in providing the necessary supplementary support needed for DCAMM's expanded workload.

The Board looks forward to continued cooperation and assistance in achieving the Commonwealth's goal of providing well designed public buildings at reasonable cost. Our efforts were eminently supported by the DSB office staff. The staff has always endeavored to provide a timely and effective response to the needs of the Board and have given the highest priority to expediting the processing of new requests for designer selection.

In compliance with the General Laws and past practices, this Report will be distributed to the State House library and various architectural and engineering organizations and be uploaded to the DSB website and the DSB Online Network and is available to the public. This document constitutes the Designer Selection Board's Fifty-Second Annual Report.

Best Regards,

A handwritten signature in cursive script that reads "Claire G. Hester".

Claire G. Hester  
Acting Executive Director  
Designer Selection Board

Attachment

Cc: DSB Members

## **EXECUTIVE NARRATIVE**

The Board had twenty-four (24) meetings scheduled in 2022. We acted on thirty-one (31) projects with 224 applications. In addition, there were sixteen (16) projects with 90 applications that were carried over for action during our 2023 schedule.

The procedures employed to select finalists for each project were in accordance with Chapter 7C of the Massachusetts General Laws, and were tailored to maintaining the goals of the Board, namely to:

- (a) *ensure that the commonwealth receives the highest quality design services for all its building projects;*
- (b) *provide for increased confidence in the procedures followed in the procurement of design and design related services;*
- (c) *promote consistency in the methods of procurement of design and design related services;*
- (d) *foster effective broad-based participation in public work within the design professions; and*
- (e) *provide safeguards for the maintenance of the integrity of the system for the procurement of designers' services within the commonwealth.*

## **DISTRIBUTION OF DESIGNER SELECTION ACTIVITY**

During the 2022 calendar year, there was no one major area of concentration in the designer selection workload; rather, there was a variation of types of projects. (See Recommendations and Appointments)

## **OTHER SIGNIFICANT ISSUES**

### **I EXEMPTION FROM THE JURISDICTION OF THE DESIGNER SELECTION BOARD**

In accordance with Chapter 7C, Section 46 of the General Laws, this Board is authorized to approve Designer Selection Procedures for certain public agencies i.e. the Mass. Convention Center Authority; Massachusetts Port Authority; Executive Office of Housing and Livable Communities. Upon approval of such procedures, the respective agency is empowered to perform its own designer selections for two years. If they do not meet with the Board's approval, (specified in writing) they are prohibited from selecting any Designer firms until they have the Board's approval.

During 2022 the Board reviewed Designer Selection Procedures for the following public agencies, with the dispositions shown:

#### **A. Massachusetts Port Authority (Massport)**

On June 22, 2022, the Board voted to grant a two-year exemption to Massport expiring on July 8, 2024.

#### **B. Massachusetts Convention Center Authority (MCCA)**

On July 6, 2022, the Board voted to grant a two-year exemption to MCCA expiring on July 9, 2024.

## **II OTHER ISSUES**

- A. Extension of Design Services for Arrowstreet, Inc., DSB List #17-02, Item #1, Neighborhood House Charter School, 21 Queen Street, Dorchester

On April 13, 2022 the Board reviewed the extension for Arrowstreet, Inc. On a motion by to approve the extension of Design Services to Arrowstreet, Inc. for \$104,050 at the Neighborhood House Charter School, Dorchester, seconded by David Chappell. Motion was approved.

- B. Extension of Design Services for CSS Architects, Inc., DSB List #18-07, Item #1, Mass. State Project #31, Massachusetts Military Division (MMD)

On May 11, 2022 the Board reviewed the extension for CSS Architects. On a motion by Martha Blakey Smith to approve the Extension of Design Services to CSS Architects, Inc. for \$121,000 and for MMD to return to DCAMM for approval to increase construction cost, seconded by Ilyas Bhatti. Khalil Mogassabi abstained. Motion was approved.

- C. Request to permit Perkins Eastman to support MassDOT's workplace renovation project in the State Transportation Building, Boston under the DSB List #21-25, DCP2136, State Transportation and MITC, Renovation and Modernization, Boston and Chelsea. DCAMM provided information and concluded that under applicable law they did not have to go to the IG's Office and showed due diligence that Perkins Eastman can be appointed to this project.

On August 17, 2022, the Board reviewed the above request from DCAMM and voted to exercise its authority to approve Perkins Eastman to this project. On a motion by Elise Woodward to permit Perkins Eastman to MassDOT's workplace renovation project in the Transportation Building, Boston, seconded by David Capaldo. Mark Boyle abstained. Motion was approved.

## **III LEGAL MATTERS**

### **Interpretations of Chapter Seven M.G.L.**

From time to time, the Board receives inquiries, by telephone, by mail and by email, asking for our interpretations of the laws governing designer selection procedures. The questions may come from city or town officials, members of designer selection bodies, or practicing architects and engineers.

The Designer Selection Board staff attempt to research the applicable laws, and particularly to find reasonably similar cases in the Board's files.

Up until a few years ago, the Bureau of Labor and Industries was available for answering such questions, but that practice has ceased. As a replacement, the Office of the Attorney General, Fair Labor & Business Practices has assumed an interpreter's role.

Another valuable source of information in these matters has been the Inspector General's Office.

## **IV MISCELLANEOUS**

### **A. BOARD MEMBERSHIP**

In accordance with the intent of the enabling legislation, the Designer Selection Board is a constantly self-renewing body.

A summary of the Board's membership activity over the 2022 calendar year is as follows:

Resignation(s):

Janice Bergeron, Public Member  
Resigned: July 6, 2022

Daniel Carson, P.E., Engineer Member  
Resigned: August 3, 2022

New Member(s): August 17, 2022

Severino Luna, P.E, Engineer Member  
Mark Boyle, Public Member

**2022 MEMBERSHIP OF THE DESIGNER SELECTION BOARD**

| MEMBER NAME                      | OCCUPATION/PROFESSION  | APPOINTMENT DATE                | EXPIRATION DATE |
|----------------------------------|------------------------|---------------------------------|-----------------|
| <b>GOVERNOR'S APPOINTEES (A)</b> |                        |                                 |                 |
| Khalil Mogassabi                 | Registered Architect   | 06/08/2021                      | 05/23/2023      |
| Alan Ricks                       | Registered Architect   | 08/09/2019 (RE-APPT12/14/2020)  | 12/12/2022      |
| Martha Blakely Smith             | Registered Architect   | 08/09/2019 (RE-APPT 07/16/2021) | 05/23/2023      |
| Ilyas Bhatti                     | Registered Prof. Engr. | 09/16/2020 (RE-APPT 12/14/2020) | 12/12/2022      |
| David A. Chappell, Vice Chair    | Registered Prof. Engr. | 06/28/2019                      | 09/22/2022      |
| Maureen W. Sakakeeny             | Registered Prof. Engr. | 11/04/2021 (RE-APPT 09/23/2022) | 09/22/2024      |
| Mark Boyle                       | Public Member          | 08/05/2022                      | 05/13/2024      |
| Kathleen Bradley Colwell         | Public Member          | 07/16/2021                      | 05/10/2022      |
| <b>TEC APPOINTEE (B)</b>         |                        |                                 |                 |
| Severino Luna                    | Registered Prof. Engr. | 07/19/2022                      | 08/04/2024      |
| <b>MA AIA APPOINTEE (C)</b>      |                        |                                 |                 |
| Elise Woodward, Chair            | Registered Architect   | 12/04/2019 (RE-APPT 11/30/2021) | 12/04/2023      |
| <b>AGC APPOINTEE (D)</b>         |                        |                                 |                 |
| David Capaldo                    | General Contractor     | 09/15/2021                      | 09/15/2023      |

(A) Eight (8) appointments by the Governor of which three (3) shall be Registered Architects, three (3) Registered Engineers and two (2) shall be representatives of the public who are not architects, designer, engineers, or public contractors

(B) One appointment by Design Professionals Government Affairs Council (The Engineering Center- TEC)

(C) One appointment by Massachusetts Chapter of the American Institute of Architects (MA AIA)

(D) One appointment by Associated General Contractors of Massachusetts (AGC)

Members shall be appointed for terms of two years and may be re-appointed for no more than one successive two-year term.

During this year, the DSB staff has been in constant touch with Boards and Commissions in the Office of the Governor to replace certain members of the Designer Selection Board.

Many thanks to the selfless volunteers of the DSB who donate many hours of their time and expertise in service to the Commonwealth.

Prospective candidates for these pro-bono positions as architects, engineers and public members are invited to contact the Executive Director directly for information on making application.

## **B. BOARD ACTIVITIES**

### **Board Business: April 13, 2022**

The Board voted to approve the below recommendation for the diversity focus statement to be sent to DCAMM for advertisements. On a motion to approve the diversity statement by Janice Bergeron, seconded by Ilyas Bhatti. Motion was unanimously approved.

DCAMM and the Designer Selection Board strongly support the efforts to increase Diversity, Equity, and Inclusion for all publicly funded projects, and encourage proposing teams to expand the overall breadth of diverse firms working on DCAMM projects.

Applicants as Prime firm should include in their application, under Section 5, a Diversity Focus Statement directly addressing:

- 1) the Prime firm's demonstrated current Diversity within the firm, and additional efforts to increase and promote Diversity, Equity and Inclusion within its organization and within the design profession;
- 2) the specific approach for assembling the team for this project, including M/W/VBE firms with or without prior DCAMM experience, the Prime firm's experience in working with each of the firms including how the prime applicant will support firms new to DCAMM if applicable, and description of the roles and responsibilities between and amongst team members anticipated for this project;
- 3) the demonstrated track record of the Prime firm for meeting DCAMM or other agency diversity goals, highlighting in particular prior projects that have met or exceeded these goals.

### **Board Business: October 5, 2022**

Martha Blakey Smith created A Brief History of the DSB (attached). The Board thanks Marty for creating this document. It was very informative and will be a good reference tool for future board members.

### **Board Business: November 16, 2022**

#### **Election for Chair and Vice Chair**

Elise Woodward nominated David Chappell for DSB Chair. On a motion by Elise Woodward, seconded by Ilyas Bhatti to elect David Chappell as DSB Chair.

Elise Woodward nominated Martha Blakey Smith for DSB Vice Chair. On a motion by Elise Woodward, seconded by Khalil Mogassabi to elect Martha Blakey Smith for DSB Vice Chair.

David Chappell and Martha Blakey Smith will begin their term as Chair and Vice Chair on January 4, 2023.

## **Autocene**

The Board met with Autocene to discuss improvements to the board members information in the DSB Online Network. Autocene will make changes to the members section in the system and make it user friendly for the members to review documents.

### **C. Interviews with Designer Firms**

From time to time, as the schedule will allow, the Board devotes meeting time to the interviewing of those design firms which are newly organized, which may have experienced major management changes, or desire to present their credentials to the Board. The Board has committed to accelerate the rate of interviews.

#### **May 25, 2022**

Dietz & Company Architects  
STV, Inc.

#### **June 8, 2022**

EDM Architecture & Engineering  
Tappe Architects  
Context Architecture

#### **June 22, 2022**

RMF Engineering  
B2Q Associates, Inc.  
Studio Enee Architects

### **D. STAFF ACTIVITIES**

The Board continued to operate with its staff of Acting Executive Director, Claire G. Hester and Program Coordinator I, Roberto Melendez.



## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE  | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE   | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS  |
|---|---|---|---|
| DCP1844 AD1<br>Owner's Project Management (OPM) Services<br>Various Higher-Education Facilities<br>Statewide  | 03-14-2018<br>DSB List #18-04, Item #1<br>21 Applicants<br>ECC: Less than the delegation limitation as set forth by M.G.L. c7C,§5, as may be increased by legislation, for an individual project. OPM may manage multiple projects concurrently.<br>FEE: To Be Negotiated | 05-02-2018<br>CBRE Heery, Inc.<br>Daedalus Projects, Inc.<br>Jacobs Consultants, Inc.<br>NV5 Consultants, Inc.<br>Pinck & Co., Inc.<br>Stantec Consulting Services, Inc.  | 01-05-2022<br>CBRE Heery, Inc.<br>80 Blanchard Road, Suite 108<br>Burlington, MA 02210        |
| 21-007<br>New Bedford State Pier (NBSP)<br>Building #2 Warehouse<br>49 State Pier, New Bedford, MA 02740<br>Massachusetts Development Finance Agency (MDFA) | 06-30-2021<br>DSB List #21-17<br>3 Applicants<br>ECC: \$1,700,000<br>Fee for Study/Schematic and Final Design: To Be Negotiated   | 08-18-2021<br>LLB Architects (13 points)<br>CBI (8 points)  | 01-27-2022<br>LLB Architects<br>161 Exchange Street<br>4 <sup>th</sup> Floor<br>Pawtucket, RI |
| NSC2201<br>North Shore Community College Science Labs Upgrades<br>Danvers   | 10-27-2021<br>DSB List #21-30<br>11 Applicants<br>ECC: \$10,000,000 (TBD by Study)<br>Fee for Certifiable Study: \$230,000<br>Fee for Schematic Design: To Be Negotiated<br>Fee for Final Design: To Be Negotiated  | 01-05-2022 Interview<br>Ellenzweig (22 points)<br>MDS/Miller Dyer Spears (15 points)<br>Jacobs Consultants, Inc. (11 points)  | 01-07-2022<br>Ellenzweig<br>230 Congress Street<br>Boston, MA                                 |
| BSC2201<br>Burnell Hall Renovation<br>Bridgewater State University<br>Bridgewater   | 11-10-2021<br>DSB List #21-33<br>16 Applicants<br>ECC: \$27,664,668<br>Fee for Study: \$550,000<br>Fee for Schematic Design: To Be Negotiated<br>Fee for Final Design: To Be Negotiated   | 02-02-2022 Interview<br>MDS/Miller Dyer Spears (24 points)<br>Turowski2 Architecture, Inc. (12 points, tiebreaker of 4 points, final tiebreaker of 8 points)<br>Perry Dean Rogers Partners & Architects (12 points, tiebreaker of 4 points, final tiebreaker of 0 points) | 02-07-2022<br>MDS/Miller Dyer Spears<br>40 Broad Street<br>Suite 103<br>Boston, MA            |

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|---|--|---|--|
| MSP MEP21 HD1<br>Study & Design for Mechanical,<br>Electrical, Plumbing and Fire Protection<br>Renovations, Repairs and Upgrades<br>Massachusetts State Police<br>Statewide<br>House Doctor | 12-01-2021<br>DSB List #21-34<br>9 Applicants<br>ECC: Varies Per Project, Not to Exceed<br>authority delegated pursuant to M.G.L.<br>c.7C §5, for an individual project<br>Maximum Fee Per Contract, based on<br>the scope of work and services<br>authorized, shall not exceed: \$500,000 | 01-19-2022<br>B2Q Associates<br>Shekar & Associates, Inc.<br>STV, Inc.                                  | 01-25-2022<br>B2Q Associates<br>100 Burt Road, Suite 212<br>Andover, MA<br><br>01-25-2022<br>Shekar & Associates, Inc.<br>775 Pleasant Street, #14<br>Weymouth, MA<br><br>01-25-2022<br>STV, Inc.<br>One Financial Center, 3 <sup>rd</sup> Floor<br>Boston, MA |

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|--|---|--|--|
| DSBP-13<br>Study & Design for Mechanical,<br>Electrical, Plumbing and Fire Protection<br>Renovations, Repairs and Upgrades<br>DCAMM<br>Statewide<br>House Doctor | 12-15-2021<br>DSB List #21-35<br>22 Applicants<br>ECC: Varies Per Project, Not to Exceed<br>authority delegated pursuant to M.G.L.<br>c.7C §5, for an individual project<br>Maximum Fee Per Contract, based on<br>the scope of work and services<br>authorized, shall not exceed: \$3,000,000 | 02-16-2022<br>Architectural Engineers, Inc.<br>B2Q Associates, Inc.<br>C.A. Crowley Engineering, Inc.<br>Shekar & Associates, Inc.<br>STV, Inc.<br>WSP USA | 02-18-2022<br>Architectural Engineers, Inc.<br>63 Franklin Street<br>Boston, MA<br><br>02-18-2022<br>B2Q Associates<br>100 Burtt Road<br>Suite 212<br>Andover, MA<br><br>02-18-2022<br>C.A. Crowley Engineering, Inc.<br>645 County Street<br>Taunton, MA<br><br>02-18-2022<br>Shekar & Associates, Inc.<br>775 Pleasant Street, #14<br>Weymouth, MA<br><br>02-18-2022<br>STV, Inc.<br>One Financial Center, 3 <sup>rd</sup> Floor<br>Boston, MA<br><br>02-18-2022<br>WSP USA<br>88 Black Falcon Avenue, Suite 210<br>Boston, MA |

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|--|---|--|---|
| 2021-01<br>City on a Hill Charter Renovation & Expansion<br>City on a Hill Charter Public School<br>58 Circuit Street<br>Roxbury | 12-15-2021<br>DSB List #21-36<br>4 Applicants<br>ECC: \$4 million exclusive of soft costs and change order contingency<br>Fee for Study/Schematic Design: To Be Negotiated<br>Fee for Final Design: To Be Negotiated      | 01-19-2022<br>Michael Lindstrom Associates Architects dba StudioMLA Architects (21 points)<br>CSS Architects, Inc. (14 points)<br>Jones Architecture, Inc. (11 points) | 03-28-2022<br>Michael Lindstrom Associates Architects/DBA StudioMLA Architects<br>320 Washington Street, 2 <sup>nd</sup> Floor<br>Brookline, MA   |
| DSBP-12<br>Building Enclosure Commissioning Services<br>DCAMM<br>Statewide<br>House Doctor                                       | 12-29-2021<br>DSB List #21-37<br>4 Applicants<br>ECC: Varies Per Project, Typically less than \$50,000,000<br>Maximum Fee Per Contract, based on the scope of work and services authorized, shall not exceed: \$2,000,000 | 02-16-2022<br>CannonDesign<br>Gale Associates<br>Socotec AE Consulting, LLC<br>WSP USA   | 02-18-2022<br>CannonDesign<br>99 Summer Street, Suite 600<br>Boston, MA<br><br>02-18-2022<br>Gale Associates, Inc.<br>163 Libbey Parkway<br>Weymouth, MA<br><br>02-18-2022<br>Socotec AE Consulting, LLC<br>250 Dorchester Avenue<br>Boston, MA<br><br>02-18-2022<br>WSP USA<br>88 Black Falcon Avenue, Suite 210<br>Boston, MA |
| Brooke 2021-02<br>Expansion of East Boston and Mattapan Campuses<br>Brooke Charter Schools<br>East Boston and Mattapan           | 01-05-2022<br>DSB List #22-01<br>3 Applicants<br>Conceptual ECC: \$9.7 Million<br>Design/Certifiable Study: To Be Negotiated for Each Building<br>Final Design: To Be Negotiated for Each Building                        | 01-16-2022<br>Arrowstreet (12 points)<br>Jones Architecture, Inc. (10 points)<br>Amenta Emma Architects (8 points)   | 05-18-2022<br>Arrowstreet<br>10 Post Office Square<br>Boston, MA  |

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|--|--|--|--|
| BCCS 2021-2<br>21 Mayhew Renovation Project<br>Boston Collegiate Charter School<br>Dorchester  | 01-12-2022<br>DSB List #22-02<br>2 Applicants<br>ECC: \$725,000<br>Fee for Study/Schematic Design: N/A;<br>Fee for Final Design: To Be Negotiated  | 01-16-2022<br>Michael Lindstrom Associates Architects<br>dba StudioMLA Architects (11 points)<br>MDS/Miller Dyer Spears (10 points)  | 05-26-2022<br>Michael Lindstrom Associates<br>Architects/DBA StudioMLA Architects<br>320 Washington Street, 2 <sup>nd</sup> Floor<br>Brookline, MA   |
| BCCS-2022-3<br>Boston Collegiate Charter School HVAC<br>and Envelope Repairs<br>215 Sydney St and 11 Mayhew St.<br>Dorchester                              | 02-16-2022<br>DSB List #22-03<br>3 Applicants<br>ECC: \$3-\$5 Million<br>Fee for Final Design: To Be Negotiated  | 03-16-2022<br>Edgewood Design + Architecture, Inc. (22<br>points)<br>CSS Architects, Inc. (21 points)<br>Michael Lindstrom Associates Architects<br>dba StudioMLA Architects (11 points) | 06-24-2022<br>Edgewood Design + Architecture, Inc.<br>79 Lakewood Road<br>Weymouth, MA   |
| MCC-2022-05<br>Study & Design for General Building<br>Renovations, Repairs & Upgrades<br>Middlesex Community College<br>Bedford and Lowell<br>House Doctor | 02-23-2022<br>DSB List #22-04<br>8 Applicants<br>Available Aggregate Amount: \$2,250,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$750,000 | 03-30-2022<br>CSS Architects, Inc.<br>ICON Architecture<br>William Sloan Associates  | 04-06-2022<br>CSS Architects, Inc.<br>107 Audubon Road, Bldg. 2<br>Suite 300<br>Wakefield, MA<br><br>04-06-2022<br>ICON Architecture<br>101 Summer Street<br>Boston, MA<br><br>04-06-2022<br>William Sloan Associates<br>551 Main Street<br>Winchester, MA |

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|---|--|---|---|
| MCC-2022-06<br>Study & Design for Mechanical,<br>Electrical, Plumbing and Fire Protection<br>Renovations, Repairs & Upgrades<br>Middlesex Community College<br>Bedford and Lowell<br>House Doctor | 02-23-2022<br>DSB List #22-05<br>3 Applicants<br>Available Aggregate Amount: \$2,250,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$750,000 | 03-30-2022<br>Architectural Engineers, Inc.<br>B2Q Associates, Inc.<br>VAV International, Inc.          | 04-06-2022<br>Architectural Engineers, Inc.<br>63 Franklin Street<br>Boston, MA<br><br>04-06-2022<br>B2Q Associates, Inc.<br>100 Burt Road, Suite 212<br>Andover, MA<br><br>04-06-2022<br>VAV International, Inc.<br>400 West Cummings Park<br>S-4700<br>Woburn, MA |
| QCC2201<br>Quinsigamond Community College<br>IQ Center<br>Worcester   | 02-23-2022<br>DSB List #22-06<br>11 Applicants<br>ECC: \$18,866,293<br>Fee For Study: \$465,000; Schematic<br>Design/Final Design: To Be Negotiated  | 04-13-2022 Interview<br>Goody Clancy & Associates, Inc.<br>Jones Architecture, Inc.<br>Perkins Eastman  | 04-19-2022<br>Goody Clancy & Associates, Inc.<br>420 Boylston Street<br>Boston, MA  |

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|---|--|---|--|
| DSBP-16<br>Study, Planning, Design & Construction<br>for Correctional Facilities<br>DCAMM<br>Statewide<br>House Doctor  | 02-23-2022<br>DSB List #22-07<br>4 Applicants<br>Available Aggregate Amount:<br>\$12,500,000<br>ECC: Varies Per Project. Typically, less<br>than \$10,000,000<br>Fee: \$2,500,000  | 04-27-2022<br>CGL Companies, LLC<br>DHK Architects<br>HDR Architecture, PC<br>Rowse Architects, Inc.    | 04-28-2022<br>CGL Companies, LLC<br>1721 Saunders Street<br>Columbia, SC<br><br>04-28-2022<br>DHK Architects<br>54 Canal Street, Suite 200<br>Boston, MA<br><br>04-28-2022<br>HDR Architecture, PC<br>99 High Street, Suite 2300<br>Boston, MA<br><br>04-28-2022<br>Rowse Architects, Inc.<br>2 Hampshire Street, Suite 106<br>Foxboro, MA |
| STCC2022-23<br>Study & Design for General Building<br>Renovations, Repairs & Upgrades<br>Springfield Technical Community<br>College (STCC)<br>Springfield<br>House Doctor | 02-23-2022<br>DSB List #22-08<br>7 Applicants<br>Available Aggregate Amount: \$1,500,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$750,000 | 05-11-2022<br>Dietz and Company Architects, Inc.<br>Pfeuffer Richardson Architects, PC                  | 06-06-2022<br>Dietz and Company Architects, Inc.<br>55 Frank B. Murray St., Suite 201<br>Springfield, MA<br><br>Pfeuffer Richardson Architects, PC<br>700 Mass Ave., 4 <sup>th</sup> Floor<br>Cambridge, MA  |
| TRC 2111<br>Hampden County Hall of Justice<br>Building Improvements<br>50 State Street<br>Springfield   | 03-23-2022<br>DSB List #22-09<br>3 Applicants<br>ECC: \$65,800,000<br>Fee for Schematic Design/Certifiable<br>Study: \$1,200,000; Fee for Final Design:<br>To Be Negotiated  | 04-27-2022<br>Habeeb & Associates Architects<br>DHK Architects<br>STV, Inc.                             | 04-28-2022<br>Habeeb & Associates Architects<br>150 Longwater Drive<br>Norwell, MA   |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE   | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE                   | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS  |
|---|--|---|---|
| SDP2022<br>Study & Design for General Building<br>Renovations, Repairs & Upgrades<br>Plymouth County Sheriff's Department<br>(PCSD)<br>Plymouth<br>House Doctor | 03-09-2022<br>DSB List #22-10<br>5 Applicants<br>Available Aggregate Amount: \$5,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | 04-27-2022<br>DHK Architects<br>HDR Architecture, PC<br>Rowse Architects, Inc.<br>Socotec AE Consulting, LLC<br>STV, Inc. | 04-28-2022<br>DHK Architects<br>54 Canal Street, Suite 200<br>Boston, MA<br><br>04-28-2022<br>HDR Architecture, PC<br>99 High Street, Suite 2300<br>Boston, MA<br><br>04-28-2022<br>Rowse Architects, Inc.<br>2 Hampshire Street<br>Suite 106<br>Foxboro, MA<br><br>04-28-2022<br>Socotec AE Consulting, LLC<br>250 Dorchester Avenue<br>Boston, MA<br><br>04-28-2022<br>STV, Inc.<br>One Financial Center, 3 <sup>rd</sup> Floor<br>Boston, MA |



## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE   | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE      | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS  |
|---|--|--|---|
| STCC 2022-24<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Land/Site<br>Renovations, Repairs & Upgrades<br>Springfield Technical Community<br>College (STCC)<br>Springfield<br>House Doctor | 03-09-2022<br>DSB List #22-11<br>8 Applicants<br>Available Aggregate Amount: \$2,250,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$750,000 | 05-11-2022<br>BVH Integrated Services, PC<br>Fitzmeyer & Tocci Associates, Inc.<br>R.W. Sullivan Engineering | 06-06-2022<br>BVH Integrated Services, PC<br>206 West Newberry Road<br>Bloomfield, CT<br><br>06-06-2022<br>Fitzmeyer & Tocci Associates, Inc.<br>300 Unicorn Park Drive<br>Woburn, MA<br><br>06-06-2022<br>R.W. Sullivan Engineering<br>529 Main Street<br>Boston, MA |

## DESIGNER SELECTION BOARD

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|--|--|--|--|
| EHS-T1D2022<br>Study & Design for Trauma-Informed<br>Design Upgrades Retrofits and<br>Renovations<br>Executive Office of Health & Human<br>Services (EOHHS)<br>Statewide<br>House Doctor | 03-30-2022<br>DSB List #22-12<br>6 Applicants<br>Available Aggregate Amount: \$5,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | 04-27-2022<br>Array Architects<br>Michael Lindstrom Associates Architects/<br>Dba StudioMLA Architects<br>Studio G Architects<br>STV, Inc<br>William Pevear Architects, Inc. | 04-28-2022<br>Array Architects<br>2 Oliver Street<br>Suite 131<br>Boston, MA<br><br>04-28-2022<br>Studio G Architects<br>179 Boylston Street<br>Jamaica Plain, MA<br><br>04-28-2022<br>Michael Lindstrom Associates Architects –<br>dba StudioMLA Architects<br>320 Washington Street, 2 <sup>nd</sup> Floor<br>Brookline, MA<br><br>04-28-2022<br>STV, Inc.<br>One Financial Center, 3 <sup>rd</sup> Floor<br>Boston, MA<br><br>04-28-2022<br>William Pevear Architects<br>872 Massachusetts Avenue, Suite 2-9<br>Cambridge, MA |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE   | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE   | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS   |
|---|--|---|--|
| DSBP-20<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>Various Court Facilities<br>Office of Court Management, Facilities<br>Management & Capital Planning (OCM)<br>Statewide<br>House Doctor | 04-06-2022<br>DSB List #22-13<br>9 Applicants<br>Available Aggregate Amount:<br>\$12,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,500,000 | 05-11-2022<br>CSS Architects<br>DHK Architects<br>Dietz and Company Architects, Inc.<br>EDM Architecture & Engineering, PC<br>Gienapp Architects<br>HDR Architecture, PC<br>Rowse Architects, Inc.<br>STV, Inc. | 06-06-2022<br>CSS Architects<br>107 Audubon Road, Bldg. #2<br>Suite 300<br>Wakefield, MA<br><br>06-06-2022<br>DHK Architects<br>54 Canal Street, Suite 200<br>Boston MA<br><br>06-06-2022<br>Dietz and Company Architects, Inc.<br>55 Frank B. Murray Street, Suite 201<br>Springfield, MA<br><br>06-06-2022<br>EDM Architecture & Engineering, PC<br>100 West Street, Suite 210<br>Pittsfield, MA<br><br>06-06-2022<br>HDR Architecture, PC<br>99 High Street, Suite 2300<br>Boston, MA<br><br>06-06-2022<br>Rowse Architects, Inc.<br>2 Hampshire Street<br>Suite 106<br>Foxboro, MA<br><br>06-06-2022<br>STV, Inc.<br>One Financial Center, 3 <sup>rd</sup> Floor<br>Boston, MA |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION   | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE  | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE  | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS  |
|--|---|--|---|
| MAS2202<br>Science, Nursing and Allied Health Renovations<br>Massasoit Community College<br>Brockton Campus                      | 05-18-2022<br>DSB List #22-14<br>4 Applicants<br>ECC: \$29,348,543 (To Be Confirmed By Study)<br>Fee for Certified Study: \$425,000; Fee for Schematic Design and Final Design: To Be Negotiated                              | 07-06-2022<br>Jones Architecture, Inc. (12 points)<br>ICON Architecture (9 points)   | 08-22-2022<br>Jones Architecture, Inc.<br>10 Derby Square, Suite 3<br>Salem, MA   |
| SSA2202<br>Salem State University Modernization of Science Labs and Health Services<br>352 Lafayette Street<br>Salem             | 06-15-2022<br>DSB List #22-15<br>6 Applicants<br>ECC: \$60,000,000<br>Fee for Certifiable Study: \$1,200,000<br>Fee for Schematic Design and Final Design: To Be Negotiated   | 08-03-2022<br>Payette Associates, Inc. (17 points)<br>MDS/Miller Dyer Spears (10 points)   | 08-22-2022<br>Payette Associates, Inc.<br>290 Congress Street, 5 <sup>th</sup> Floor<br>Boston, MA  |
| DSBP-22<br>Study & Design for General Building Renovations, Repairs and Upgrades<br>Greenfield Community College<br>House Doctor | 06-15-2022<br>DSB List #22-16<br>12 Applicants<br>Available Aggregate Amount: \$2,250,000<br>ECC: Varies Per Project, Not To Exceed authority delegated pursuant to M.G.L. c7C§5, for an individual project<br>Fee: \$750,000 | 09-21-2022<br>Dietz & Company Architects, Inc.<br>EDM Architecture & Engineering, PC<br>Habeeb & Associates Architects<br>Helene-Karl Architects, Inc. | 09-27-2022<br>Dietz & Company Architects, Inc.<br>55 Frank B. Murray Street, Suite 201<br>Springfield, MA<br><br>EDM Architecture & Engineering, PC<br>100 West Street, Suite 210<br>Pittsfield, MA<br><br>Habeeb & Associates Architects<br>150 Longwater Drive<br>Norwell, MA 02061<br><br>Helene-Karl Architects, Inc.<br>61 Skyfields Drive<br>Groton, MA |

## DESIGNER SELECTION BOARD

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|--|---|--|---|
| DSBP-23<br>Study & Design for Mechanical,<br>Electrical, Plumbing and Fire Protection<br>Renovations, Repairs & Upgrades<br>Greenfield Community College<br>House Doctor | 06-15-2022<br>DSB List #22-17<br>13 Applicants<br>Available Aggregate Amount: \$2,250,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$750,000 | 09-21-2022<br>B2Q Associates, Inc.<br>Richard D. Kimball/NV5<br>Pristine Engineers, Inc.                                     | 09-27-2022<br>B2Q Associates, Inc.<br>100 Burt Road, Suite 212<br>Andover, MA<br><br>Richard D. Kimball/DBA NV5<br>200 Brickstone Square<br>Andover, MA<br><br>Pristine Engineers, Inc.<br>534 New State Highway, Suite #5<br>Raynham, MA |
| DSBP33<br>Study & Design of Troop Camp HVAC<br>Repairs<br>Massachusetts Air National Guard<br>(MANG)<br>Statewide<br>House Doctor  | 06-29-2022<br>DSB List #22-18<br>2 Applicants<br>Available Aggregate Amount: \$3,000,000<br>ECC: Varies Per Project, Not to Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$500,000  | 09-07-2022<br>CSS Architects, Inc.<br>RGB Architects   | 10-07-2022<br>CSS Architects, Inc.<br>107 Audubon Road<br>Bldg. 2, Suite #300<br>Wakefield, MA<br><br>RGB Architects<br>50 Holden Street<br>Providence, RI  |
| STC2202<br>Springfield Technical Community<br>College School of Health and Patient<br>Simulation<br>Springfield  | 06-29-2022<br>DSB List #22-19<br>7 Applicants<br>ECC: \$29,600,000<br>Fee for Certifiable Study: \$600,000<br>Fee for Schematic Design and Final<br>Design: To Be Negotiated  | 09-07-2022 Interview<br>Lavallee Brensinger Architects (14<br>points)<br>Shepley Bulfinch Richardson & Abbott<br>(10 points) | 09-23-2022<br>Lavallee Brensinger Architects<br>99 Bedford Street, Suite 501<br>Boston, MA 02111  |

## DESIGNER SELECTION BOARD

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|---|---|---|---|
| DYS2201<br>DYS Taunton – Southeast Regional<br>Youth Service Center<br>Taunton  | 07-27-2022<br>DSB List #22-20<br>8 Applicants<br>ECC: \$21,700,000 (Preliminary)<br>Fee for Draft Study: \$275,000<br>Fee for Certifiable Study/Schematic<br>Design and Final Design: To Be<br>Negotiated | 10-05-2022 Interview<br>Studio G Architects (21 points)<br>ICON Architecture (17 points)<br>HDR Architecture, PC (10 points)                              | 10-07-2022<br>Studio G Architects<br>179 Boylston Street<br>Jamaica Plain, MA |
| NEC2301<br>General Services & Science Buildings<br>Renovation<br>Northern Essex Community College<br>100 Elliot Street, Haverhill | 08-31-2022<br>DSB List #22-21<br>6 Applicants<br>ECC: \$8,500,000<br>Fee for Draft Study: \$275,000<br>Fee for Schematic Design/Certifiable<br>Study and Final Design: To Be<br>Negotiated                | 11-02-2022 Interview<br>Cambridge Seven (18 points)<br>Matz Collaborative Architects, Inc. (13<br>points)<br>Fennick McCredie Architecture (11<br>points) | 11-03-2022<br>Cambridge Seven<br>1050 Massachusetts Avenue<br>Cambridge, MA   |
| CLCS 2022-1<br>Conservatory Lab Renovation and<br>Addition<br>Conservatory Lab Charter School<br>133 Hancock St., Dorchester      | 08-31-2022<br>DSB List #22-22<br>3 Applicants<br>ECC: \$13-\$15 million<br>Fee for Final Design: To Be Negotiated   | 11-16-22 Interview<br>CBT Architects (16 points)<br>Michael Lindstrom Associates<br>Architects/dba StudioMLA (8 points)                                   |   |

## DESIGNER SELECTION BOARD

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|---|---|---|--|
| CL23-MB-0009 (UML Bid Number)<br>Design of Mechanical, Electrical,<br>Plumbing and Fire Protection Repairs,<br>Replacements and Upgrades in Existing<br>Facilities<br>U/MASS Lowell<br>House Doctor | 09-14-2022<br>DSB List #22-23<br>13 Applicants<br>Available Aggregate Amount: \$6,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,500,000 | 10-19-2022<br>B2Q Associates, Inc.<br>GGD Consulting Engineers, Inc.<br>Rist-Frost-Shumway Engineering, P.C.<br>VAV International, Inc. | 10-20-2022<br>B2Q Associates, Inc.<br>100 Burt Road, Suite 212<br>Andover, MA<br><br>GGD Consulting Engineers, Inc.<br>375 Faunce Corner Road, Suite D<br>Dartmouth, MA<br><br>Rist-Frost-Shumway Engineering, PC<br>24 Federal Street, 3 <sup>rd</sup> Floor<br>Boston, MA<br><br>VAV International, Inc.<br>400 West Cummings Park, S-4700<br>Woburn, MA |
| DSB-27<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>Worcester State University<br>486 Chandler Street<br>Worcester<br>House Doctor                                | 09-28-2022<br>DSB List #22-24<br>15 Applicants<br>Available Aggregate Amount: \$4,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |
| DSBP28<br>Design Services for Repairs,<br>Replacements, and Upgrades to Existing<br>Facilities<br>U/MASS Dartmouth<br>House Doctor  | 10-12-2022<br>DSB List #22-25<br>13 Applicants<br>Avail Aggregate Amount: \$15,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$2,500,000    | To Be Reviewed in 2023  |  |

## DESIGNER SELECTION BOARD

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|--|---|---|--|
| DSBP30<br>Design of Mechanical, Electrical,<br>Plumbing & Fire Protection Repairs,<br>Replacements and Upgrades in Existing<br>Facilities<br>U/MASS Dartmouth<br>House Doctor        | 10-12-2022<br>DSB List #22-26<br>10 Applicants<br>Available Aggregate Amount: \$6,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,500,000 | To Be Reviewed in 2023  |  |
| DCP2302<br>McCormack Infrastructure Upgrades<br>(DCAMM)<br>Boston  | 10-12-2022<br>DSB List #22-27<br>2 Applicants<br>ECC: \$47,400,000<br>Fee for Schematic Design/Certifiable<br>Study/Final Design: To Be Negotiated  | 12-07-2022<br>SAAM Architecture (12 points)<br>Gensler (9 points)                                       | 12-08-2022<br>SAAM Architecture<br>283 Franklin St., 6 <sup>th</sup> Floor<br>Boston, MA |
| DSBP32<br>Study & Design for Building<br>Renovations, Repairs and Upgrades<br>U/MASS Chan Medical School<br>(UMCMS)<br>Worcester<br>House Doctor                                     | 11-02-2022<br>DSB List #22-28<br>12 Applicants<br>Available Aggregate Amount: \$8,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$2,000,000 | To Be Reviewed in 2023  |  |
| DSBP33<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades<br>U/MASS Chan Medical School<br>(UMCMS)<br>Worcester<br>House Doctor | 11-02-2022<br>DSB List #22-29<br>15 Applicants<br>Available Aggregate Amount: \$8,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$2,000,000 | To Be Reviewed in 2023  |  |



## DESIGNER SELECTION BOARD

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|---|--|--|--|
| PHHS2301 (DSBP31)<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Repairs, Renovations and Upgrades<br>Various Locations<br>Department of Public Health, Public<br>Health Hospital System<br>Statewide<br>House Doctor | 11-02-2022<br>DSB List #22-30<br>6 Applicants<br>Available Aggregate Amount: \$6,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023   |  |
| DSBP34<br>Study & Design of Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Repairs, Replacements and Upgrades in<br>Existing Facilities<br>Bridgewater State University<br>House Doctor   | 11-02-2022<br>DSB List #22-31<br>6 Applicants<br>Available Aggregate Amount: \$4,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023   |  |
| TRC-2204<br>Framingham Regional Justice Center<br>121 Union Avenue, Framingham<br>(DCAMM)   | 11-02-2022<br>DSB List #22-32<br>5 Applicants<br>ECC: \$59,000,000-\$74,000,000<br>Fee for Draft Study: \$800,000<br>Fee for Certifiable Study/Schematic<br>Design/Final Design: To Be Negotiated                                    | 12-21-2022<br>Finegold Alexander Architects, Inc. (14<br>points)<br>Perry Dean Rogers Partners &<br>Architects (10 points) | 12-21-2022<br>Finegold Alexander Architects, Inc.<br>77 North Washington Street, 7 <sup>th</sup> Floor<br>Boston, MA |
| HCC2301<br>Marieb Building Renovation<br>Holyoke Community College<br>(DCAMM)   | 11-02-2022<br>DSB List #22-33<br>4 Applicants<br>ECC: \$6,730,000<br>Fee for Draft Study: \$260,000<br>Fee for Certifiable Study/Schematic<br>Design/Final Design: To Be Negotiated  | To Be Interviewed in 2023  |  |

## DESIGNER SELECTION BOARD

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|--|--|---|--|
| PHHS2302 (DSBP37)<br>Study & Design for Various Repairs,<br>Renovations and Upgrades<br>DPH-Public Health Hospital System<br>Department of Public Health<br>Various Location<br>Statewide<br>House Doctor  | 11-02-2022<br>DSB List #22-34<br>5 Applicants<br>Available Aggregate Amount: \$6,000,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |
| 22-2022<br>Study & Design for Various Building &<br>System Replacements<br>Various Steamship Authority Facilities in<br>Barnstable, Bristol, Dukes and Nantucket<br>Counties<br>Woods Hole, Martha's Vineyard and<br>Nantucket Steamship Authority<br>House Doctor | 11-02-2022<br>DSB List #22-35<br>4 Applicants<br>Available Aggregate Amount: \$4,000,000<br>ECC: Varies Per Project, but less than<br>\$3,000,000 Per Project<br>Fee: \$1,000,000  | To Be Reviewed in 2023  |  |
| DSBP37<br>Design Services for Repairs,<br>Replacements and Upgrades to Existing<br>Facilities<br>Norfolk County Sheriff's Office (SDN)<br>Dedham<br>House Doctor   | 11-16-2022<br>DSB List #22-36<br>4 Applicants<br>Available Aggregate Amount: \$7,500,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,875,000 | To Be Reviewed in 2023  |  |
| DSBP38<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades<br>Norfolk County Sheriff's Office (SDN)<br>Dedham<br>House Doctor  | 11-16-2022<br>DSB List #22-37<br>4 Applicants<br>Available Aggregate Amount: \$7,500,000<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,875,000 | To Be Reviewed in 2023  |  |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE  | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS |
|---|---|---|--|
| DSBP36<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>MassDOT Property Services<br>Massachusetts Department of<br>Transportation<br>Statewide<br>House Doctor           | 12-28-2022<br>DSB List #22-38<br>2 Applicants<br>ECC: Varies Per Project<br>Fee: \$2,000,000  | To Be Reviewed in 2023  |  |
| DSBP39<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>MassDOT<br>Massachusetts Department of<br>Transportation<br>Statewide<br>House Doctor                             | 12-28-2022<br>DSB List #22-39<br>6 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |
| DSBP40<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades<br>MassDOT<br>Massachusetts Department of<br>Transportation<br>Statewide<br>House Doctor | 12-28-2022<br>DSB List #22-40<br>4 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$500,000   | To Be Reviewed in 2023  |  |
| DSBP41<br>Structural Engineer RFP: Design<br>Services for Repairs, Replacements and<br>Upgrades to Existing Facilities<br>U/MASS Boston<br>House Doctor   | 12-28-2022<br>DSB List #22-41<br>4 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$2,000,000 | To Be Reviewed in 2023  |  |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE   | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS |
|---|--|---|--|
| DSBP42<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>Fitchburg State University<br>House Doctor  | 12-28-2022<br>DSB List #22-42<br>19 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |
| DSBP43<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades<br>Fitchburg State University<br>House Doctor  | 12-28-2022<br>DSB List #22-43<br>6 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$500,000    | To Be Reviewed in 2023  |  |
| DSBP44<br>Study & Design for Various Repairs,<br>Renovations and Upgrades of DMH<br>Hospitals, Mental Health Centers,<br>Administration Buildings and Group<br>Living Environments<br>Department of Mental Health (DMH)<br>Statewide<br>House Doctor                                      | 12-28-2022<br>DSB List #22-44<br>5 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000  | To Be Reviewed in 2023  |  |
| DSBP45<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades of DMH<br>Hospitals, Mental Health Centers,<br>Administration Buildings and Group<br>Living Environments<br>Department of Mental Health (DMH)<br>Statewide<br>House Doctor | 12-28-2022<br>DSB List #22-45<br>7 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000  | To Be Reviewed in 2023  |  |

## DESIGNER SELECTION BOARD

| PROJECT NO.<br>PROJECT TITLE<br>LOCATION  | PUBLIC NOTICE DATE<br>DSB LIST - ITEM NO.<br>NO. OF APPLICANTS<br>EST. CONSTR. COST (ECC)<br>EST. DESIGN FEE  | DSB ACTION DATE<br>RECORD OF FIRMS SELECTED<br>FINALISTS LISTED IN RANK ORDER<br>UNLESS NOTED OTHERWISE | APPOINTMENT DATE<br>FIRM NAME<br>ADDRESS |
|---|---|---|--|
| DSBP46<br>Study & Design for General Building<br>Renovations, Repairs and Upgrades<br>Department of Youth Services (DYS)<br>Statewide<br>House Doctor                             | 12-28-2022<br>DSB List #22-46<br>4 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |
| DSBP47<br>Study & Design for Mechanical,<br>Electrical, Plumbing & Fire Protection<br>Renovations and Upgrades<br>Department of Youth Services (DYS)<br>Statewide<br>House Doctor | 12-28-2022<br>DSB List #22-47<br>6 Applicants<br>ECC: Varies Per Project, Not To Exceed<br>authority delegated pursuant to M.G.L.<br>c7C§5, for an individual project<br>Fee: \$1,000,000 | To Be Reviewed in 2023  |  |

# A Brief History of the Designer Selection Board

August 2022

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Appendix A: 1966 Chap. 0676. An Act Establishing Designer Selection Board In The Executive Office For Administration And Finance.

Appendix B: What Have We Learned

## **A Brief History of the Designer Selection Board**

### **Introduction**

The intent of this document is to provide the reader with a historical overview of the events which in the 20<sup>th</sup> century, lead to the formation of the Designer Selection Board. The charge as put forth in MGL Part I, Title II, Chapter 7C §44 states that the Board : “shall: ensure that the commonwealth receives the highest quality design services for all its public building projects; provide for increased confidence in the procedures followed in the procurement of design and design related services; promote consistency in the methods of procurement and design related services for all public building projects in the commonwealth; foster effective broad-based participation in public work within the design professions; provide safeguards for the maintenance of the integrity of the system for procurements of designers’ services within the commonwealth.”

This lofty statement belies the history behind its words.

### **The First Half of the 20<sup>th</sup> Century**

The 20<sup>th</sup> century dawned at a time when much of America was not yet electrified and the first Model T would not to come off the assembly line until 1908. The age of grand public building construction which produced South Station and the Suffolk County Courthouse was coming to an end.

By 1920, the country had suffered the 1918 “Spanish Influenza” pandemic which killed 675,000 Americans and had lost over 116,000 young men on the battlefields of World War 1. 1930 brought the crash of Wall Street and the “Great Depression” which lingered into 1940. In 1941, the Japanese attacked Pearl Harbor and the United States joined World War 2 and fought until Japan surrendered in 1945. Between the Great Depression and the end of World War II, little public construction was started or completed, except for National Recovery Act (NRA) projects and military installations.

The return of the GIs from World War 2 generated rapid growth in housing when they came home, and married and started families. It also generated some rapid construction of college and university buildings to accommodate those GIs taking advantage of the GI Bill – many of these structures were temporary in nature.

### **1950 to the Establishment of the First Designer Selection Board**

The greatest growth in public construction of the 20<sup>th</sup> century began in the mid 1950s, when the children of the GIs started elementary school, and it followed those “Baby Boomers” through college into the late 1970s. First, towns responded by building K-12 schools, then the State expanded the Community College and University systems, creating UMASS Boston, Dartmouth, Holyoke Community College and others as entirely new campuses, and greatly expanding others such as UMASS Amherst.

During this period, (1945-1996) each public funding agency, be it School Board, Town, County, Housing Authority, or the Executive Office of Administration and Finance (A & F), selected designers and contractors for public construction projects using their own criteria and measures for selection. It is

documented in the Ward Commission report that it was common practice during the Peabody administration (1963-1965) <sup>1</sup> and the first two years (1961-1963) of the Volpe administration, that preference was given to firms who had contributed, or promised to contribute to the Governors' campaigns if they were awarded the contracts.<sup>2</sup> During the Peabody administration it is estimated that 75-80% of the design contracts through A & F were awarded to contributors<sup>3</sup>, and according to the Ward Commission, design contracts were considered patronage, "leaving a legacy of faulty buildings"<sup>4</sup>.

### *The First Designer Selection Board*

In response to the overt patronage, The Acts and Resolves of 1966, Chapter 676 established a Designer Selection Board in A & F. See Appendix A. This Board consisted of the Director of Building Construction (Bureau of Building Construction (BBC)), and five members appointed by the governor of which two were registered architects, two were registered professional engineers and the operating agency appointed the fifth member for deliberation.

The Board's duties shall "encourage architects and engineers to apply for appointment as project designers, shall assemble and maintain current information concerning the organization, experience and qualifications of architects and engineers interested in acting as project designers, and shall from time to time, solicit information from or interview such interested architects and engineers."

"The Board, shall, on the basis of such criteria as it deems appropriate, and after a review of information submitted by all persons applying for appointment and interviews, where appropriate, recommend to the commissioner at least three designers for each project. The Commissioner (of A&F) shall, after receiving the Board's recommendation, appoint the project designer."<sup>5</sup>

Chapter 676 identifies no real process or criteria for selection and its recommendations are not required to be rank ordered by statute. Originally, the Board submitted their short list rank ordered but after only 6 months, the voting process of the Board was changed by the Director of A&F to an alphabetical listing to allow for the system of patronage to continue through the remainder of the Volpe administration and the Sargent administration (1969-1975)<sup>6</sup>.

### *The Ward Commission*

According to the Ward Commission Final Report, between 1966 and 1978, more than \$17 billion <sup>7</sup>was expensed for construction (\$30 billion in 2022 dollars) across Massachusetts, but not all designer selections were made through the DSB. The BBC used "extensions" of existing contracts or created waivers of jurisdiction to avoid competition or scrutiny. One of the most egregious use of extensions was at MCI Concord where in 1961 a firm was hired to develop a master plan and then through contract extensions, developed the scope, program and design of every project within the walls and some projects not even connected to the facility.

The Ward Commission was formed in 1978 to investigate allegations of corruption in the award of state and county building contracts. It was chaired by John William Ward. <https://www.mass.gov/info-details/history-of-the-massachusetts-oig>.



The Commission investigated and documented shoddy design and construction at facilities such as UMASS Boston, MCI Concord, Holyoke Community College which were the result of kickbacks, graft and corruption throughout the entire design and construction of these and other projects. The Ward Commission exposed the Commonwealth's poor record keeping and found that many records of design contracts, construction contracts, construction documentation, and change orders were non-existent, all which made auditing the records of these projects impossible.

The work of the Ward Commission ultimately led to the conviction of two Senators, at least one architect, a Project Management firm and several politicians for bribery, and implicated many others including a governor and a County Commissioner.

The three major results of the Ward Commission were:

- The creation of the Office of the Inspector General (OIG), "an independent agency that prevents and detects fraud, waste and abuse of public funds and public property and promotes transparency and efficiency in government."<sup>8</sup>
- The development of MGL Chapter 149, Building Construction Regulations.
- The reconstitution of the Designer Selection Board under MGL Part I, Title II, Chapter 7C, Sections 44 through 58.

The executive summary of the Ward Commission, entitled *What Have We Learned: The Costs of Corruption*, is included as Appendix B of this document. It is well worth reading as it speaks directly to the erosion of many of the same fundamental democratic values we are experiencing today.

### *The Designer Selection Board after 1981*

After the Ward Commission Report was issued on December 31, 1980, The Legislature enacted what we refer to today as MGL, Part 1, Title II, Chapter 7C, Sections 44 through 58, which is included in your Boardbook. This legislation informs the Board of its purpose and the rules and regulations which govern its activity.

Section 44: Defines the Purpose of the Board which "shall:

- ensure that the commonwealth receives the highest quality design Services for all its public building projects;
- provide for increased confidence in the procedures followed in the procurement of design and design related services;
- promote consistency in the methods of procurement of design and design related services for all public building projects in the commonwealth;
- foster effective broad-based participation in public work within the design professions;
- provide safeguards for the maintenance of the integrity of the system for procurement of designers' services within the commonwealth"

This section concludes with the definitions of terms used in the subsequent sections. Of special note are the following:

*Continued Services* “Authorization for a designer or interior designer who has been appointed for 1 stage of a project to act as the designer or interior designer for a succeeding stage or stages of the same project.”

*Extended Services* “Authorization for a designer or interior designer who has been appointed to provide design services for a project to act as designer or interior designer for work to be done on another project not originally included in that designer’s or interior designer’s contract.”

*Interior Designer* “...an entity engaged in the practice of interior design...for projects that primarily involve construction or other work relating to the nonstructural interior elements of a building or structure and who provides services that do not require a registered architect, landscape architect or engineer; provided, however, that an interior designer shall demonstrate competence by completion of a nationally-recognized certification.

Section 45: Defines the makeup and the qualifications for membership of the Board, reimbursement for expenses, and the role and qualifications of the Executive Director.

Section 46: Jurisdiction and Exemptions. Generally, the Board has jurisdiction over the selection of all designers, interior designers, programmers or construction managers performing design services in connection with any building project for all public agencies except those public agencies within Section 54. The Board may grant an exemption for 2 years from its jurisdiction to each public agency under its jurisdiction so long as they meet the requirements within this section.

Section 47: Public Notice Requirements for Contracts for Design Services. This section details the information required to be publicly advertised for the project including: project description, anticipated completion date, and estimated construction cost if available. It also must provide a program or a statement that there is not one if it has not been developed. In addition the advertisement must list the qualifications of the design team and the categories of consultants required. Finally it must list the amount of the fee, or that it will be negotiated.

Section 48: Public Notice Requirements for Contracts for Design Services. This section lays out the requirements for the Master File Brochure and the requirements for Designers Evaluation with DCAMM.

Section 49: Selection of Semifinalists and Finalists; Application Selection Criteria; Disqualification of a Board Member from Participation in Selection of a Designer.

This section lists the general criteria against which all applicants must be evaluated, they are:

- Prior similar experience
- Past performance on public and private projects.
- Financial stability
- Identity and qualifications of the consultants
- Any other criteria deemed appropriate
- Affirmative action goals

Three or more semi- finalists must be chosen for each project and finalists must be submitted to the Awarding Authority in ranked order, including a record of the final vote and a written statement explaining the reasons for the Board’s choice and ranking of the finalists.

The final paragraph of this section defines when Board members must recuse themselves from a designer selection.

Section 50: Selection of Finalists and Semifinalists When Fee Set or Negotiated; Criteria for Selection, Statement of Fee in Contract; Withholding Fees. This section is primarily directed to the Commissioner or Awarding Authority once the finalists and Semifinalists have been selected by the Board in regarding to consummation of the contract.

Section 51: Applicants' List of Consultants; Truth-in-negotiations Certificate; Special Conditions or Requirements; Contract Specifications; Requirement of Professional Liability Insurance; Disqualification for Providing False Statements or Information; Continuation of Design Work by Designer Conducting Feasibility Study. This section primarily performs the Contractual arrangement between the Awarding Authority and the Designer, which for all selections made by the Designer Selection Board is the Contract for House Doctor Services or the Contract for Study, Final Design, and Construction Administration Services found at <https://www.mass.gov/service-details/dcamm-construction-and-design-model-contracts>.

Section 52: Appointment of Designer or Interior Designer to Perform Continued or Extended Services. This section requires the Awarding Authority to file a written statement with the Board explaining the reasons for extension of services and for the Board to formally approve continuation or extension of services.

Section 53: Expedited Procedures Upon Declaration of Emergency Situations. The Commissioner of A&F may declare an emergency situation and finalist selection may be made by the Board using expedited procedures.

Section 54: Adoption of Selection Procedure Prior to Award of Contract for Design Services. This section states that all public entities or agencies other than Housing Authorities and projects with funding from the Massachusetts School Building Authority must adopt a designer selection procedure similar to that of the Designer Selection Board.

Section 55: Record Keeping Requirements for Board and Agencies not Subject to Board Jurisdiction.

Section 56: Annual Report by Board Listing all Finalists and Awards.

Section 57: Adoption of Procedures and Regulations to Implement Secs. 7C:44-58. The Board must adopt its own procedures and regulations as necessary.

Section 58: Procurement of Architectural, Engineering and Related Services; Statement of Qualifications and Performance; Notice of Project; Definitions This section pertains to three agencies: the Massachusetts Department of Transportation, The Massachusetts Port Authority, and the Massachusetts Bay Transportation Authority, which are exempt from the Designer Selection jurisdiction through exemption hearings.

### *Evaluation of the Designer Selection Board, 2017 – The Ripples Report*

In 2015 The Ripples Group was engaged to perform an Initial Strategic Assessment of the workings of the Designer Selection Board. This high level assessment through initial stakeholder engagement led to:

- Insights about the Executive Director role, responsibilities and recruitment
- Areas requiring legislative changes
- Identification of issues which should be explored further
- Recommended communication and procedural improvements

In assessing the DSB's core mission, which is to ensure integrity, transparency, and independence from inappropriate influences in selecting designer firms that meet the needs of Commonwealth facilities, the Ripples Group found that:

- DSB inarguably accomplishes its core mission with generally well-received outcomes and reasonable timeliness.
- While there are opportunities to improve DSB's operations and outcomes, the independent board model appears well-suited for the task.
- The following areas should be explored further:
  - Broad-based A/E firm participation
  - Communications with A/E firms, especially feedback mechanism; branding and "marketing" of DSB
  - User Agency vote
  - Role with charter schools
  - Recruitment of new Board members
  - Advertisement and application improvements, including new technology
  - DCAMM fee structure (outside scope)

A PowerPoint presentation of the Ripples Report is available in the BoardBook.???

### 2017 to Present

A new Executive Director, Willard Perkins, was appointed in 2017 to implement the recommendations of the Ripple Report, specifically in the areas of advertisement and application improvements, including new technology, and broad-based A/E firm participation. The ED worked closely with the Board Members to craft a new electronic application which was adopted for use July on 1, 2020.

Until the roll-out of Autocene in 2019, the application and review processes were paper based processes which involved sending out copies of the applications to each Board Member, which were then reviewed prior to the meetings. The applications for a single project typically run in the 600 to 1400 page range and with 11 Board Members, the paper based system was unwieldly and costly. The Autocene application and review process has reduced errors and has improved access to the selection process for more designers and has made the review process more streamlined for the Board Members.

In addition to making the application process more user friendly, the ED and the various design associations in Massachusetts worked together to develop 'Meet and Greet- Speed Dating' events for new, smaller and/or disadvantaged firms to meet more established firms to broaden and diversify the design teams and encourage mor firms to apply for work. These events have been very successful in developing new collaborative teams.

On February 3, 2020, the Federal Government announced the COVID Pandemic and State and Local offices, most business operations and schools closed and pivoted to remote work. By that date, the

Board was working electronically on Autocene and with the implementation of Zoom, it began meeting remotely in mid-April 2020, and continues to meet remotely today. The remote meetings have had the positive effects of providing more transparency in the process – anyone can log in and watch the deliberation process. In addition, they create a non-intimidating opportunity for those designers new to the process to observe the process and learn from other's applications.

After the start of the pandemic, the Board was requested to relinquish its offices in order to accommodate renovations and consolidation of services within the McCormick Building. In addition, the public meeting spaces on the 21<sup>st</sup> floor were also taken off-line to accommodate internal moves. Currently the DSB has no presence in the McCormick Building. If the Board is to return to in-person meetings, it will need at a minimum access to a conference room which seats a minimum of 50 persons and a three person office.

In addition, Mr. Perkins left his position as the ED in mid-2021 and to date, that position remains open. Although the current staff, Mr. Melendez and Ms Hester are quite capable in their roles, the lack of an ED has meant that there is less communication between the Board and DCAMM and other agencies regarding procedural issues, expansion of Autocene and other day-to-day issues. When issues do arise, they fall to the Chair to address.

### Footnotes

1. "Final Report To The General Court Of The Special Commission Concerning State And County Buildings - Volume II", REPORT ON THE INVESTIGATION OF MBM AND RELATED ENTITIES - CHAPTER I, Page 18:  
Testimony of Endicott Peabody, Sp. Comm. 6/19/80 at 10-14; testimony of William A. Waldron, Sp. Comm. 4/9/80 at 23-25, 29-34; Tarlow testimony, Sp. Comm. 4/7/80 at 53, 73-75.
2. "Final Report To The General Court Of The Special Commission Concerning State And County Buildings - Volume II", REPORT ON THE INVESTIGATION OF MBM AND RELATED ENTITIES - CHAPTER V, Pages 94-125: EVIDENCE RELATING TO WHETHER MBM OBTAINED THE UMASS/BOSTON CONTRACT THROUGH A CORRUPT AGREEMENT, which lays out the ways cash paybacks for design and construction contracts were structured for several contracts, most notably MBM/UMASS Boston and DMJM/Holyoke Community College.
3. "Final Report To The General Court Of The Special Commission Concerning State And County Buildings - Volume IV", THE AWARD OF DESIGN CONTRACTS : AN OVERVIEW, Section 1. Introduction, page 1.
4. "Final Report To The General Court Of The Special Commission Concerning State And County Buildings - Volume IV", THE AWARD OF DESIGN CONTRACTS : AN OVERVIEW, I. Introduction, Section F. Conclusion, page 19.
5. Acts of the Commonwealth, 1966, Chapter 676, page 645.
6. "Final Report To The General Court Of The Special Commission Concerning State And County Buildings - Volume IV", THE AWARD OF DESIGN CONTRACTS : AN OVERVIEW, III. Volpe Era, Section B. After the Establishment of the Designer Selection Board, pages 29-30.

**Chap. 674.** AN ACT AUTHORIZING THE CITY OF BOSTON TO SELL CERTAIN PARK LAND IN SAID CITY TO THE SOCIETY OF SAINT JOHN OF DAMASCUS.

*Be it enacted, etc., as follows:*

SECTION 1. The parks and recreation commission of the city of Boston is hereby authorized to sell and convey to the Society of Saint John of Damascus one and one half acres of land within the area of park land in said city bounded northeasterly by the Fenway and southeasterly, southwesterly and northwesterly by roadways of Evans Way.

SECTION 2. This act shall take effect upon its acceptance by the city of Boston.

*Approved September 5, 1966.*

**Chap. 675.** AN ACT PROVIDING THAT SERVICE AS AN UNPAID DEPUTY PROBATION OFFICER IN THE BOSTON JUVENILE COURT MAY COUNT AS CREDITABLE SERVICE FOR PURPOSES OF RETIREMENT.

*Be it enacted, etc., as follows:*

Section 86 of chapter 276 of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding the following paragraph: —

Subject to the provisions and limitations of sections one to twenty-eight, inclusive, of chapter thirty-two, any member in service of a retirement system established under said sections, and any person who has been retired under any such system, shall be credited with all service rendered by him as a deputy probation officer under this section; provided that before any retirement allowance becomes effective for him or, in the case of any person already retired, before January first, nineteen hundred and sixty-seven, he pays into the annuity savings fund of such system, with regular interest as defined in said sections, in one sum, or in instalments, upon such terms and conditions as the board managing such system may prescribe, an amount equal to that which would have been withheld as regular deductions from the minimum annual salary payable to a probation officer of said court during the period that such member in service or person so retired served as such deputy probation officer.

*Approved September 5, 1966.*

**Chap. 676.** AN ACT ESTABLISHING A DESIGNER SELECTION BOARD IN THE EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

*Be it enacted, etc., as follows:*

Chapter 7 of the General Laws is hereby amended by striking out section 30B and inserting in place thereof the following section: —

Section 30B. There shall be in the executive office for administration and finance a designer selection board, consisting of the director of building construction *ex officio*, and five members to be appointed by the governor, of whom two shall be registered architects and two shall be registered professional engineers. In making the original appointments to said board, two members shall be appointed for terms of one year and three members shall be appointed for terms of two years. Upon the

expiration of the term of any appointive member his successor shall be appointed for a term of two years.

The board shall be provided with suitable quarters by the executive office for administration and finance and the commissioner shall designate an employee of the executive office for administration and finance to serve as executive secretary to the board. The members of the board shall receive no compensation for their services.

The board shall encourage architects and engineers to apply for appointment as project designers, shall assemble and maintain current information concerning the organization, experience and qualifications of architects and engineers interested in acting as project designers, and shall, from time to time, solicit information from or interview such interested architects and engineers.

Any project not being undertaken by the operating agency, as provided in the preceding section, shall be referred by the commissioner to the board which shall promptly provide suitable public notice of the proposed project. The operating agency shall delegate a representative to deliberate and vote with the board on its recommendations to the commissioner concerning the selection of a designer for the project. The board shall, on the basis of such criteria as it deems appropriate, and after a review of information submitted by all persons applying for appointment and interviews, where appropriate, recommend to the commissioner at least three designers for each project. The board's recommendation shall be in writing and shall constitute a public record. The recommendation of designers by the board shall be advisory to the commissioner. The commissioner shall, after receiving the board's recommendation, appoint the project designer. In the case of clearly separable work on one project, the board may recommend and the commissioner may appoint more than one designer, if in his opinion such action would benefit the commonwealth.

If the board deems it appropriate it may recommend that the commissioner hold a design competition to select a project designer. The board shall establish the scope and rules for such competition. If the commissioner decides to hold such competition he shall hold the competition in accordance with the scope and rules established by the board and shall appoint as such project designer the winner in such competition.

No person shall be appointed a designer unless he is a registered architect or a registered professional engineer, nor shall any partnership or corporation be so appointed unless at the time thereof a majority of the partners of the partnership or a majority of the directors of the corporation shall be so registered.

When the commissioner appoints a designer, he shall forthwith notify in writing the director of building construction of the appointment, and shall instruct him forthwith to enter into a contract with the designer, subject to such conditions as the commissioner may set forth in said notice.

*Approved September 5, 1966.*



## What We Have Learned:

### The Costs of Corruption

On April 12, 1978, the Governor of the Commonwealth of Massachusetts signed into law Chapter 5 of the Resolves of 1978, which created a special commission to investigate allegations of corruption in the award of state and county building contracts, and to make recommendations for legislative and administrative reform. Two years, eight months and eighteen days later, with the submission of its Final Report to the General Court on December 31, 1980, the Special Commission comes to an end. The Commissioners and their Staff are not, by definition, the ones to judge the worth of the Commission's work. We are the ones, though, to say we are proud of what we have done, proud enough to believe we have served the legislature and the people of the Commonwealth of Massachusetts well. Deeper than our pride is our belief that the end of the Commission is only a beginning, only one step on the road to an honest and decent public life in the Commonwealth of Massachusetts.

We have learned much from the experience of the Commission, but the single, over-riding thing we have learned is the need for confidence by the citizens of Massachusetts in the conduct of their government. The depth of skepticism, sometimes to the point of outright cynicism, about elected and appointed public officials should be disturbing to private citizens, not just to the politicians. It is a measure of the alienation of people from government and of the erosion of the will to act as citizens

To restore general confidence in public life means constant

and unceasing attention to the particulars of public life, not grand pronouncements about the general good and civic virtue.

The Final Report of the Special Commission is an ambitious report,

a massive, detailed, narrative and critical history of the Commission's work which runs to several volumes and thousands of pages. Few will read it, and those few will probably read those chapters and sections in which they have a special interest.

The Commission knows that. We are not naive. But neither did we believe that lofty general observations about the Commission's work would have much weight without the ballast of a detailed, empirical account of the particulars. To put it another way, we wished to leave behind a record, in the full, historical sense of that word, of the particulars of our work.

The particulars are set, however, in a general design:

I. First , what have we learned?

II. Second , what have we proposed to do on the basis of what we have learned?

III. Third, what do the first two say about politics and about the future?

In the award of design contracts for the construction of state

and county buildings, we have learned that –

- o Corruption is a way of life in the Commonwealth of Massachusetts
- o Political influence, not professional performance, is the prime criterion in doing business with the state
- o Shoddy work and debased standards are the norm
- o The "system" of administration is inchoate and inferior

#### CORRUPTION AS A WAY OF LIFE

The final report of the Commission tells in detail a sad and sordid story. The story is not told with the glee of the muck-raker. It is told soberly and factually. No member of the Commission takes pleasure in the telling. The legislature mandated the Commission to report on its findings, and we have. The purpose of the Report is to cause the legislature, and the general public to whom the legislature and the Commission are in the last analysis responsible, to take thought, to ask how our public life may be made better, be carried on in such a way that it may be possible to be proud to be a citizen of the Commonwealth of Massachusetts.

The particular facts of the Commission's long investigation comprise a general pattern: In the award of contracts for the construction of state and county buildings, corruption has been a way of life. For a decade at least, across Republican and

Democratic administrations alike, the way to get architectural contracts was to buy them. It was not a matter of few crooks, some bad apples which spoiled the lot. The pattern is too broad and pervasive for that easy excuse. There are, to be sure, honest and hard-working administrators in state agencies, underpaid at best, struggling to do their work well. There are earnest and diligent legislators laboring against the inertia of disbelief that politics can be an honorable calling. In numerical terms, such people are the majority in public life. But at those crucial points where money and power come together, the system has been rotten.

The name of the game is cash. The work of the Special Commission offers a classic example of the investigation of white collar crime and political corruption. When bribes are paid or money is extorted, and the two are opposite sides of a single coin and hard to distinguish, there has to be cash. Ways to generate it are legion: "bonus" checks to employees who negotiate them and return the cash; false invoices from suppliers which appear as a deductible business expense even while the dollars come back; honoraria for consulting services never performed; fictional business entities through which money is channelled. Behind every hearing by the Commission lies a tortuous trail of paper which requires skilled financial investigators to follow, by painstaking research, the reconstruction of a firm's records, the examination of bank records, the scrutiny of rolls of microfilm.

What the Commission learned was the simple fact about

human nature that people are not intrinsically good or evil, but that circumstances make them so. One grows into a way of life, becomes acculturated to it, as the anthropologist would put it. It is not a case of black and white. Individuals learn the customs of the country. One engineering consultant to architects told the Commission how it happens. At first, he was asked to buy a few tickets to a fund-raising event at fifty dollars each, a perfectly legal campaign contribution, so long as the money came from him and not the corporation. Then as business grew, the requests grew: a table for ten at a hundred dollars apiece, a thousand dollars. Then the moment came when he was asked for his thousand dollars in cash, not check. The consultant knew that was illegal, but he rationalized his responsibility away by saying it was on the other fellow's conscience since he had told him it was a political "contribution."

At that point, he had crossed the line. He had broken the law. When the next contract came up, he was told flatly he had to pay a 10% kickback on the gross price. For this particular engineer, that was too far. He refused. Never again did he receive a contract on state work.

But too many crossed that line and stayed on the other side of it. Too many thought it was clever, the wise thing to do. So, over time, there grew a fraternity of businessmen and politicians and public officials who, to their mutual

profit, congratulated each other on how smart they were. Expense accounts, gifts, credit cards, vacations, trips to the Superbowl: These were the low roads to high liv-

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ing. One bribe-giver described the pattern as the "cultivation" of people in positions of power, people who could influence an award of a contract or add to the capital outlay budget so their work would continue.

Perhaps the most revealing thing in the Commission's hearings, private and public, was that witnesses who were part of this way of life still could not bring themselves to use the word "bribe" or "payoff." Constantly, euphemisms such as "contribution" or one's "commitment" to an agreement were the words chosen. Only when a Commissioner would bluntly ask, you mean a bribe, a payoff, don't you?, would there be reluctant assent.

But to understand is not to forgive all. Bribes were given. Extortion was done. The public trust was betrayed. Among those who had money and the influence to strike the bargain, the state was for sale.

#### POLITICAL INFLUENCE IN DOING BUSINESS WITH THE STATE

Beyond direct bribery and outright extortion, beyond illegal campaign contributions and crooked generation of cash by corporations, there is the close link between money and contracts through "legal" campaign contributions. The legality is purely technical. The way money is raised to run political campaigns is a mixture, depending on which side of the contribution you stand, of genteel extortion or discreet bribery. The practices are the same whether one is a Republican or a Democrat.

One fund-raiser, who rationalized the process with great skill and effectiveness, described for the Commission with some

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pride his method. A list is made of those who do business with the state: architects for design services, contractors for construction, engineers for consulting services, lawyers who may wish to be considered for judicial appointment. One can take a walk through the Yellow Pages to make up the list. An individual receives a call that the Governor would like to meet him. The innocent feels a flush of pride; the practiced feel for their pocket-book. The appointment is at a suite of three rooms in a Boston hotel. The outer room is a large waiting-room where one discovers one's peers and fellow-practitioners in uncomfortable numbers; in the second room sits the Governor, usually making up time over soup and a sandwich; the audience lasts no more than two or three minutes. In the third room is the fund-raiser who, with records at hand, reminds the individual of work done in the past, of profits received on state work, and suggests the time has come to help the Governor and the party by a maximum contribution. In this particular scenario, one cannot even apologize for a shortage of money, a cash-flow problem, as businessmen put it, because there is also in the room a stack of sixty- or ninety day bank loan forms ready for a signature if things are tight or if you have forgotten your checkbook.

What is not said is what is important. No one is so bald as to suggest if you do not contribute you will not do business with the state in the future: that would constitute extortion. No donor is so rude as to extract a promise for state work in the future: that would be bribery. Instead, there is the tacit

understanding between public servants and private professionals

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that this is how business is done in Massachusetts. A tough lawyer might argue that a certain state of mind exists which implies felonious conduct, but one doubts there are prosecutors who would want to argue the case in Massachusetts.

The Governor who played his part in this little scene later justified the process in public testimony before the Commission by characterizing those who made large contributions to his election as public-spirited citizens who made politics possible! That was a Democratic Governor. The chief fund-raiser of the Republican party told one successful and later notorious architect, "Your involvement in obtaining additional work from this administration will be directly in relation to the amount of money you can contribute and the amount of money you raise for fund-raising activities whenever I request it of you."

Under another administration, a more subtle, less blatant relationship existed between campaign contributions and the award of contracts because of the existence of the Designer Selection Board which, as a professional body, recommended three architects to the Secretary of Administration and Finance. The Designer Selection Board was, unknowingly, easily manipulated. Once the list of three went forward, it was checked by the patronage officer and the chief fund-raiser against lists of contributors, "friends" of the Administration. Anyone who had not contributed was assigned for solicitation. Then, the letter from the Designer Selection Board was walked by a high member of



the Administration who, with a check or a dot, would indicate who was to receive the contract before the letter was delivered,

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finally, to the Secretary of Administration and Finance who had the statutory responsibility to make the selection.

With splended irony, a member of the Commission's staff wrote that "a process based on political contributions and bribery is none the less a process, and it apparently served the Commonwealth for over a decade, if not considerably longer."

The process degrades both the public official and the contributor. The test becomes whether one pays, not whether one can do the best job. Over time, political influence, not professional performance, comes to be taken for granted as the criterion for doing state work. The insidious effect, finally, is to lose sight of standards altogether and to accept shoddy performance because that is the way business is done in Massachusetts.

#### SHODDY WORK AND DEBASED STANDARDS

There was a moment during the life of the Special Commission when, in his office, the Speaker of the House, Mr. Thomas W. McGee, said, with angry puzzlement, to the Chairman of the Special Commission, "Let's allow the guy got the contract because of favoritism. Let's even allow the guy got the contract because he paid a bribe to get it. But he did get the contract! Why can't he build a building which stands up, a building which works?"

One answer to the Speaker's cross question is that when businessmen, in this instance architects and contractors, believe that to do business with the state means they must buy a contract through bribes or payoffs, or even generous campaign contributions on demand, the better of them will refuse to enter

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the system and will not do business with the state. The widespread perception that the system is corrupt will, like Gresham 1 Law, drive the good players out of the game. A related answer is that those who pay tribute, whether through payoffs or required contributions, will cynically make their money back many times over by inferior work. To the degree the system is corrupt, to the degree political preference is the major avenue of access to the system, then to that degree professional standards of performance will decline and the motive of plunder take their place.

Of all the costs of corruption, the erosion of standards of performance and an easy tolerance of the shoddy and the meretricious are, literally as well as figuratively, the most costly. There are two ways to show their presence and their effect: one is by anecdote, the other, by statistics.

The anecdote concerns a former Secretary of Administration and Finance, charged with the selection of design firms from a list sent forward to him by, at that time, the Bureau of Building Construction. The list, though, first had to be cleared with the Administration's and the Governor's chief fund-raiser. Presumably, all the firms listed were qualified to do the job, but if a "friend" of the Administration who was interested in the contract was not on the list, it would be sent back with a

question whether that particular firm was not also qualified. When the list was finally determined, the chief patronage officer would indicate which firm should receive the award of contract. As the Secretary of Administration and Finance testified, speaking directly to the Chairman of the Special

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Commission, "If I can . . . use the term which was in one of your presentations to the legislature which I thought fit our situation precisely, you said simple favoritism, and I think that is what we tried to do."

Then, under questioning by a member of the Commission, a professional architect, who asked if it were not presumptuous to select architects for buildings in which people live and work as "bonuses for a political contribution," the Secretary responded, "Well. . . most of the state work can be designed by a competent but not outstanding designer. . . What you want is somebody who is competent to do the job and you just don't have time to search all over the Commonwealth to get the best you can."

The particular Secretary of Administration and Finance was, as the saying goes, an honorable man. But it is not just that he could rationalize the award of contracts to political contributors on the grounds that he was choosing among qualified firms, but more tellingly he did not think excellence should prevail in public work anyway. Ordinary competence is all that state work requires.

What the Commission learned was that one major consequence of corruption and political favoritism was an insidious erosion

of standards and the acceptance of work in the public sector which would not be tolerated in the private sector, and should not be tolerated in public buildings. The miserable record of public construction in the Commonwealth of Massachusetts is a measure of contempt for the public realm and a failure to remember the root meaning of the "Commonwealth, " the shared

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common life of all citizens of the state which should be ruled by the highest standards, and symbolized, especially in its architecture, by excellence.

Cold statistics tell the same story. Since January 1, 1968, the Commonwealth through its several agencies appropriated more than seventeen billion dollars, including debt service, for construction projects, an enormous sum which does not include money spent by cities and towns. The Commission did a study under the direction of a professor of architecture from the Harvard School of Design of public buildings in Massachusetts. The results stagger belief. In the sample of buildings which we examined, seventy-six percent have significant defects, that is, "a structural flaw that threatens the safety of building and results from incompetent design or inferior construction." Major construction projects under the supervision of the Bureau of Buildings Construction show a failure rate of 72%, that is, have areas which are unusable because of errors in design. Since 1968, over a billion dollars have been wasted because of unnecessary delays in design and construction, and fifty million dollars have been spent on plans and designs for buildings which were never built. The estimated cost to the Commonwealth to repair present defects in all public buildings is more than two billion dollars.

Beneath the numbers and behind the anecdotes, though, are human beings, the people whose daily lives are affected: students in libraries and dormitories and on playing fields, old people in homes for the elderly, office workers, and many more, let alone all citizens who through their taxes have paid for shoddy and inferior work.

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#### THE "SYSTEM" OF ADMINISTRATION

The management of the state's important business is so primitive that one uses the word "system" only in the loosest sense of the word. With a professional and persistent staff, the Special Commission at the end of its work is not yet confident it has identified all the construction contracts the state has executed through its myriad agencies. The Chairman of the Special Commission, at a hearing before the joint House and Senate Committee on State Administration, challenged that Committee to find out such elementary information as how many buildings the state owned or leased.

The essential information for effective administration is simply not there in the Commonwealth of Massachusetts. When the Commission began its- work, it went naturally to the Comptroller's office since he pays all invoices for the procurement of goods and services on the assumption it could, through that office's files, discover all contracts. Not so. The Comptroller's office had many building contracts, but not all. More importantly, the historical record on each contract, that is, change orders, further appropriations, disbursements against the contract, were kept on separate cards in pencil by two diligent women who were proud of their files.

From that moment, the Commission had an inkling of the staggering task it had in hand. Ultimately, the Commission had to reconstruct the universe it was charged to investigate. The Commission had to assemble from a wide variety of sources the data

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on more than 1,400 building contracts so that it could bring some rational criteria to bear upon an examination of them. One of the heartening aspects of the Commission's work was the generous and ready assistance it had, pro bono , from the Massachusetts Institute of Technology and Southeastern Massachusetts University, from Digital Corporation and An Wang Laboratories for computer programming, terminals, and word-processing equipment. Without their splendid help, the Commission could never have done justice to its mandate.

Further, the Special Commission found no system for establishing priorities among competing claims for billions of tax dollars for construction projects, no analysis of needs, no development of plans and programs to allow for cost and time controls over a particular project, no presentation of information which would allow the Governor a comprehensive view of the needs for capital spending or a member of the legislature to vote intelligently on a capital outlay budget. Small wonder that results have been what they have.

An essential need in the Commonwealth of Massachusetts is a management information system which will establish at least the minimal conditions for effective administration. This has

nothing to do with corruption, although it is true that the system is so diffuse and incomprehensible that it allows for political manipulation and, to that degree, tolerates corruption. Whether there is a cause and effect relationship can only be a matter of surmise.

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### II

On the basis of what it has learned, the Commission has made major proposals for legislative change to improve the possibility of effective administration and to enhance the possibility of honest government. Much of that legislation has been enacted. It can be further improved and the Commission has offered amendments to do so. Other legislative recommendations by the Commission still await action. Broadly the bills which the Commission has drafted are aimed at the four areas just described: corruption, political influence, shoddy work, and poor administration.

To draft legislation is an art, a difficult art, and the technical language of a statute does not make for the liveliest prose and the most inspired reading. So, it may be well to describe the general principles of the Commission's legislative intentions and leave the precise particulars to those who wish to pursue them through the pages of the Final Report and the General Laws of the Commonwealth. The Commission's legislation falls into four general areas: the management of the process of public construction; the prevention and detection of fraud, waste, and abuse through an Inspector General's Office; the

reform of political campaigns and the provision of public financing for elections; the creation of strong criminal and civil penalties against commercial bribery and false record-keeping.

In the management of public construction, the intention of the Commission is to establish a system which is understandable and, more importantly, a system where responsibility is visible

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and clearly located. From the outset, there must be a "program" for a building project, that is, a definition of need, the population to be served, and an assessment of the time and cost of construction. With thoughtful planning, a particular project can be properly placed among the priorities for capital spending so the legislature may know what it is approving and whether the appropriation is adequate. There must be supervision from beginning to end, from preliminary development of a program to evaluation after the fact. Designers must be chosen on the basis of their professional qualifications and reasons must be given why a particular designer is selected. Contractors must be qualified and their work evaluated.

The Commission was successful in enacting a complete reorganization of the system of managing public construction in the Commonwealth of Massachusetts, save in one major area, the provision for filed sub-bids in construction.

Put as simply as possible, the filed sub-bid law works as follows. When a building project is advertised, the construction



work is divided into categories reserved for different subcontractors (masonry, electrical, plumbing, roofing, etc.). The law in Massachusetts creates seventeen categories of building work. The designated categories of work are bid first by the sub-contractors. A week later, the general contractor who, as the name implies, is to have general responsibility for the project, submits his bid, selecting his sub-contractors from those who have previously "filed sub-bids" on the work. The general contractor is not bound, by law, to pick the sub-contractor with

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the lowest bid, but to win the contract himself the general contractor must be low bidder. Prudence or common sense will cause the general contractor to take the sub-contractor whose bid is lowest; if he does not, he must make up the difference somewhere else to insure that his own bid is the lowest bid.

The consequence is double. First, the general contractor has no power to put together a construction team which, from his own experience and judgment, he wants to have. Quite the contrary, he must select the lowest filed sub-bids without consideration of quality and performance if he is to be low bidder himself. Second, responsibility for performance on the job becomes diffuse to the point of vanishing. How can the state hold the general contractor responsible when it has restricted, by legislation, his choice of means and techniques? How can the state judge whether a general contractor is qualified to do a job and, at the same time, deny the general contractor the power to select his own team?

Further, the filed sub-bid system and the low-bid requirement for the general contractor combine to maximize the

probability that construction work will be poor. The contracts which were bought outright, or awarded as rewards for political contributions, were design contracts. The Commonwealth has an open competitive bidding system for the award of construction contracts. That seems eminently fair. But, unless the state has a way to disqualify general contractors because of previous bad performance, unless it is possible for the general contractor to have real and not nominal power of supervision, and unless responsibility for the work is clearly located, then shoddy work

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will continue. Price will be the sole criterion for selection of subcontractors and general contractors, and they will tend to make their profit not on stated price but by shading specifications, substituting inferior material, or by simply coming to believe that public construction is not worth doing well.

Massachusetts is the only state which has the filed sub-bid system. Connecticut has something close to it. But in no one of the other forty -eight states and the Federal Government, and nowhere in the private sector, will one find the filed sub-bid system. But like the mother watching the parade where her son is out of step, maybe everybody else is wrong and Massachusetts is smart enough to employ the best system. The test of that, of course, would be Massachusetts' splendid record in public construction. Other forces are at work, to be sure, but the Commission unanimously and deeply believes the filed sub-bid system is the single greatest obstacle to the quality and the effective management of public construction in Massachusetts.

The Special Commission believes the state should get out of the business of regulating the relations between the general contractor and sub-contractors. As the Commission comes to an end, once again we ask the legislature to abolish filed sub-bids.

To prevent and detect fraud, waste, and abuse in the procurement of goods and services by the Commonwealth of Massachusetts, the Commission proposed and the legislature created last June the Office of the Inspector General. The scope of the Inspector General's power was narrowed by the legislature

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and, in the Commission's judgment, an unwieldy supervisory council was created to oversee the Inspector General's work. But now, six months later, the Special Commission is more concerned with the inability of the political system to recruit and appoint a person of integrity and independence to fill that important post.

As a measure of the depth of its concern about the professional stature of the first incumbent, and its frustration at not being able to make an effective transition between the Commission and the new Office of Inspector General, the Commission is filing with its Final Report a bill to change the power of appointment. As the bill stands, three constitutional officers (the Governor, the Attorney General and the State Auditor) must unanimously agree on the person to be appointed. For whatever reason, they have been unable to agree and to act. The Commission proposes that the selection be taken out of the political process and that a majority of the Deans of the several law schools in the Commonwealth of Massachusetts

recommend to the Governor for his appointment the person to fill the Office of Inspector General.

The basic concept behind the Office of Inspector General is that any institution, a corporation, a university, let alone the institution of government, must build into itself a mechanism for self-criticism and self-correction. Given the nature of the institution, there are many different ways to do that, of course. To prevent and detect (and the emphasis falls as much upon Prevention as detection) fraud and waste in the procurement of the many millions of dollars of goods and services by the Commonwealth, the Commission designed the Office of Inspector

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General to be a neutral, impartial and independent office to fulfill that critical function.

The legislative intention behind the Office of Inspector General is good, but it will be the independence and the professional competence of the first incumbent who will set the tone, establish the practices and traditions of the Office and create the precedents which will influence successive Inspectors General. Ideally, the Office of Inspector General could create a future in the political life of Massachusetts where there would never again be the need for a Special Commission to investigate corruption and maladministration. That was the great hope of the Special Commission: to negate the very basis of its own existence.

The bill for campaign reform and the public financing of elections was the one major piece of the Commission's legislative package which was not acted upon by the legislature.

The Commission continues to urge its enactment by the legislature because the Commission continues to believe the present method of financing political campaigns is one of the major sources of corruption in the political life of the Commonwealth and the major source for improper political influence. Wherever power and money come together, there will be the possibility of corruption, but if citizens who care about the quality of political life would accept the need for broad-based public financing of elections, that would go far in doing away with the venality of politics as it is currently practiced. If one can give to the local community chest, one can surely designate two dollars each year on one's state income tax form to create a system which frees public servants from their

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dependence on contributors who want something in return and which frees public servants to serve the public.

Further, the Office of Campaign and Political Finance has been passive and ineffective. The Special Commission proposes a reorganization of that office with an executive director and legal counsel with an eye toward making it a positive and aggressive force in auditing the receipt and expenditure of funds in political campaigns, and imposing penalties and sanctions on those who do not conform to fair campaign practices.

The unholy alliance between private money and public power is the constant theme all through the Special Commission's investigative work. The only way to break it is to break it. Public financing will not usher in the millenium, but it will

change the present rules of the game and encourage greater independence on the part of elected officials and will induce others to enter politics who find the present practices of raising money so personally demeaning.

Finally, the Special Commission learned in its work there are curious lapses and omissions in the laws of the Commonwealth of Massachusetts concerning bribery and extortion and false record-keeping. As the Commission's investigators encountered false statements in applications, false business records, patterns of cash generation, and instances of outright extortion of one business firm by another, they also discovered that many of these nefarious activities are not specifically prohibited by

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law in Massachusetts, although all are by federal statute. In an important bill which received little notice and which passed with hardly a comment, the Special Commission corrected the legal situation. It may be a small comment on the past that such things seem not to have been of pressing concern in Massachusetts.

### III

What of the future? What hopes may one have that political life in Massachusetts will improve?

It is an ancient tradition in American political life that when one discovers a wrong, one passes a law to prevent it. The statute book gets thicker and thicker but public morality seems not to change in equal proportion. The Resolve which created

the Special Commission gave it two mandates: first, to investigate corruption and maladministration in the award of contracts for state and county buildings; second, to make recommendations, legislative and administrative, to improve the system by which the state conducts its business. The two mandates are related. Investigation into the past provided better understanding of the system in order to suggest ways to improve performance in the future.

From the outset, the Commissioners and their Staff thought that legislative proposals were the more important part of their work, even though the public was more interested in stories of particular acts of wrong-doing or the dramatic illustration of bad buildings. The Commission thought so because it thought that certain institutional arrangements would favor one kind of conduct over another. That is to say, the Commission does

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not believe that corruption is a simple matter of human nature, that good people will make bad institutions work, or that bad people will subvert the best institutions. Rather, if one is to make government effective and honest, one must recognize a dynamic interaction between those in government and the institutional setting in which they act. Politics is not a world of good guys and bad guys, a Manichean world of black and white, but a complex process of ordinary people, by and large, trying to do their work under circumstances which inevitably affect how they do their work. One must work at both dimensions: get good people to become active in politics and make public life an estimable and honorable calling; and, at the same time, design the institutional arrangements of government to attract

good people and, more, to make it possible that they can do their work well.

The most dispiriting question which every Commissioner at one time or another confronted was the quizzical remark, "But do you think your work will really make any difference?" The skepticism implicit in that query may be seen in the nature of the Commission itself and in public reaction to its work.

When allegations and rumors about the now notorious MBM contract for the construction of the Boston campus of the University of Massachusetts began to surface, and especially after the conviction of two state senators for extortion, tremendous public pressure arose for a full and complete investigation of that contract, particularly, and state contracts generally. With unanimity in the House and only one

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dissenting vote in the Senate, the legislature created the Special Commission. The Governor was mandated to select the President of a private college or university, or the Dean of a Law School; other constitutional officers were mandated to select other members of the Commission upon the recommendation of appropriate professional organizations (for example, the Massachusetts Bar Association), or "lay persons" who had never served in the General Court. The only "political" member was to be the Attorney General.

The constitution of the Commission, i.e ., the mode of selection of its members, is a clear expression of a distrust of politics, a lack of trust in the capacity of government itself to be self-critical and self-corrective. So one turns to



independent, professional citizens in order to serve the public good, pro bono publico , as the antique phrase has it. The phrase has a freer translation, a more popular meaning: to serve pro bono is also to serve without pay. Skepticism about human nature runs so deep that it includes the motivations of private individuals as well as elected officials.

To put it another way, it was thought that an investigation into fraud and corruption, into white collar crime and malfeasance in public office, would have no credibility with the public unless the body doing the investigation was insulated from the slightest possibility of political motive or personal gain. Further, if the members of the Commission were not to have a personal interest, either political or economic, they were also, as professionals, to exercise their professional and

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disinterested intelligence in their common pursuit of the public interest, the general good.

If one stands back and considers the state government, one will quickly recognize that all the powers necessary for an investigation were potentially at hand: a special investigative unit headed by a Captain of the State Police attached to the Governor's Office, the State Auditor, the Attorney General, even the Post Audit Committee of the Legislature which had already made an estimable beginning in the investigation of the MBM contract before the Special Commission came into being. But these powers were brushed aside because they were established political powers. It was the health of politics itself which

was at issue in the intense concern that the public trust had been betrayed. The mood which characterized the establishment of the Special Commission was, to put it shortly, cynical. The mood persists. In June 1980, after public hearings by the Commission and after the enactment of major legislation, a private polling organization sampled public opinion about the Commission. 54% knew nothing or "not very much" about the Commission's work. Of the 46% who knew a "fair amount" (31%) or a "great deal" (15%) about the Commission, 71% thought the Commission had done a good job and that the time and money spent by the Commonwealth was "necessary and useful." Yet, among the very same people who did know the work of the Commission, only one in three thought its work would correct abuses. Almost 60% thought things would go on as they always have and there would be no improvement whatsoever in the future.

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The contradiction, between the opinion of 71% who knew about the Commission and thought its work necessary and useful, and the 60% of the same people who thought it would make no difference, is one indication of the deep frustration felt by citizens who attend to public issues and who care about public life. What can be done about it?

It may come as a surprise to some, since it comes from the Special Commission, but one answer to the question is to say that Special Commissions are not a good way to conduct public life. The existence of a Special Commission symbolizes a pervasive attitude that government does not serve the public good, so a Commission is formed of people outside of government

to act as a force against established ways of doing things.

There are other problems, to be sure, with the creation of Special Commissions. Who can afford to serve on them? To satisfy the aroused expectations of the public and carry the heavy responsibility laid upon them? Clearly, only independent professionals with a high degree of control over their own lives and calendars can consider such service. Further, such professionals represent a narrow and select sample of the general population and run the risk of being insulated, by virtue of their own social and economic class, from the very social and economic pressures which it is the business of politics to mediate.

If public life relies upon spasmodic outrage to create Special Commissions to correct the ills of public life, then public life is in dire shape, indeed. That is why the Special

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Commission created the Office of Inspector General, to build the capacity for self-correction into government itself. But the fate of that piece of legislation raises deep disquiet about the future.

It is not just that the political procedure has not been able to select and appoint an Inspector General, as has already been described, because of a conflict among the triumvirate who must make the appointment. There were two specific and important details which were changed without discussion and without debate in the bill for Inspector General. The first had been hotly contested by the Special Commission with the Leadership in the House, the power of the Inspector General to make referrals to any prosecutorial body, including the U.S.

Attorney. The Commission had its way and the power to refer cases to the U.S. Attorney was included. At some point in the final passage of the bill, someone- deleted it. Without debate, without formal amendment, someone secretly took a pen and crossed it out. As the bill now stands, the Inspector General is in the preposterous position of not being able to refer a case to a federal prosecutor when he knows a federal law has been violated. It happens to be a crime not to refer evidence of a federal crime to federal authorities. The Great and General Court of the Commonwealth of Massachusetts has created a high office in state government which forbids the incumbent to do that. The other change made by the legislature, again without discussion, is blatantly selfprotective: the subpoena power of the Inspector General does not run to the records of a legislative committee. Both changes were made surreptitiously. By whom, no one knows.

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Members of the Commission have often said, in an attempt at humor, that if one hangs around Beacon Hill one soon becomes paranoiac. But the humor wears thin. One seriously begins to question whether there is the will to make politics in this state better. The Commission would deduce other examples from its experience: the long struggle to get adequate funding, let alone office space, to do its work; the curious attempt to add another member by the Governor's appointment well into the Commission's work; the cloud of confusion and half -understood changes in the Commission's bills during the exhausting final hours of the unseemly rush to prorogation.

What the Commission encountered in its work was overt support and covert resistance. Legislation for reform was

finally passed, to be sure, but only under strong pressure and with grudging assent. The will of the people finds its voice in the words and actions of its representatives. That, as the most elementary textbook has it, is what politics is all about. Those who hold power are the ones who have the power to change the way business is done in Massachusetts.

One may bemoan the apathy, or decry the cynicism, of the general public. But that, curiously, happens to be the posture of both the sentimental, disenchanted reformer and the corrupt, irresponsible politician: the public gets what it deserves. But if there is a lack of will to make politics better in this state, let us look where the responsibility starts, to our "leaders, "the men and women who have been elected to conduct our public life.

For every member of the Special Commission and its Staff,

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the experience has been intense, educational and immensely rewarding in ways that money, the usual coin of the political realm, could never measure. The Commission would like to end with nothing but positive sentiments and strong words of encouragement to the public. It can not. The Commission ends with words of seasoned skepticism. One needs to be precise: skepticism, not cynicism. Skepticism means that, whatever one's doubts, one must act as if one can make a difference. One never knows where the limits are until one presses against them to discover whether they are, indeed, limits or simply self - created excuses not to act, not to try.

It is in that spirit the Special Commission has acted. We have tried. We held public hearings on our investigations to

show the average citizen that, yes, it is possible to ferret out the truth and to discover what was done. We used the extraordinary powers which the legislature bestowed upon us professionally and fairly and responsibly. We have proposed and gained the enactment of legislation which could improve the conduct of public business in the Commonwealth of Massachusetts.

We end, though, as we began. The major lesson to be learned from the experience of the Commission is that what is- most needed in the Commonwealth of Massachusetts is confidence that we have the intelligence and the will to create good government. To say so, of course, is to sound like that scene in Henry IV when Hotspur boasts, "I can summon monsters from the deep." To which Prince Hal replies, "So can I. The question is, will they come."

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To say we need confidence in government is not to create confidence in government. That will depend on many things.- It will depend on the press and television to illuminate and to criticize the doings of government. It will depend on engaged citizens to become informed and to demand good government. But it will depend most on those elected and appointed officials whose obligation is to govern well. They must have the will to act. All the Commissions and all the legislation in the world can not create that indispensable and necessary condition: the will and the desire of people in government to serve the people.

The mandate of the Special Commission was to look at just one aspect of public life, the award of contracts for the construction of state and county buildings. It took us more

than two years to do our work. It will take more than ten years to do the rest, to create a climate of opinion where there is public trust because political leaders manifest the will to serve the public good.

That is why, with all its work, the Commission is only a beginning.