



PERSPECTIVES: THE USE OF M.G.L. CHAPTER 149 and 149A

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**A Conversation with
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DIVISION OF
CAPITAL ASSET
MANAGEMENT &
MAINTENANCE



DCAMM Overview of Chapter 149A (CM at Risk)

CM at Risk Services – M.G.L. c. 149A

c. 149:

- Low bid (100% CD's)
- FFP

VS

c. 149A:

- Best Value (early design)
- Cost Plus w/ a negotiated GMP

- Delivery method is optional for Awarding Authorities on building projects with an ECC of \$5 million or greater.
- Inspector General approval required on a project-by-project basis--- exceptions are DCAMM, Mass Port, MWRA, and MSCBA, which submit procedures for projects they choose to procure as CM at Risk.
- CM at Risk firm and subcontractors in 18 trades must be certified by DCAMM.
- Prequalification of CMs and subcontractors in 18 trades required

CM at Risk Services – M.G.L. c. 149A

A construction management firm provides a range of pre-construction services and construction management services including:

- Cost estimating
- Consultation regarding the design
- Preparation & coordination of bid packages
- Scheduling
- Cost control - value engineering
- Assist with pre-qualification and evaluation of trade contractors and other subcontractors
- Act as the general contractor during the construction
- Provide management and construction services



Worcester Recovery Center and Hospital

CM at Risk Phases – M.G.L. c. 149A

The CM at Risk delivery method consists of three phases:

- Early Preconstruction
 - CM is brought on board prior to study certification
 - DCAMM's goal is 50% Schematic Design
 - Reconciled estimate used for study certification
- Preconstruction
 - CMAR services are provided during the DD and CD phases of design
 - Participate in evaluation of Trade Contractors
 - Identification and procurement of early bid packages/long lead-time equipment
- Construction Services – Main Scope

CM at Risk Prequalification

Construction Managers

Step 1: Form the Prequalification Committee

- Must include the Project Manager, the Designer, and at least two “Representatives of the Public Agency” (ideally 5 people).

Step 2: Evaluate the SOQs of the Applicants

- Each Committee member evaluates each Applicant.
- Similar Project Experience is generally determinative.
- OGC (Schedule E), Compliance (G), and Certification roles (H).



Step 3: The Committee Meets

- The Committee should discuss each of the individual ratings and reach a consensus rating for the applicant.

CM at Risk Selection

(same committee)

Step 1: Evaluate Technical Proposals and rank

- 3-tier grading

Step 2: Open price proposals and analyze

- Level out allowances, staffing, rates, durations etc.
- Compare fee structure

Step 3: Recommend Best Value for the Commonwealth

- Technical and cost considerations equal parts

Key takeaways

- **CM at Risk is the preferred method for large, major projects**
 - **Collaborative teamwork starting early in design; reduced claims/disputes; better outcomes**
- **Chp 149 “low bid” work has its place, but can carry increased risk on larger, more complex projects**

QUESTIONS AND ANSWERS



Thank You