

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

A Conversation with

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**Deputy Commissioner of DCAMM Design and Construction** 



#### 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 leadtime 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



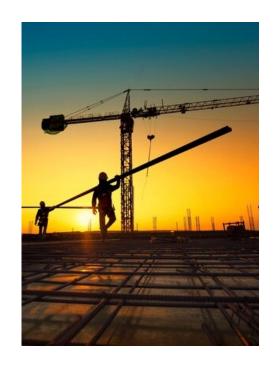
### **Key takeaways**

- 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** 

