

## 811 CMR: DESIGNER SELECTION BOARD

### 811 CMR 3.00: EXPEDITED PROCEDURE FOR SELECTION OF DESIGNERS WHEN AN EMERGENCY SITUATION EXISTS

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#### 3.01: Scope and Purpose

811 CMR 3.00 establishes a speedy procedure by which the Designer Selection Board can select a designer, programmer or construction manager, when an emergency situation exists.

#### 3.02: Definitions

As used in 811 CMR 3.00 the following terms shall have the meanings set forth, unless otherwise prescribed by statute:

Board or DSB. The State Designer Selection Board.

Commissioner. The Commissioner of the Division of Capital Asset Management and Maintenance.

#### 3.03 Declaration of Emergency

- (1) The declaration will be made by the Commissioner pursuant to M.G.L. c. 7C § 53. In the event the Commissioner makes a declaration, neither the DSB Chair nor Vice Chair shall make a separate declaration.
- (2) The Commissioner will file a memorandum with the Board, stating the reasons for the emergency declaration and the date by which selection of a designer is requested, listing proposed scope of work, estimated cost of construction, the established lump sum fee for designers' services, and any other relevant information.
- (3) Upon receipt of the memorandum from the Commissioner, the Board may elect to follow the expedited procedures set forth in 811 CMR 3.04 and 3.05.

#### 3.04: Studies, Programs and Design and Administration of Construction Projects

- (1) If the scope of work involves a study or program, a designer may be selected from the list of consultants who have previously applied to the Board for projects of this nature.
- (2) If the scope of the work involves design and administration of a construction project, finalists may be selected from the existing standing list of consultants who have previously applied to the DSB for projects of this nature.
- (3) The Chair of the DSB, or in his or her absence, the Vice Chair or senior DSB member, upon receipt of the declaration by the Commissioner that an emergency exists, will select at least six finalists as described in 811 CMR 3.04(1) and (2) in consultation with the project manager or other representative of the planning office.

3.05: Voting by DSB Members for Selection in an Emergency Situation

- (1) In the event that a request is made under 811 CMR 3.04(1) and (2), the Executive Director of the DSB shall promptly compile the information set forth in 811 CMR 3.03 and 3.04 into a package for distribution and action by all the DSB members at least 24 hours prior to the date by which designer selection is required set forth in the emergency declaration by the Commissioner. When possible, selection shall be made at the next scheduled meeting. When time or other circumstances do not permit, members may vote remotely or by email.
- (2) In those cases where the Chair, or in his or her absence, the Vice Chair or senior DSB member, determines that immediate action is required on the basis of an immediate threat to health and safety, or where immediate action is required to complete designer selection by the date set forth in the emergency declaration by the Commissioner, that person shall, in consultation with the project manager or other representative of the office of planning, nominate at least three finalists for the specific project to be acted on. Said Board member may direct the Executive Director to poll all available DSB members by phone or email, and record their vote, tabulate the results, and forward the names of the three or more finalists to the Commissioner for his or her appointment in accordance with M.G.L. c. 7C, §§ 49 and 50.
- (3) In the event that the Chair, Vice Chair, or senior DSB member fails to provide the finalist names to the Commissioner by the date set forth in the Commissioner's emergency declaration, the Commissioner may select a designer at his or her own discretion.
- (4) The ranking procedures outlined in M.G.L. c. 7C, §§ 49 and 50 shall not apply to the selection process required by 811 CMR 3.00.

REGULATORY AUTHORITY

811 CMR 3.00: M.G.L. c. 7C, § 53.