



# **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**

