



Commonwealth of Massachusetts
**EXECUTIVE OFFICE OF HOUSING &
LIVABLE COMMUNITIES**

Maura T. Healey, Governor ◆ Kimberley Driscoll, Lieutenant Governor ◆ Edward M. Augustus Jr., Secretary

To: Simone Early, Executive Director of the Designer Selection Board
From: Edward M. Augustus, Secretary EOHLC
Subject: Application for Exemption from the Jurisdiction of the Designer Selection Board
Date: July 29, 2025

In accordance with the provisions of M.G.L. Chapter 7C, Section 46, the Executive Office of Housing and Livable Communities (EOHLC) hereby submits this application for renewal of our exemption from the jurisdiction of the Designer Selection Board and requests approval of these procedures for the selection of designers by local housing authorities (LHAs) as outlined below.

There are no changes in this application from the previous exemption.

Pursuant to Section 46, paragraph (c), the Executive Office of Housing and Livable Communities:

1. is submitting a detailed description of the designer selection process and the written designer selection procedures which the agency proposes to use (detailed below);
2. hereby certifies that the agency's proposed designer selection process substantially incorporates the procedures required of the Board in Section 46 through 53, inclusive, and Section 56 and;
3. hereby certifies that the agency's projects are not subject to the jurisdiction of the Division of Capital Asset Management.

The designer selection process outlined below includes: (I) procedures to be used by LHAs in connection with state-funded construction contracts; (II) procedures for selection of designers for projects to be developed by EOHLC acting as a housing authority under the provisions of Chapter 121B; (III) appointment of designer for continued or extended services; (IV) procedures for selection of designers in emergency situations; (V) fees for professional services; and (VI) effective date.

I. Designer Selection Program for Local Housing Authority Projects.

For all designer contracts to be awarded by LHAs in connection with state grant-funded housing projects, EOHLC proposes the following designer selection process:

- A. EOHLC will establish a nine member Designer Selection Committee (DSC) composed of the following members:
1. Two registered architects designated by The Boston Society of Architects (BSA), which is a Massachusetts chapter of the American Institute of Architects (AIA);
 2. A registered engineer designated by the Massachusetts Society of Professional Engineers (MSPE);
 3. Two (2) public members, who are not architects, engineers or construction contractors, but who are advocates for affordable housing. One of the public members will be designated by the Massachusetts Chapter of the National Association of Housing and Redevelopment Officials (NAHRO) and the other by the Citizens Housing and Planning Association (CHAPA).
 4. Four members, excluding any EOHLC staff, who will be appointed by the Undersecretary; one of whom will be a registered architect; two of whom will be registered engineers; and one of whom will be a contractor.

Members shall be appointed for terms of two years and may be reappointed for no more than one successive two-year term. The members shall annually select one member to be the chairperson. To preserve the continuity of the Designer Selection Committee, the terms are staggered and the expiration dates for each appointment are as follows:

One architect position appointed by the BSA will expire on July 31, 2026.

One architect position appointed by the BSA will expire on August 31, 2026.

The CHAPA appointee's term will expire on September 30, 2026.

The NAHRO appointee's term will expire on August 31, 2025

One contractor position appointed by the Undersecretary is currently vacant One architect position appointed by the Undersecretary will expire on September 31, 2025.

One engineer position appointed by the MSPE is currently vacant.

One engineer position appointed by the Undersecretary will expire on August 31, 2025

One engineer position appointed by the Undersecretary is currently vacant.

A majority of five members present must be registered architects or engineers in Massachusetts in order to have a quorum.

- B. EOHLC and the LHA will develop a scope of services for each contract, the program (if any), the fee for services, estimated construction cost, time period within which the project is to be completed and a determination of the qualifications deemed important for the type of designer or consultant to be engaged for the specific project. The above shall be contained within the public advertisement for design services.
- C. LHAs will advertise publicly each contract for designer services in the Central Register and in a newspaper of general circulation in the area in which the project is located or to be located at least two weeks prior to the deadline for filing applications. In addition, LHAs will be encouraged to submit copies of all advertisements to the major architectural and engineering associations and SOMWBA. All advertisements will comply with the provisions of M.G.L. Chapter 7C, Section 47.
- D. All applicants will be required to submit their application through the Designer Selection Network. All applicants will also be required to submit a Registration and Disclosure Statement through the Designer Selection Network prior to the DSC meeting at which the project specific application to LHAs will be considered. The Registration and Disclosure Statement contains all information required in M.G.L. Chapter 7C, Section 48.
- E. DSC meetings are open to the public and follow the [Open Meeting Law](#). Agendas, meeting links, and meeting minutes are published at <https://www.mass.gov/info-details/designer-selection>. For each contract, the LHA will be encouraged to send representative(s) to the DSC meeting to make a presentation summarizing its analysis of the applicants (including reference checks done by the LHA) and summarizing specific concerns, which the LHA may wish the DSC to take into account in the selection process. Indication of ranking shall not be included in the LHA's written comments or presentation. All award ranking meetings shall be in a public session.
- F. The assigned EOHLC Project Manager shall present project specific information to the DSC regarding the designated project, including the scope, budget, and particular characteristics that committee members should know in order to make the most appropriate selection of a firm for the specific project. Project managers may provide comments regarding EOHLC staff experience with particular firms and respond to committee members' questions. Indications of rank shall not be included in EOHLC staff comments to the DSC; order of ranking shall be determined by the members of the committee.

- G. The DSC will evaluate the applicants for each project based upon criteria listed below and the criteria established in the advertisement, with information and assistance from the DSC staff, and will establish a list of at least three and no more than five finalists, who it considers to be most qualified for the specific project.

Selection Criteria

1. Prior similar experience best illustrating current qualifications for the specific project.
2. Past performance of the firm, if any, with regard to public, private, and EOHLC-funded projects across the Commonwealth, with respect to:
 - a. Quality of project design.
 - b. Quality, clarity, completeness and accuracy of plans and contract documents.
 - c. Effectiveness of meeting established program requirements within allotted budget.
 - d. Ability to meet schedules including submission of design and contract documents, processing of shop drawings, contractor requisitions and change orders.
 - e. Coordination and management of consultants.
 - f. Working relationship with contractors, subcontractors, LHA and EOHLC staff and local officials.
3. Current workload and ability to undertake the contract based on the number and scope of projects for which the firm is currently under contract.
4. The qualifications of the personnel to be assigned to the project.
5. The identity and qualifications of the consultants who will work on the project.
6. Financial stability of the firm.
7. Geographical proximity of the firm to the project site or willingness of the firm to make site visits and attend local meetings as required by the client.
8. Minority, Women-Owned, and Veteran' Business status, as determined by supplier Diversity Officer. MBE/WBE goals will be set to meet the requirements of Ch.7C Section 6. Veterans' business goals will be set to meet Ch. 108 of the Acts of 2012; Executive Order 599.

The DSC will rank the finalists in order of qualification. EOHLC will transmit the list of ranked finalists together with an explanation of the DSC's reasons for its choice and ranking to the LHA.

Upon receipt of a ranked list, the LHA will be required to interview the first ranked finalist. In the event that the LHA is unable to interview the first ranked finalist due to the withdrawal of the firm's application, the LHA shall interview the remaining finalists as necessary, in order of ranking. In the event the LHA does not choose to select the first ranked finalist, the LHA will be required to file a written justification of the rejection with EOHLC and DSC explaining the reason(s) the first ranked firm is not qualified (according to **I. G.** above) to perform the services associated with the particular project; in addition, at the request of the DSC the LHA may be required to make a presentation explaining the reason(s) the firm is not qualified (according to **I. G.** above) to perform the services associated with the particular project.

Upon approval by the DSC of the rejection of the first ranked finalist, the LHA will be required to interview the remaining finalists, in order of ranking following the above-stated process. Notice of the contract award will be published in the Central Register by the LHA.

- H. As an alternative to having the DSC rank firms, the LHA may choose to establish an independent local screening committee (LSC). Each LSC will consist of at least three members and will include one or more public members, one registered professional engineer or architect and an LHA employee. The LHA shall submit the composition of the LSC to the DSC for approval. If the LHA chooses to use a LSC, the DSC will transmit an unranked list of qualified firms to the LSC (using the criteria identified in **I. G.** above). The LSC will then interview the firms and transmit a ranked list of at least three finalists whenever possible, together with an explanation of its reasons for its selections, to the LHA and the DSC.

In the event the LHA does not choose the first ranked finalist, it will be required to file a written justification to the local screening committee explaining the reason the first-ranked firm is not qualified (according to **I. G.** above) to perform the services associated with the particular project; or at the request of the local screening committee the LHA may be required to make a presentation explaining the reasons stated in the written justification for not selecting the first ranked firm. Upon approval by the local screening committee of the rejection of the first ranked finalist, the LHA will be required to interview the remaining finalists, in order of ranking following the above-stated process.

In the event the LHA does not choose any of the firms on the list transmitted by the DSC, it will be required to file a written justification to the DSC explaining the

reasons the firms are not qualified (according to **G** above) to perform the services associated with the particular project; or at the request of the DSC the LHA may be required to make a presentation explaining the reasons stated in the written justification for not selecting any of the firms. Upon approval by the DSC of the rejection of the list, a new unranked list will be transmitted to LSC by the DSC for their review.

- I. Each LHA will be required to keep a permanent record of the applications filed and all actions taken in the selection process, which statements shall be made a public record as part of the minutes of the public session.
- J. Each LHA is required to complete the Designer Evaluations for all projects, House Doctor or Single projects, as required by Ch7C Sect 48, (h).

II. Designer Selection Procedures for EOHLC Acting as a Local Housing Authority

M.G.L., c. 121B authorizes EOHLC to act as a local housing authority, to develop and manage housing. For projects to be developed directly by EOHLC, EOHLC will follow the same procedures as outlined for LHAs.

As an alternative to having the DSC rank firms, EOHLC may choose to establish an independent local screening committee. The local screening committee will consist of at least three members and will include the EOHLC project manager assigned to the project, one EOHLC staff architect or engineer and the EOHLC construction advisor assigned to the community. The EOHLC shall submit the composition of the local screening committee to the DSC for approval.

III. Appointment of Designer for Continued or Extended Services

A firm may be appointed to perform continued or extended services when the proposed amendment is filed with the DSC, if one is required by the regulations of EOHLC, and the DSC determines that:

- A. conditions outlined in Chapter 7C, Section 52 have been satisfied;
- B. the firm is qualified to perform the proposed amendment and;
- C. the proposed amendment is consistent with the current EOHLC policy.

IV. Procedures for selection of designers in emergency situations (Appended)

If a situation arises in accordance with Chapter 7C, Section 53, which has been declared an "emergency" by the Assistant Undersecretary of EOHLC, an LHA may request an emergency selection of a designer.

- A. In consultation with the Director of EOHLC's Architectural/Engineering Services Unit, the LHA shall prepare a proposed scope of work, an estimate of the cost of construction and a lump sum fee for the designer's services, and submit this, and any other relevant information to the Director.
- B. In lieu of public advertisement, the Director or his/her designee will consult with the LHA to select three to six qualified firms (based on the criteria outlined in Section I, A-G above) who have master brochures on file, to solicit to perform this work. The LHA will then submit the firm's names to the DSC staff.
- C. The DSC staff will poll an ad-hoc committee of three members, two of whom are registered professionals, to select at least three qualified finalists and forward the names of the finalists to the LHA with a written statement explaining the committee's reasons for its choice(s).
- D. The tabulation of the vote by the members for the three unranked finalists who received the highest point ranking will be submitted to the LHA for their final selection. This shall be accomplished by crediting the designated ranking of each firm with points. Every firm ranked first will be credited with 3 points, the second ranked firm will be credited with 2 points and the third ranked firm will obtain 1 point. The points will be totaled and three firms with the highest number of points will be returned to the LHA.
- E. The LHA will select one of the three finalists to be returned to the LHA by the DSC to perform the work.
- F. The assigned EOHLC Project Manager or the Designer Selection Coordinator will be responsible for reporting all actions taken under these expedited procedures to the DSC.
- G. The Designer Selection Committee will immediately notify the Designer Selection Board of the actions taken under the expedited procedures process, in addition to the mandated biannual report.

IV. Fees for Professional Services

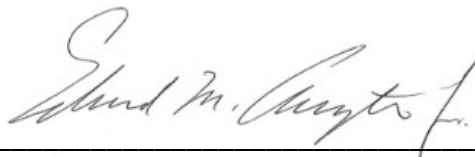
For all EOHLC-funded projects, fees for architectural and engineering services will be set prior to the selection process and stated in the public advertisement. Contracts for professional services will contain provisions for equitable adjustments in the event of changes in scope of services or for unforeseen conditions.

V. Effective Dates

The above designer selection procedures will be effective for all EOHLC-funded projects advertised after August 1, 2025 (even if funded prior to that date) through July 31, 2027.

Signed under Penalties of Perjury

This 29 Day of July, 2025

A handwritten signature in cursive script, appearing to read "Edward M. Augustus", written over a horizontal line.

Edward M. Augustus, Secretary
Executive Office of Housing and Livable Communities

Attest