

Massachusetts School Building Authority

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Owner's Project Manager Selection

INTRODUCTION

Selecting a qualified Owner's Project Manager is one of the most important decisions in a construction project, one that largely will determine the success of a project. The municipality responsible for the project (the "Owner") works closely with the selected Owner's Project Manager from the earliest stages of the project through the completion of construction and building occupancy. As a result, the quality of the design and construction services and of the final completed construction project rests largely on the skills and abilities of the Owner's Project Manager and on the working relationship between the Owner's Project Manager, the Owner, the Designer and the Contractor(s). This document offers guidance on how to select an appropriate Owner's Project Manager for your project.

In 2004, the legislature enacted Chapter 193 of the Acts of 2004 ("Chapter 193"), requiring public agencies to contract for the services of an Owner's Project Manager *prior to contracting for design services* where the construction, reconstruction, demolition, or repair project is estimated to cost \$1.5 million or more. Pursuant to Chapter 193, "owner's project manager" is defined as "an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of providing project management services for the construction and supervision of construction of buildings." Chapter 193 mandates a qualifications-based process for selecting Owner's Project Managers for all publicly-funded projects. The Owner's Project Manager must meet certain minimum experience requirements and is prohibited from having any affiliation with the designer, contractor, or any other party having an interest in the project. While the statute allows an agency or municipal employee meeting the required minimum qualifications to serve as the Owner's Project Manager, it is important to ensure that sufficient qualified staff resources are available to perform the necessary control and oversight. Additionally, pursuant to M.G.L. chapter 70B, the Massachusetts School Building Authority (MSBA) must approve the Owner's Project Manager for any project for which the Owner is seeking funding from the MSBA.

While Chapter 193 does not provide guidance on the selection process, it is reasonable to assume that utilizing a qualifications-based selection process consistent with the process defined in sections 38A through 38O of Chapter 7 of the General Laws for the procurement of design services would be a sufficient manner in which to procure the Owner's Project Manager services. Accordingly, the procedures outlined in this document emulate those required for the procurement of design services.

The goal for the procurement of the Owner's Project Manager is to contract with an entity that has the skills and abilities to provide a comprehensive scope of services which will result in:

- Selection of an experienced entity to achieve the oversight requirements of the Owner and the MSBA as well as the timely and cost-effective completion of the project.
- Effective monitoring and management of the project and the various consultants, vendors, and contractors from the feasibility study through completion of construction, building occupancy, and the warranty period.
- Selection of a respondent that meets the minimum requirements pursuant to Chapter 193 and has the broad range of skills required for the project, including the ability to monitor and manage several participants and stakeholders, provide the Owner with timely recommendations relative to the successful implementation and execution of the various aspects of the project, monitor field operations, perform cost estimating and control, perform schedule analyses, perform value engineering analyses, perform constructability analyses, monitor quality control processes, monitor safety, and monitor the timely resolution of issues impacting schedule and costs.

STEPS IN THE SELECTION OF THE OWNER'S PROJECT MANAGER

The information contained in this document is intended to provide information about the MSBA's requirements and general guidance about the procurement of an Owner's Project Manager. Cities, towns and regional school districts should consult their local counsel to ensure that they are in compliance with all procurement and public bidding laws and all federal, state and local requirements.

Because M.G.L. c. 70B requires that the Owner's Project Manager be approved by the MSBA, the MSBA will require the Owner to submit documentation regarding the procurement and selection process in accordance with Attachment A. **Please review Attachment A prior to beginning the procurement process and take note of the documentation that is required for the MSBA's approval process.** The MSBA reserves the right to request additional documentation or information as it deems necessary to conduct its review of the Owner's recommendation for selection and to monitor or participate in the selection process as it may deem necessary.

Prior to advertising and selecting an Owner's Project Manager, the Owner must:

- Form a School Building Committee in accordance with 963 CMR 210(3) and submit a list describing its membership to the MSBA for its approval;
- Complete the Initial Compliance Certification and submit it to the MSBA for its approval;
- Designate a full-time employee of the municipality or school district (who also must be MCPPO-certified as described in 963 CMR 2.03(2)(o)) as the procurement administrator to be responsible for the procurement of the

Owner's Project Manager and to subsequently manage the contract with the Owner's Project Manager;

- Identify the Selection Committee members and provide information regarding their background. The composition of the Selection Committee should be authorized by the School Building Committee. Provide, as appropriate, confirmation of the Selection Committee's authorization to place the advertisement and proceed with the Request for Services, as drafted; and
- Confer with the MSBA to determine the types and scope of services that will be required and submit for review the advertisement, scope of services, and procurement schedule for the MSBA's concurrence.
- Prepare a Request for Services using the MSBA's model RFS.

Request for Services (RFS)

Using the MSBA's model RFS, the Selection Committee should prepare a RFS for review by the MSBA that includes:

- A description of the problems and issues to be addressed including any relevant background information and a description of existing conditions;
- A description of circumstances and/or characteristics that may impact the work (e.g., limited site access, occupied building, etc.);
- The project schedule along with design and construction phase requirements (provide an estimated duration and schedule associated with a range of options to be studied); and
- The project budget (provide the estimated costs associated with the range of options to be studied).

The more descriptive the project objectives, the better understanding potential Owner's Project Managers will have of the project and the more likely it will be to attract candidates who have relevant experience.

Criteria for Selection

The responses to the RFS for Owner's Project Manager must designate an individual as the Project Director who is certified in the Massachusetts Certified Public Purchasing Office Program (MCPPO), as administered by the Inspector General of the Commonwealth of Massachusetts, and who meets the following minimum requirements:

- The Project Director must be a person who is registered with the Commonwealth as an architect or professional engineer and has at least 5 years experience in managing the design and construction processes of public buildings;

or

- If the Project Director is not registered with the Commonwealth as an architect or professional engineer, the Project Manager must be a person who has at least 7 years experience in managing the design and construction processes of public buildings.

The selection process should include weighted criteria that ensure that finalists have significant, **relevant** experience in the supervision of construction of several projects, that have been successfully completed and/or are in process, and that are **similar in type, size, dollar value, and complexity to the project being considered**. Consider the respondent's expertise, performance record (i.e., statistics on number of projects managed, project dollar value, number and percentage completed on time, etc.), capacity and in-house skills (i.e., staff available for back-up and assistance), existing work load, financial stability, and prior direct experience providing services in both the mandatory tasks and any other additional tasks the Owner requires, as well as the personal experience of the assigned Project Director. Consider whether the project requires any unusual expertise or previous experience, such as: experience working with local boards, commissions and/or community groups; experience with major renovations or new construction; experience with project delivery method; experience with particular building systems; experience with high performance green schools; or experience with historic renovation. Any project specific criteria must be stated in the scope of services.

The RFS should clearly identify the process that will be used by the Selection Committee in evaluating the responses. The process should include an evaluation by the Selection Committee as to whether the response has met the minimum threshold requirements, an explanation of the weight assigned to the criteria, and the ranking process at each step (responses and interviews).

Fee for Services

After utilizing a qualifications-based selection process and conferring with the MSBA, the Owner will select a respondent and then negotiate the fee for services dependent upon an evaluation of the level of effort required, job complexity, specialized knowledge required, estimated construction cost, comparison with past project fees, and other considerations. A final construction figure in excess of the initial construction estimate will not, in and of itself, constitute a justification for an increased Owner's Project Manager fee. Depending on the project and as defined in the RFS, the Owner may negotiate a combination of cost plus fixed profit, unit price, and lump sum dependent upon the services. The initial fee structure will be negotiated through the Feasibility Study/Schematic Design Phase. The respondents will be required to include proposed staffing plans for potential projects for future phases and to provide pricing information, including hourly rates by job classification, for all phases specified in the contract at the time of the initial fee negotiation. The Owner and the selected respondent must finalize their negotiations, and the respondent must sign the MSBA standard Contract for Project Management Services, before the Owner seeks final approval of the selected respondent from the MSBA.

Advertising for Owner's Project Managers

The advertisement should include the following information:

- Specific site location of the project;
- Owner's Project Manager fee and estimated project cost;
- Brief description of the project;
- Date and time of informational meeting and site inspection (if applicable);
- Where to obtain an RFS;
- Deadline for the receipt of a response to the RFS; and
- Contact person for the Owner

To help interested Owner's Project Managers understand the full scope of the work and the contractual requirements, the RFS should include:

- the contract (attach the MSBA's standard Contract for Project Management Services, as applicable¹);
- the criteria that will be used for selection;
- any performance expectations so a prospective Owner's Project Manager can determine if he/she has the appropriate qualifications and is willing to provide the services outlined for the established fee;
- the project budget (estimated costs for the range of options to be studied); and
- the preliminary project schedule (estimated duration for range of options to be studied).

The Owner should send a copy of the advertisement and the RFS to the MSBA for review before the advertisement is placed.

Where to Place Advertisements. Advertisements must appear in the Central Register and a newspaper of general circulation in the area in which the project is located or to be located. The Owner may also consider advertising in the Dodge Report and newsletters or bulletins of relevant professional associations and SOMWBA.

Timing. At a minimum, the advertisement should appear in the newspapers, the **Central Register**, and any other publications selected by the Owner one time at least two weeks before the RFS deadline. In order to solicit a wide response, consider advertising at least three or four weeks in advance of the RFS deadline.

When posting in the Central Register, all notices must be received by the Secretary of the Commonwealth by 4:00 P.M. on the Tuesday of the week preceding publication. The Central Register is published weekly on Wednesday. It is the responsibility of the agency to assure timely filing so that the two week minimum notice is met. Also, all notices

¹ Please note the MSBA has developed a standard contract for a design/bid/build procurement, and is developing a standard contract for CM-at-Risk procurement.

published in the Central Register shall be submitted to the Secretary on forms provided by the Secretary.

Informational Meeting and Site Inspection. An informational meeting and site inspection is recommended, particularly for projects where the scope of work includes existing structures or sites, or new construction on a site with difficult topography. An informational meeting and site inspection should be factored into the schedule and the date should be included in the advertisement.

Be sure to have copies of the RFS at the site inspection for applicants who may not have received one but be cautious about providing any information that is not included in the RFS to avoid giving those in attendance an unfair advantage.

Record Keeping. The Owner's procurement administrator should keep a record of names and addresses of all those who request an RFS so that all interested parties can be notified of any changes.

Processing Responses to Request for Services

References. Do a thorough reference check of all respondents to ascertain how well they have performed for other clients. The same questions should be asked of each reference. The reference check should meet the following guidelines:

- Check references for a minimum of three projects most similar in type, size, dollar value and complexity to your own;
- Check references from other public awarding authorities; and
- Ask references for information relating to the qualifications and criteria defined in the project scope.

This information will help determine which respondents are best suited for the project.

Ranking. To evaluate the responses and make a selection, take into account all available information including: the scope of work; project specific criteria; information obtained from references; project-specific information; performance record of respondents on previous public and private work; and the information contained in the response. The Selection Committee should complete a scoring sheet (see suggested format in Attachment B) evaluating each response in accordance with the procedure outlined in the RFS and the weighted criteria. A "short list" of three to five respondents should be selected for an interview.

Interviews. Each of the short-listed respondents should be invited for a presentation and an interview by the Owner. Key personnel listed in the response must be at the interview.

Be sure to ask the same questions of all respondents to be able to compare the quality and content of the answers. Responses received at the interviews must be documented.

At the interview, participants should :

- Confirm the respondent's qualifications to do the job;
- Confirm the respondent's ability to meet the schedule;
- Confirm the respondent's identification of key personnel and their time commitment to the project by phase; and
- Review the MSBA standard Contract for Project Management Services to confirm an understanding of the content.

Selection. Following the interviews, the finalists should be ranked in order of preference. The ranking should be recorded on a scoring sheet separate from the first scoring sheet used. The rationale for the selection must be well documented. The Owner should forward a summary of the procurement and selection process to the MSBA for its review (See Attachment A for more information).

Massachusetts School Building Authority Approval

M.G.L. c. 70B requires that the Owner's Project Manager be approved by the MSBA.^{2*} Prior to awarding a contract to the selected respondent, the Owner should submit to the MSBA copies of all applicable materials indicated in Attachment A, including but not limited to, the following:

- A copy of the newspaper advertisement;
- A list of the selection criteria;
- A summary of the qualifications and experience of the selected respondent;
- The proposed staffing commitment of key team members;
- A copy of the response from the selected respondent;
- Copies of the scoring sheets;
- Copies of the responses received from reference checks and interview process;
- The rationale for selection; and
- The MSBA's standard Contract for Project Management Services signed by the selected respondent.

² Notwithstanding the rights of the MSBA to approve owner's project managers, the MSBA shall not be held liable for (1) the selection of the Owner's Project Manager, (2) any occurrences arising out of the selection of the Owner's Project Manager, (3) any acts or omissions of the Owner's Project Manager, or (4) the performance of the Owner's Project Manager. The MSBA is not responsible for the selection of the Owner's Project Manager, rather the MSBA only approves or disapproves the selection of the Owner's Project Manager. The MSBA shall have no liability whatsoever for the Owner's Project Manager's performance, actions, or omissions.

As part of the approval process, the MSBA may require the Owner and the selected Owner's Project Manager to make a brief presentation to the MSBA's Owner's Project Manager Review Panel.

Contract Execution

Upon (1) the Owner's successful negotiation with the selected respondent, (2) the selected respondent signing the MSBA's standard Contract for Project Management Services, and (3) the MSBA approving the selected respondent, the Owner should award a contract to the Owner's Project Manager and execute the contract. The Owner should prepare at least three originals of the MSBA's standard Contract for Project Management Services for execution. The Owner's Project Manager and the person authorized by the Owner in accordance with applicable law must execute the contracts. The Owner should give one original copy of the executed contracts to the MSBA, one original copy to the Owner's Project Manager, and one original copy should be kept for the Owner's records.

ATTACHMENT A
Documentation required for MSBA approval process

Attachment A consists of two parts: 1) a narrative of the procurement and selection process and 2) a completed checklist. All of Attachment A, including all Exhibits required therein, must be submitted to the MSBA.

Part 1: Narrative of the Selection Process.

The information contained in the narrative should be detailed and clearly explain the procurement process and the selection process. The information provided should be supported by the documentation shown in the checklist. The narrative must be signed by the Chief Executive Officer, on behalf of the Owner. The Chief Executive Officer must certify that a qualifications-based selection process was used, state that the Owner recommends the selected respondent as the Owner's Project Manager, and state that the Owner is seeking the MSBA's approval of the Owner's Project Manager.

Part 2: The Checklist.

The Owner should provide the information requested in the first column of the checklist either in the text of the narrative or as an Exhibit, as designated in Attachment A. (e.g., a copy of RFS and a copy of the response from the selected respondent). In the second column of the checklist, the District should note that the required information has been submitted. The third column is for MSBA use.

Part 1: Sample Format for the Narrative of the Selection Process

A Selection Committee was formed by the (District) School Building Committee to prepare the Request for Services (Exhibit A) for an Owner’s Project Manager. The Selection Committee included the following members: (List names, titles and a brief description of related experience. Also identify the full-time employee of the Owner who was designated as the procurement administrator and include the date of completion of the individual’s MCPPO certification.)

Name	Title	Description of related experience

Procurement administrator: [Name], [Title], [Completion date of MCPPO training]

On XXXX, xx, 200X, the Selection Committee presented the Request for Services to the (District) School Committee which authorized the (District) School Building Committee to advertise the Request for Services for an Owner’s Project Manager. (Exhibit B)

On XXXX, xx, 200X, the (District) advertised a Request for Services for an Owner’s Project Manager for a school construction project in the Central Register as well as (list additional publications), Exhibit C. A (mandatory/voluntary) informational meeting and site visit was scheduled for xxxx, 200X and yyy respondents attended. Questions were received from respondents and addressed in published questions and answers and/or resulted in addenda to the Request for Services, Exhibit D.

X respondents requested the Request for Services including (list the names of the respondents).

	Firm Name

Y respondents submitted responses by the original due date of XXXX xx, 200X (Please note if the submission date was extended) as follows: (Provide the list of respondents).

	Firm Name

The Selection Committee members each received copies of all the responses received. The Selection Committee verified that all responses complied with the minimum requirements set forth in M.G.L. c.149 §44A½ for an “owner’s project manager” and 963 CMR 2.00 *et seq.*

The Selection Committee ranked the respondents based on the selection criteria listed in the Request for Services (Provide a list of the respondents with the scoring by the Selection Committee. Include a detailed explanation of the scoring system the committee utilized, i.e., the meaning behind the numerical values. Please submit the committee members’ scoring sheets, Exhibit E. (See Attachment B of this document for a sample scoring sheet.))

	Firm Name	Cumulative Average Score

The committee short listed the following respondents:

	Firm Name	Cumulative Average Score

The Selection Committee did/did not decide to conduct interviews of the short-listed respondents. (If interviews were conducted, continue with the following narrative). X respondents were interviewed and the following questions were asked:

(Provide, in the narrative, a list of the interview questions the committee used.)
 (Explain the scoring system that was used in assessing the interviewees and include how respondent’s original rankings were incorporated.)

(Provide a narrative paragraph for each interviewed respondent including the responses provided and specific information about the strengths and weaknesses realized through the interview questions and how this information impacted the scoring and/or ranking.)

After the interviews, the Selection Committee ranked the three short-listed respondents as follows:

	Firm Name	Cumulative Average Score (if applicable)

Provide a narrative paragraph for each interviewed respondent including specific information about the strengths and weaknesses realized through the interview questions and how this information impacted the scoring and/or ranking.)

The Selection Committee conducted X reference checks as summarized below: (Please list how many reference checks were conducted, what ratings and feedback were given by the references and if any “independent” [not provided by the respondent] references were obtained.)

The Selection Committee ranked Respondent X first based on (list specific supporting reasons).

Conclusion Statement:

(Name of Selected Respondent) and (City/Town/Regional School District) have completed negotiations and (Name of Selected Respondent) has signed the MSBA standard Contract for Project Management Services for a Design/Bid/Build project, without modifications to its terms and conditions.

Pursuant to section 3.2 of the Contract between the Owner’s Project Manager and (City/Town/Regional School District), the Eligible Applicant for (City/Town/Regional School District) has designated (District’s Contact Designee) as the individual who shall have the authority to act on behalf of the Owner under this Contract and who shall be responsible for the day-to-day communication between the Owner and the Owner’s Project Manager.

Based on the information as stated above, the Owner hereby certifies that the Owner utilized a qualifications-based procurement process and recommends the selection of (Name of Selected Respondent) as the most qualified respondent to provide Owner’s Project Manager services for the (School Name). The Owner requests that the MSBA approve its selection as required by 963 CMR 2.11(2).

Chief Executive Officer
(City/Town/District)

Dated

Exhibits

- A. Request for Services (RFS) including any questions and answers and/or Addenda.
- B. School Committee authorization of members of selection committee, approval of RFS and authorization to advertise
- C. Copy of advertisement in the Central Register and any additional publications.
- D. Copy of the selected respondent's proposal.
- E. Committee members' scoring sheets.
- F. Original copy of the MSBA standard Contract for Project Management Services signed by the selected respondent.

Part 2: Checklist

District:	
School:	
Date RFS issued:	
Respondent Selected:	

Documentation/Information	Included	MSBA Review
Completed Narrative providing all requested detail of the selection process.		
Selection Committee members, titles and background. Identify full-time employee of the Owner designated to be the procurement administrator. <i>(Body of Narrative)</i> .		
Copy of Procurement documents – RFS, any addenda and questions and answers. Exhibit A.		
School Committee authorization of members of selection committee, approval of RFS and authorization to advertise. Exhibit B.		
Copy of public notice and where it was posted. Exhibit C.		
Briefing session held. <i>(Body of Narrative)</i> .		
How many qualification statements were received and from whom. <i>(Body of Narrative)</i> .		
Copy of proposal submitted by the Owner’s Project Manager the District selected. Exhibit D.		
Name of Project Director and certification. Exhibit D.		
Scoring Sheets of Committee Members. Exhibit E.		
If interviews were conducted, what questions were asked, how information was recorded and what were results. <i>(Body of Narrative)</i> .		
Summary of reference checks conducted <i>(Body of Narrative)</i> .		
MSBA standard Contract for Project Management Services signed by selected OPM. Exhibit F.		

Additional information		
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ATTACHMENT B

Sample scoring sheets – suggested format

Scoring sheet by Selection Committee member

Respondent	Criteria	SCM#1	SCM#2	SCM#3	SCM#4
Respondent 1	1				
	2				
	3				
	4				
Respondent 2	1				
	2				
	3				
	4				
Respondent 3	1				
	2				
	3				
	4				

Summary scoring sheet for ranking or interview

Respondent	SCM#1	SCM#2	SCM#3	SCM#4
Respondent 1	(Total Score)	(Total Score)	(Total Score)	(Total Score)
Respondent 2	(Total Score)	(Total Score)	(Total Score)	(Total Score)
Respondent 3	(Total Score)	(Total Score)	(Total Score)	(Total Score)