

## 811 CMR: DESIGNER SELECTION BOARD

### 811 CMR 4.00: PROCEDURES FOR SELECTION OF FINALISTS BY PANELS OF LESS THAN THE FULL BOARD

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#### 4.01: Scope and Purpose

811 CMR 4.00 establishes a procedure by which the Designer Selection Board can select finalists with panels of less than the full Board.

#### 4.02: Definitions

As used in 811 CMR 4.00 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.

Designer Selection Panel. At least six members, four of whom shall be architects or engineers, including at least one architect and one engineer.

#### 4.03: Delegation of Powers and Duties to Panels

(1) The Board may delegate its powers and duties under M.G.L. c. 7C, §§ 47(b), 48(c) and (d), 49(a) and (b), 51 and 52 to panels of less than all the Board members as defined in 811 CMR 4.02: Designer Selection Panel, on a rotating basis as follows:

At any meeting of the Designer Selection Board, the Chair of the Board, or in his or her absence, the Vice Chair or senior Designer Selection Board member, may assign the members present to any panel listed in 811 CMR 4.02: Designer Selection Panel.

(2) Projects will be assigned to the various panels by vote of the Board.

(3) The respective panels shall vote one of the panel members as acting Chair for each established meeting.

(4) Establishment of the panels shall not preclude the Board from acting on projects at a legally constituted meeting of the Designer Selection Board provided there is a quorum of the members.

#### 4.04: Selection by DSB Panels

(1) The designer selection panel selects at least three finalists from among all applicants for each project under its jurisdiction, whenever possible.

(2) The panel ranks the finalists in order of qualification and includes a record of the final vote of the panel, as well as a written statement explaining the panel's reasons for its choice and its ranking of the finalists.

(3) Panel members may participate in meetings by teleconference or videoconference and may conduct voting by telephone polling of Panel members, only if a quorum is established by members who are physically present at the meeting location. Absentee and proxy votes are not otherwise allowed.

4.04: continued

- (4) A majority of the appointed members constitute a quorum whenever a meeting or vote is required.
- (5) Procedure.
  - (a) Panel members individually and collectively review each application and related material to determine which firms are qualified for the project under consideration in accordance with the Board's approved "Criteria for Selection of Semi-finalists and Finalists".
  - (b) If the initial list of qualified applicants is substantial, then applications are further scrutinized to arrive at a workable list of semi-finalists.
  - (c) The panel may require a formal interview of the semi-finalists.
  - (d) Any panel member may make a motion indicating their recommendation for selection of "at least three finalists from among all the applicants".
  - (e) The panel customarily acts by voice vote. A majority of those members present are required to pass the motion. Abstentions or dissenting votes are recorded in the minutes and will also be included in the public letter listing the selected finalists in accordance with M.G.L. c. 7C, § 49F.
  - (f) A vote by ballot may be ordered by the Chair as to who the selected finalists should be or as to the ranking of the finalists. The tabulation of the vote for the three finalists shall be accomplished by crediting the respective finalists with the designated point count of each member's vote.

4.05: Notification of DSB Panel Action

- (1) The panel informs the Commissioner by public letter of the results of its action.
- (2) The public record letter includes the following:
  - (a) Project list number and DSB list and item number;
  - (b) Project title and location;
  - (c) Funds available, if provided in the public notice for applications;
  - (d) Number of applicants for project;
  - (e) Board panel meeting and date of panel action;
  - (f) The names and addresses of the selected finalists in rank order;
  - (g) The record of the final vote of the panel on the selection;
  - (h) A written statement explaining the panel's reason for its choice of the first ranked finalist;
  - (i) Designer services authorized for this project;
  - (j) The estimated or fixed fee to be paid to the designer for the above services or a statement that the fee is to be negotiated;
  - (k) The fixed limit construction cost of the project to be designed; and
  - (l) Any conditions or restrictions that accompany this assignment.

REGULATORY AUTHORITY

811 CMR 4.00: M.G.L. c. 7C, § 49(d).