



PUBLIC NOTICE OF DESIGNER SELECTION

Designer Selection Board

One Ashburton Place, Room #1018A, 10th Floor | Boston, MA | 02108

Telephone: 617-727-4046 | www.mass.gov/dsb

DSB List#: 21-29

Notice Date: October 13, 2021

Submission Date: November 3, 2021 At 2:00 PM

Project Number: CFM 21-1006

Project Title: Study and Design for Mechanical, Electrical, Plumbing, and Fire Protection Renovations, Repairs and Upgrades

Project Location: Various Court Facilities Statewide

Awarding Agency: Office of Court Management, Facilities Management and Capital Planning Department (OCM)

Available Aggregate Amount: \$2,000,000.00

Estimated Construction Cost: Varies per Project, Not to Exceed authority delegated pursuant to M.G.L. c. 7C §5, for an individual project.

Contract Term: Up to Six (6) Years

Maximum Fee Per Contract, based on the scope of work and services authorized, shall not exceed: \$250,000.00

Prime Firm Requested:

- ☐ Architect
- ☐ Landscape Architect
- ☒ Engineer (**Mechanical**)
- ☐ Interior Designer
- ☐ Programmer
- ☐ Construction Manager
- ☐ Other:

Contract Type:

This contract will be a "House Doctor" contract. Multiple projects of the type described in the Project Overview and Scope of Work may be assigned, and fee increments approved, up to the maximum fee per contract. Selection by the DSB under this advertisement does not guarantee that a contract will be executed with any given firm. The Awarding Agency will enter into House Doctor contract(s) with selected firm(s) at its sole discretion, based on the Awarding Agency's needs. The Awarding Agency may award up to **eight (8)** contracts, each with a total value of **\$1,000,000** to qualified designers under this contract.

Immediate Services Authorized:

- ☒ Certifiable Building Study
- ☒ Schematic Plans and Outline Specifications
- ☒ Design Development Plans and Specifications
- ☒ Construction Plans and Specifications
- ☒ Administration of Construction Contract
- ☒ Other: Retro commissioning (mechanical)

AGENCY INFORMATION

The Executive Office of the Trial Court, Office of Court Management (OCM) Facilities Management and Capital Planning Department is charged with the maintenance and ongoing upkeep of all courthouses in the Commonwealth. The Courts portfolio comprises approximately 5.6 million square feet, and there is a large backlog for deferred maintenance. There are currently 97 courthouses in the Commonwealth and 65% of the courthouses are more than 50 years old. The OCM oversees \$9,000,000 of deferred maintenance each year to renovate or improve our courthouses which are in a state of disrepair. OCM faces a major challenge in addressing the significant backlog of deferred maintenance in our buildings and infrastructure. OCM seeks a strong leader and partner in the MEP Consultant to assist with repairing systems statewide. OCM will assess the required scope of work with the consultant and develop the most effective strategy to address the particular issues of any given assignment. Given the varied nature of potential assignments, OCM will look to the selected consultant to assist in assessing the required expertise for the assignment, obtain proposals for additional services, and lead team members.

PROJECT OVERVIEW

The Executive Office of the Trial Court, Office of Court Management (OCM) seeks House Doctor Firms in the area of Mechanical, Electrical, Plumbing and Fire Protection to perform certifiable studies, schematic plans, final design documents, and construction administration services for a variety of renovations, improvements, and modernization of facilities operating systems and infrastructure. The qualified candidates shall have extensive knowledge of current building codes, energy analysis and evaluation, steam and hot water boiler plans and distribution, co-generation and chilled water systems as well as the integration of designs into the facilities' Energy Management System (EMS) and controls and retro-commissioning of mechanical systems. Projects will incorporate the principles of green and sustainable design, including energy conservation for building designs, renewable energy sources, and maximizing indoor air quality. Areas of work will include, courtrooms, hearing rooms, detention areas, public assembly spaces, and office spaces. The design team would be required to provide technical advice, creative problem solving, accurate Massachusetts Building Code reviews, ADA compliance, complete study and design documentation, bidding documents and administration, construction administration and project oversight. Knowledge of DCAMM's Designer Procedures Manual, effective schedule management and communication are also required. For each project, the selected team will be asked to prepare a scope of work, a fee estimate and a proposed schedule for the project. After review and approval by OCM, a notice to proceed will be issued to the House Doctor for each project.

SCOPE OF WORK

The scope of work may include but is not limited to:

1. Investigating the nature and severity of the problem.
2. Documenting existing conditions.
3. Recommending detailed repairs and magnitude of cost for such repairs.
4. Proposing alternate methods of repairs for resolution of the problem, including energy efficient alternatives.
5. Developing the preferred solution to schematic design and/or design development.
6. Preparing construction specifications and documents, cost estimates, and providing construction administration (including system commissioning) for the solution.

Consideration in the analysis should include energy costs, sustainability principles, expected remaining useful life of building systems and related life cycle costs. Particular attention should be paid to the constructability, reliability, durability and maintainability of building systems and materials.

If the selected designer is appointed for final design, the general scope of work will be defined by the certifiable building study and the current version of the DCAMM Designer Procedures Manual.

APPLICATION EVALUATION

Applications will be evaluated based on the DSB criteria for selection of semi-finalist and finalist appearing on the DSB website <https://www.mass.gov/files/documents/2018/12/19/criteria-for-selection-of-semi-finalists-and-finalists-160707.pdf>. The specific Personnel and Project Experience required is listed below.

PERSONNEL

1. Mechanical Engineer (M/P) **(Prime Firm)**
 2. Architect
 3. Electrical Engineer
 4. Structural Engineer
 5. Fire Protection Engineer
 6. Specifications Consultant
 7. Cost Estimator
 8. MA Building Code Consultant
 9. Hazardous Materials Consultant
- The title “Architect” refers to design professionals that maintain a current registration with the Massachusetts Board of Registration of Architects; and
 - The title “Engineer” refers to design professionals that maintain a current registration in any one of the engineering categories governed by the Massachusetts Board of Registration of Professional Engineers and of Land Surveyors.

EVALUTATION FACTORS

Applications will be evaluated based upon the requirements of M.G.L. Ch. 7C, § 49 and the work listed on DSB Application Form Sections 4 and 5 which illustrate current qualifications in the following areas:

1. Diversity Focus Statement (section 5) Approach to enhancing diversity in assembling the team for this project and the inclusion of firms that expand the overall breadth of different firms working on OCM projects including description of specific working relationships and responsibilities between and amongst team members for both MBE/WBE firms and those with which they will be teaming.
2. Demonstrated experience with repair, renovation and modernization projects for mechanical systems, plumbing systems, electrical systems, and fire and life safety systems that include the study, design, construction administration and retro commissioning of new and existing systems in courthouses.
3. Prior work experience that demonstrates the design teams’ ability to complete a certifiable deferred maintenance study, construction documents and specifications within the stated timeline using DCAMM guidance documents.

SUPPORTING DOCUMENTS

The scope of work for this project is supported by the materials listed below.

N/A

PROJECT REQUIREMENTS

Project requirements, general conditions and/or requirements of this public notice include, but are not limited to:

Affirmative Marketing

MBE/WBE Participation

The Commonwealth is committed to helping address the disparity in the participation of minorities and women in design. Although **OCM** is not explicitly required to establish a minimum combined MBE/WBE participation goal for the Contract in accordance with M.G.L. C.7C, § 6 and Executive Orders 526, 559 and 565, **OCM** is encouraged to adopt language about MBE/WBE participation as well as other diversity programs in its Contract.

Along with the MBE and WBE participation which reflect ownership status set forth below, the Designer Selection Board and **OCM** are interested in learning about the applicant firm's approach and commitment to diversity in its HR policy, its overall business practices and in assembling this project team. Firms are encouraged to be creative in assembling their teams by considering dividing the work of a particular discipline, when appropriate, including work it would typically provide in house, partnering, offering opportunities to qualified firms with which it or its consultants have not previously worked or firms that may have less experience working on public projects, and other means that provide additional opportunities for MBE and WBE firms in new ways.

Applicants, as prime firm and team lead, may include in their application, under Section 5, a Diversity Focus Statement directly addressing their approach to enhancing diversity in assembling the team for this project, including a clear description of each working relationship, and in their overall HR and business practices. The Designer Selection Board strongly encourages teams composed of firms that expand the overall breadth of different firms working on **OCM** projects.

Further information about the MBE/WBE Program appears in the "Participation by Minority Owned Businesses and Woman Owned Businesses," in the current Commonwealth of Massachusetts Contract for House Doctor at Attachment F, and on the Supplier Diversity Office website: <http://www.mass.gov/sdo>.

Additional Diversity Programs:

Veteran Owned Business Participation Benchmark – Chapter 108 of the Acts of 2012; Executive Order 565

The Commonwealth encourages the participation of Service-Disabled Veteran-Owned Business Enterprises ("SDVOBE") and Veteran-Owned Business Enterprises ("VBE") on its design projects. The benchmark for combined SDVOBE and VBE participation on DCAMM and other Executive Branch agencies design projects is 3% of the contract price as set forth in the standard DCAMM Contract for House Doctor Services referenced herein.

In addition the Commonwealth encourages the participation of Disability-Owned Business Enterprises (DOBEs) and Lesbian, Gay, Bisexual, and Transgender Business Enterprises (LGBTBEs) firms on its design projects (see Executive Order 565 -No. 565: Reaffirming and Expanding the Massachusetts Supplier Diversity Program | Mass.gov.

Executive Order 569: Establishing an Integrated Climate Change Strategy for the Commonwealth

Projects undertaken under this contract shall comply with all applicable requirements of Executive Order 569 – see <https://www.mass.gov/executive-orders/no-569-establishing-an-integrated-climate-change-strategy-for-the-commonwealth>. Project teams will need to complete the DCAMM Resilience Checklist and the design requirements of the Resilient MA program (resilientma.org).

Executive Order 594: Leading by Example: Decarbonizing and Minimizing Environmental Impacts of State Government

Projects undertaken under this contract shall comply with all applicable requirements of Executive Order 594 (EO 594) or the most recent Leading by Example Executive Order: see <https://www.mass.gov/executive-orders/no-594-leading-by-example-decarbonizing-and-minimizing-environmental-impacts-of-state-government>. See, in particular, see section 4, Existing Buildings.

All building studies shall include preliminary estimates of the project's energy use, water use, and greenhouse gas emissions using protocols established by EOEEA or as determined by DCAMM. No building study shall be certified for final design unless all means, methods, and commitments required to mitigate the project's impact on the operating agency's plan for meeting goals of the relevant Executive Orders are documented in the consensus solution, implementation plan and estimated construction cost.

LEED Certification

If applicable, as determined by OCM and Executive Order 594, any project authorized under the House Doctor Contract shall be certified at a level of Silver or higher, including Mass LEED Plus requirements. All measures proposed to achieve a LEED rating shall be incorporated into final design as part of the House Doctor's base fee; administration of the certification process by the House Doctor during the final design and construction phases of the project will be considered an extra service.

Universal Design/Accessibility

Universal Design

Design solutions provided under this contract are expected to meet the diverse and changing needs of users across age, ability, language, ethnicity and economic circumstance. **OCM** welcomes innovative design strategies that are usable by the widest range of people operating in the widest range of situations without special or separate design.

Accessibility

The House Doctor's team's design must comply, at a minimum, with 521 CMR, The Rules and Regulations of the Architectural Access Board (<http://www.mass.gov/ocabr/government/oca-agencies/dpl-lp/opsi/consumer-prot-and-bus-lic/license-type/aab/aab-rules-and-regulations.html>), as well as the 2010 ADA Standards for Accessible Design (<http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>). When the requirements of these two laws differ the consultant shall comply with the one that provides the greater degree of accessibility. The House Doctor is also expected to understand and reflect in its design the civil rights obligations of the Commonwealth under Title II of the Americans with Disabilities Act (http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm) to provide equal access to programs, services, activities and comply with ADA scope requirements for alteration of primary function areas, as applicable. **OCM** may use DCAMM's Accessibility staff to provide technical assistance and oversight for accessibility compliance during the study, design and construction process, including accessibility audits of existing buildings. If an accessibility consultant is assigned, then the House Doctor must review and incorporate the accessibility consultants findings into their proposed work. Assignment of an accessibility consultant does not

relieve the House Doctor, designer, or their code consultant of their obligation to make sure all accessibility requirements are met on the project.

Policies & Procedures

Financial Statement

M.G.L. c. 7C, §51 requires that on public design contracts where the total design fee is expected to exceed \$30,000 for the design of a project for which the estimated construction cost is expected to exceed \$300,000 the designer shall:

- a) File its latest CPA or PA audited financial statement with the Office of Court Management (OCM), and continue to do so annually throughout the term of the contract;
- b) Submit a statement from a CPA or PA that states that they have examined management's internal auditing controls and expresses their opinion regarding those controls to the **OCM**.

DCAMM Procedures

The House Doctor must be familiar with the procedures established in DCAMM's Preparing and submitting a study for Certification of a Deferred Maintenance Project. Applicants are urged to review and become familiar with supplemental material, which is available on the web at: (<http://www.mass.gov/dcam>).

Environmental and other supplemental services

Development of any hazardous materials assessments, specifications, and documents will be provided through the Hazardous Materials Consultant design team member identified above. **OCM** reserves the right to obtain supplemental services through independent consultants who will collaborate with the House Doctor's team. These supplemental services may include, but are not limited to, asbestos inspection and monitoring, and indoor air quality testing and monitoring.

Construction Specifications

The House Doctor shall utilize the DCAMM Standard Specification.

Cost Estimating

Cost estimates, cost models, and estimator participation in both the study and the design phases shall meet the requirements of the current DCAMM Cost Estimating Manual and will be submitted in Uniformat II in the study phase and in both Uniformat II to Level 3 and CSI Masterformat in the design phase. The Cost Estimating Manual can be found at <https://www.mass.gov/files/documents/2017/12/19/cost-estimating-manual.pdf> and Uniformat II can be found at <http://fire.nist.gov/bfrlpubs/build99/PDF/b99080.pdf>.

CONTRACT REQUIREMENTS

Contract for House Doctor Services

Appointed applicants will sign a standard *Contract for House Doctor Services* (October 2020) ("House Doctor Contract"). Once a House Doctor Contract is executed with a selected applicant, OCM will solicit proposals from the House Doctor related to specific projects and issue Notices to Proceed for agreed upon scopes of work as set forth in the House Doctor Contract.

<https://www.mass.gov/doc/contract-for-house-doctor-services/download>

Exhibit A & B of the House Doctor Contract sets forth specific terms and conditions for the scope of services.

The House Doctor must prepare studies for all projects under this contract with ECC >\$300 K, and all building studies must be certified by the DCAMM Deputy Commissioner before final design can proceed.

No costs shall be incurred or work performed before all contract documents are properly executed and a project Notice to Proceed is issued in accordance with the terms of the contract.

Applicants are advised that certain documents are required as a condition of contract execution, including, without limitation, evidence of professional liability insurance in an amount equal to the lesser of \$5,000,000 or 10% of the Project's Fixed Limit Construction Cost, but in no event less than \$250,000 per claim (i.e., minimum coverage of \$250,000 up to \$5,000,000 per claim depending on the construction cost). Evidence of pollution liability coverage in compliance with the Contract requirements may be carried by the Hazardous Materials Consultant identified above; all other coverage must be carried by the House Doctor. Evidence of current coverage will also be required for each Notice to Proceed issued under the contract.

CONDITIONS FOR APPLICATION

Before a designer can apply for a project within DSB jurisdiction, they must file a written "disclosure statement" in accordance with M.G.L. c. 7C, § 48. The statement provides the basis for the DSB informational database and verifies that the designer meets certain general qualification and ownership requirements detailed in M.G.L. c. 7C, §§ 44 and 48. To help firms meet this requirement, the Designer Selection Board provides an online registration system that can be accessed at <https://www.mass.gov/service-details/new-dsb-online-registration-process>. Firms must register on this platform to submit the required disclosure statement; paper disclosure statement submissions are no longer accepted. As part of applying for a particular project, firms must verify that the information provided remains accurate and up-to-date or, if necessary, submit updated information.

APPLICANTS PLEASE NOTE

The Designer Selection Board has transitioned to a new online system for all of its operations on the AUTOCENE Enterprise Automation Platform. We encourage everyone in the design community to enter all their information and start getting used to this powerful new product! The board no longer accepts jurisdictional applications through our old application system and all new applications must be completed within Autocene. New users can request credentials through the system login screen: <https://dsb-dev.formverse5.com/FORMVERSESESERVER-DSB/WebApp/Login.aspx?ReturnUrl=%2fFORMVERSESESERVER-DSB%2fWebApp%2fHome.aspx>.