

**Town of Southborough, Massachusetts**

**Neary Building Committee**

**Neary Building Committee – OPM Subcommittee Meeting Minutes**

**Monday August 21st, 2023 7:00 PM**

**Virtual Zoom Meeting**

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in-person attendance by members of the public will be permitted.

Neary Building Committee

**Members Present:** Jason Malinowski, Andrew Pfaff, Roger Challen, Mark Davis, Denise Eddy, and Kathryn Cook

**Members Absent:** Chris Evers

**Ex-Officio Members Present:** Gregory Martineau Superintendent of Schools, Stefanie Reinhorn Assistant Superintendent of Teaching and Learning, Keith Lavoie Assistant Superintendent of Operations, Rebecca Pellegrino Director of Finance, and Kathleen Valenti Neary School Principal, Mark Purple Town Administrator, Brian Ballantine Town Treasurer/ Finance Director, and Steve Mucci Woodward School Principal (arrived at approximately 7:15 PM)

Neary Building Committee - OPM Subcommittee

**Members Present:** Jason Malinowski, Denise Eddy, Mark Davis, Andrew Pfaff, and Roger Challen

**Members Absent:** None

**I. Call Meeting to Order**

Jason Malinowski called the Neary Building Committee - OPM Subcommittee Meeting to order at 7:00 PM.

**II. Approval of Outstanding Meeting Minutes**

Jason Malinowski asked for a discussion and a vote.

**a. OPM Subcommittee – 6/28/2023**

*Denise Eddy moved, Roger Challen, seconded, and it was voted 4-0-1 (Jason Malinowski abstained) "To approve the outstanding Neary Building Committee – OPM Subcommittee Meeting Minutes of June 28, 2023"*

**MOTION TO APPROVE  
THE OUTSTANDING  
MEETING MINUTES  
6/28/2023**

Roll Call

*For: Denise Eddy, Andrew Pfaff, Roger Challen, and Mark Davis*

*Opposed: None*

*Abstained: Jason Malinowski*

b. OPM Subcommittee – 7/13/2023

*Denise Eddy moved, Roger Challen, seconded, and it was unanimously voted by roll call, “To approve the outstanding Neary Building Committee – OPM Subcommittee Meeting Minutes of July 13, 2023”*

MOTION TO APPROVE  
THE OUTSTANDING  
MEETING MINUTES  
7/13/2023

*Roll Call*

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

c. NBC and NBC OPM Subcommittee – 7/18/2023

*Denise Eddy moved, Roger Challen, seconded, and it was unanimously voted by roll call, “To approve the outstanding Neary Building Committee – OPM Subcommittee Meeting Minutes of July 18, 2023”*

MOTION TO APPROVE  
THE OUTSTANDING  
MEETING MINUTES  
7/18/2023

*Roll Call*

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

III. Dissolve OPM Subcommittee

The Owners Project Management Subcommittee has completed its work for the summer. Jason Malinowski expressed gratitude for their efforts, particularly at the start with the compressed deadline. As Skanska USA Building INC. has signed the contract, the Subcommittee is no longer necessary. Jason reminded the committee that the Neary Building Committee can establish and dissolve subcommittees as needed, rather than going back to the Select Board each time. The Town Clerk requires every new Subcommittee member to be sworn in.

Jason Malinowski asked for a discussion and a vote.

*Jason Malinowski moved, Denise Eddy seconded, and it was unanimously voted by roll call, “To dissolve the OPM Subcommittee”*

MOTION TO  
DISSOLVE OPM  
SUBCOMMITTEE

*Roll Call*

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

IV. Election of Vice Chair

Jason Malinowski asked for a discussion and a vote.

*Roger Challen nominated Denise Eddy as Vice Chair of the Neary School Building Committee, Kathryn Cook seconded and it was unanimously voted by roll call, "To appoint Vice Chair of the Neary School Building Committee."*

MOTION TO ELECT VICE  
CHAIR OF THE NEARY  
BUILDING COMMITTEE

Roll Call

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

Jason asked the Committee if they would like to discuss reorganizing the Chair or Clerk position in a future meeting, but the Committee declined. He said to inform him if anyone changes their mind and he'll add reorganization at any point during the process.

## V. OPM's Update on Next Steps and Project Timeline

The Skanska USA Building INC. team introduced themselves: Jim Burrows as Project Director, Dale Caldwell as Principal, Sy Nguyen as Project Manager, Jessica Mendez as Assistant Project Manager, and Vincent Vadeboncoeur as Field Manager. Skanska began by going over the schedule and the next steps that the Massachusetts School Building Authority. The Architect is selected by the MSBA Designer Selection panel, which consists of 13 members including three district representatives and they will meet twice a month. Skanska aims to meet with the MSBA Designer Selection panel on November 21st, but for this to happen, the MSBA must review the Request for Services document. Skanska must submit their RFS redline draft to MSBA by September 6th and allow 10 days for review. They will advertise and give the design team less than a month to submit RFS responses. After selecting a design team, Skanska and the district will negotiate and approve the Designer Fee proposal and contract. All of the Subcommittees will have a Skanska representative on board.

## VI. Formation of Subcommittee and appointment of members.

Jason Malinowski asked for a discussion and a vote.

### a. Designer Selection Subcommittee

Roger Challen, Mark Davis, and Chris Evers will be voting members. Greg Martineau and Mark Purple will be ex-Officio. If Chris declines, Denise Eddy will replace him.

*Jason Malinowski moved, and Roger Challen seconded "That the Neary Building Committee accept the Designer Selection Subcommittee charge and appoint Roger Challen, Mark Davis, and Chris Evers as a representative with Denise Eddy to serve as the backup if Chris is unable to serve."*

Jason Malinowski withdrew the motion and amended it to also add Greg Martineau and Mark Purple as their ex-officio.

*Jason Malinowski moved, Denise Eddy seconded, and it was unanimously voted by roll call, "That the Neary Building Committee accept the Designer Selection Subcommittee charge and appoint Roger Challen, Mark Davis, and Chris Evers as a representative with Denise Eddy to serve as the backup if Chris is unable to serve. Also, add Greg Martineau and Mark Purple as ex-officio."*

MOTION TO APPOINT A  
DESIGNER SELECTION  
SUBCOMMITTEE

Roll Call

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

b. Finance Subcommittee

Jason Malinowski asked for a discussion and a vote.

*Jason Malinowski moved, Andrew Pfaff seconded, and it was unanimously voted by roll call, "That the Neary Building Committee approves the draft Finance Subcommittee charge with the addition of the Assistant Superintendent of Operations as an ex-officio non-voting member and vote to appoint Kathryn Cook, Andrew Pfaff, Jason Malinowski as voting members and Rebecca Pellegrino, Keith Lavoie, and Brian Ballantine as ex-officio, non-voting members."*

MOTION TO APPOINT  
A FINANCE  
SUBCOMMITTEE

Roll Call

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

c. Communications Subcommittee

The Neary Building Committee has delayed forming a Communications Subcommittee until all members can consider their preferences. They will make a decision at their next meeting with Skanska USA Building INC in September.

VII. Authorization for Designer Selection Subcommittee, after review by Legal Counsel, to work with OPM and provide direction to issue Designer Selection RFS

Jim Burrows, the Project Director, presented the next agenda item. Based on the timeline, the Subcommittee can approve the RFS and allow Skanska to issue it to MSBA with the target date of September 4th. Jason Malinowski supports it, but only if the Designer Selection Subcommittee members have no dissent or need for further discussion.

Jason Malinowski asked for a discussion and a vote.

*Jason Malinowski moved, Denise Eddy seconded, and it was unanimously voted by roll call, "The Neary Building Committee authorizes the Designer Selection Subcommittee after review by legal counsel to work with the OPM and provide direction to issue the Designer Selection RFS."*

MOTION TO AUTHORIZE  
THE DESIGNER SELECTION  
SUBCOMMITTEE

Roll Call

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

VIII. Public Comment – (None at this time)

IX. Meeting Schedule

The Designer Selection Subcommittee needs to meet soon. Someone from the Neary Building Committee will contact Jim Burrows to work within the 48-hour posting window. The next Neary Building Committee meeting will be on Monday, September 11, 2023.

X. Other business that may properly come before the Committee – (None at this time)

XI. Adjournment

*Jason Malinowski moved, Andrew Pfaff seconded, and it was unanimously voted by roll call, “To adjourn the Neary Building Committee Meeting of August 21, 2023.”*

MOTION TO ADJOURN
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Roll Call

*For: Kathryn Cook, Roger Challen, Denise Eddy, Mark Davis, Andrew Pfaff, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

Jason Malinowski adjourned the meeting at 8:25 p.m.

Respectfully submitted,  
Mariana Silva  
Central Office Administrative Assistant

List of documents used at this meeting:

1. The Neary Building Committee – OPM Subcommittee Meeting Minutes of June 28, 2023
2. The Neary Building Committee – OPM Subcommittee Meeting Minutes of July 13, 2023
3. The Neary Building Committee – OPM Subcommittee Meeting Minutes of July 18, 2023
4. The Neary Building Committee Meeting Minutes of August 21, 2023
5. NBC – Subcommittee Setup and Charge
6. Massachusetts School Building Authority Designer Selection Producers
7. Selection Process Meeting Dates of August 21, 2023

Town of Southborough, Massachusetts  
Neary Building Committee  
Neary Building Committee – OPM Subcommittee  
Wednesday, June 28, 2023, 3:00 PM  
Virtual Zoom Meeting

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in-person attendance by members of the public will be permitted.

Neary Building Committee

**Members Present:** Andrew Pfaff, Roger Challen, Mark Davis, and Denise Eddy

**Members Absent:** Jason Malinowski, Kathryn Cook, Jen Donato, and Anuradha Khemka

**Ex-Officio Members Present:** Gregory Martineau Superintendent of Schools, Keith Lavoie Assistant Superintendent of Operations, and Rebecca Pellegrino Director of Finance

**Ex-Officio Members Absent:** Stefanie Reinhorn Assistant Superintendent of Teaching and Learning, Steve Mucci Woodward School Principal, Kathleen Valenti Neary School Principal, Mark Purple Town Administrator and Brian Ballantine Town Treasurer/ Finance Director

Neary Building Committee - OPM Subcommittee

**Members Present:** Denise Eddy, Mark Davis, Andrew Pfaff, and Roger Challen

**Members Absent:** Jason Malinowski

I. Call Meeting to Order

Denise Eddy called the Neary Building Committee - OPM Subcommittee Meeting to order at 3:02 PM.

Jason Malinowski, Chair of the Neary Building Committee - OPM Subcommittee recused himself on a conflict of interest and did not enter into the meeting.

II. Interview and Vote on Owner's Project Manager to enter into contract negotiations with

a. 3:15 – 3:55 – Skanska USA Building Inc.

Skanska USA Building has three themes that they use throughout the project. They are: building relationships, community partnerships, and leadership and communication. Skanska will drive the project and provide ample time for decisions. Skanska provided a tentative list of key milestones in the project with a potential town meeting vote in March 2025. They offer a budgeting program with a dashboard that provides a real-time budget picture. They also have an in-house marketing team that will assist with community engagement and communication.

b. 4:00 – 4:40 – The Vertex Companies, LLC

The Vertex Companies highlighted their dedication to OPM work mainly on public projects. An outline of their project approach was provided breaking down the various stages in the process and how they have assisted similar communities with school building consolidation decisions. They are projecting town meeting approval in March 2025. Track record of finishing projects on time and on budget and most importantly getting the community's approval.

c. 4:45 – 5:25 – Hill International, Inc.

Hill International has been in business for 27 years and has done 80 school projects; more than 50 of those projects have been MSBA projects. They are a cohesive team who has worked on multiple projects together. Hill presented a potential timeline for the feasibility and schematic design phase with a potential town meeting vote in fall 2025. They want to help create a space supporting the Neary School's mission statement. Based on the initial walk-through, Hill felt that a renovation may be expensive to bring the existing structure up to the building code.

d. 5:30 – 6:10 – Colliers Project Leaders

Colliers Project Leaders has been in existence for over 25 years and works as an OPM focused on educational clients. Their focus is on being advocates for the Town and being technical resources to guide the Town through the MSBA process. They have worked on over 50 MSBA projects, presented recent projects with similar scopes, and outlined how they addressed each project's unique problems. Colliers created communication mark-ups with our information to illustrate different forms of community communication. They have been involved with LEED since the beginning. They perform commissioning in-house which is a helpful resource.

The Committee had concerns about scoring and how it may affect the overall outcome of which firm will be chosen. Rebecca Pellegrino, Director of Finance, stated that the way the Request for Services was written, they would be combining the two scores and it was a document that was approved by the Massachusetts Schools Building Association. The Subcommittee has agreed to not discuss scoring at the moment and discuss who they believed was the better candidate. The top two ratings are Skanska USA Building and Vertex Companies, LLC. The Subcommittee has agreed that Skanska delivered the most prepared presentation and had great overall references. They have decided on Skanska as their number-one pick and Vertex as their second.

Denise Eddy asked for a discussion and a vote.

MOTION ON OPM TO ENTER INTO CONTRACT NEGOTIATIONS
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*Andrew Pfaff moved, Roger Challen seconded, and it was unanimously voted by roll call, "The Neary Building Committee - OPM Subcommittee enters into negotiations with Skanska USA Building as their Project Manager."*

Roll Call

*For: Mark Davis, Roger Challen, Andrew Pfaff, and Denise Eddy*

*Opposed: None*

*Abstained: None*

*Andrew Pfaff moved, Denise Eddy seconded, and it was unanimously voted by roll call, "To use Vertex Companies LLC, as a backup in case Skanska USA Building Inc negotiations fail."*

Roll Call

*For: Mark Davis, Roger Challen, Andrew Pfaff, and Denise Eddy*

*Opposed: None*

*Abstained: None*

Roger Challen inquired about concerns regarding the number of people assigned to Vertex and if they would reconsider their second choice. Andrew Pfaff said that the proposal and resources would determine Vertex's appearance. They will have a more accurate estimate of the number of people they plan to use per hour during contract negotiations.

Rebecca Pellegrino has notified the remaining five firms from the previous meeting that they were not selected. She will also be informing the three firms from this meeting that they were not chosen.

III. Other businesses that may properly come before the Subcommittee (None at this time)

IV. Adjournment

*Andrew Pfaff moved, Roger Challen seconded, and it was unanimously voted by roll call, "To adjourn the Neary Building Committee - OPM Subcommittee Meeting of June 28, 2023."*

Roll Call

*For: Mark Davis, Roger Challen, Andrew Pfaff, and Denise Eddy*

*Opposed: None*

*Abstained: None*

Denise Eddy adjourned the meeting at 8:20 PM.

Respectfully submitted,  
Mariana Silva, Central Office Administrative Assistant  
Office of Superintendent

List of documents used:

1. Neary Building Committee - OPM Subcommittee Agenda of June 28, 2023
2. Owner's Project Management Presentation for Skanska USA Building Inc., The Vertex Companies, LLC, Hill International, Inc., and Colliers Project Leaders
3. OPM Overall Evaluation Rankings Spreadsheet
4. OPM Reference Check Matrix

MOTION  
TO  
ADJOURN



Town of Southborough, Massachusetts  
Neary Building Committee  
Neary Building Committee – OPM Subcommittee  
Meeting Minutes  
Thursday, July 13, 2023, 7:00 PM  
Virtual Zoom Meeting

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in-person attendance by members of the public will be permitted.

Neary Building Committee

**Members Present:** Jason Malinowski, Denise Eddy, Andrew Pfaff, Mark Davis, Roger Challen, and Kathryn Cook

**Members Absent:** None

**Ex-Officio Members Present:** Gregory Martineau Superintendent of Schools and Rebecca Pellegrino Director of Finance

**Ex-Officio Members Absent:** Stefanie Reinhorn Assistant Superintendent of Teaching and Learning, Keith Lavoie Assistant Superintendent of Operations, Steve Mucci Woodward School Principal, Kathleen Valenti Neary School Principal, Mark Purple Town Administrator and Brian Ballantine Town Treasurer/ Finance Director

Neary Building Committee - OPM Subcommittee

**Members Present:** Jason Malinowski, Denise Eddy, Andrew Pfaff, Mark Davis, and Roger Challen

**Members Absent:** None

**I. Call Meeting to Order**

Jason Malinowski called the Neary Building Committee - OPM Subcommittee Meeting to order at 7:04 PM.

Jason noted that this meeting is posted as a Neary Building Committee - OPM Subcommittee meeting given that there is a quorum of the Neary Building Committee present for logistical purposes.

**II. Approval of Outstanding NBC Meeting Minutes – 6/6/2023**

Jason Malinowski asked for a discussion and a vote.

Jason mentioned that they will need to add the Request for Services as an additional document referenced and the agenda. Andrew Pfaff added that Jason's last name was spelled incorrectly on the adjournment.

MOTION TO APPROVE THE OUTSTANDING NBC MEETING MINUTES OF 6/06/2023
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*Denise Eddy moved, Jason Malinowski, seconded, and it was unanimously voted by roll call, "To approve the outstanding Neary Building Committee Meeting Minutes of June 6, 2023, with the addition"*

Roll Call

*For: Denise Eddy, Andrew Pfaff, Roger Challen, Mark Davis, and Jason Malinowski*

*Opposed: None*

*Abstained: None*

### III. Approval of Outstanding Subcommittee Meeting Minutes – 6/26/2023 and 6/28/2023

Jason Malinowski asked for a discussion and a vote.

Jason would like to add when he recused himself from the matter, he physically left and did not return to zoom. The Central Office Administrative Assistant still needs to finish the June 28, 2023 meeting minutes.

<b>MOTION TO APPROVE THE OUTSTANDING SUBCOMMITTEE MEETING MINUTES OF 06/26/2023</b>
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*Andrew Pfaff moved, Denise Eddy seconded, and it was voted 4-0-1 (Jason Malinowski abstained) “To approve the outstanding Neary Building Committee Meeting Minutes of June 26, 2023, as amended.”*

#### Roll Call

*For: Denise Eddy, Andrew Pfaff, Roger Challen, and Mark Davis*

*Opposed: None*

*Abstained: Jason Malinowski*

Given that Jason Malinowski stayed out of the Owners Project Management process, he finds it appropriate to go into the waiting room and bring him back once they discuss other business that may come before the Subcommittee. Denise Eddy will continue the meeting and Jason will log out of his town account and click on the public link to be entirely out of the meeting.

### IV. Update on OPM Contract Award

Rebecca Pellegrino, Director of Finance, reported that during the last meeting, the Subcommittee interviewed four candidates for the Neary Building Owners Project Management. The Committee voted to move forward with Skanska USA Building Inc. as their first candidate and voted if they were unable to negotiate with Skanska, they would move forward with Vertex Companies LLC. Following the meeting, the school Administration asked their attorney to review the procurement process. Based on a conversation with the attorney, Massachusetts School Building Association, and the Attorney General's office, they were advised that they would need to move forward with the first-ranked candidate, Vertex Companies LLC. The ranking was a compilation of both the rankings for the proposal and the ranking for the interview that each Committee member had put forward. If they had removed Greg Martineau, Superintendent of Schools, Rebecca Pellegrino, and Keith Lavoie, Assistant Superintendent of Operations, from the ranking, it would have widened the gap and Vertex would have been at 182.57 to 179, Skanska at 179 to 171.75, Hill International at 174 to 171, and Colliers Project Leaders at 176.14 to 170.5. When choosing the Owners Project Management, the Subcommittee thought it was based on ranking and not scoring, meaning ranking them one being their top choice and four being their last choice and only being accountable to ranking and not scoring. The Subcommittee were missing the scale on scoring each firm and did not have enough time to go over the scoring, which they believe is throwing off the overall score. Rebecca followed up by stating that the questions for both the proposal and the scoring have been asked as part of the MSBA project and the Request for Services document was prescribed by MSBA and did outline all of the things that needed to be ranked and scored. Superintendent Martineau added that everyone had the same scoring guide and although he believes there could have been more clarification in the scoring process, everyone brought their own knowledge and experience to come up with their own individual scores. The Subcommittee believes that re-evaluating the references' scores would affect their ranking. When reference checks are believed to be important but the Subcommittee questions the value if they are not included in the final scoring. Superintendent Martineau believes that all firms were evaluated using the process, but also felt the development of interview questions, developing

rubrics, and the scoring was rushed. He believes this is an opportunity to pause and should not be driven by deadlines that do not allow careful consideration at each step.

#### V. Update on OPM Contract Negotiations

The Subcommittee agreed to consult legal counsel and MSBA through Rebecca Pellegrino, then establish another meeting and make their final decision.

MOTION TO  
INSTRUCT THE  
DISTRICT TO NOT  
HAVE VERTEX  
COMPANIES LLC BE  
THEIR SELECTION TO  
THE MSBA

Denise Eddy asked for a discussion and a vote.

*Andrew Pfaff moved, Roger Challen seconded, and it was unanimously voted by roll call, "The Neary Building Committee - OPM Subcommittee instructs the district to not have Vertex Companies LLC, be their selection to the Massachusetts School Building Association."*

##### Roll Call

*For: Roger Challen, Andrew Pfaff, Mark Davis, and Denise Eddy*

*Opposed: None*

*Abstained: None*

#### VI. Record any necessary votes of approval to finalize the process for MSBA (None at this time)

#### VII. Other business that may properly come before the Subcommittee (None at this time)

#### VIII. Adjournment

MOTION TO  
ADJOURN

*Andrew Pfaff moved, Roger Challen seconded, and it was unanimously voted by roll call, "To adjourn the Neary Building Committee - OPM Subcommittee Meeting of July 13, 2023."*

##### Roll Call

*For: Roger Challen, Andrew Pfaff, Mark Davis, and Denise Eddy*

*Opposed: None*

*Abstained: None*

Jason Malinowski stayed in the waiting room and did not enter back into the Neary Building Committee - OPM Subcommittee Meeting of July 13, 2023.

Denise Eddy adjourned the meeting at 8:26 PM.

Respectfully submitted,  
Mariana Silva, Central Office Administrative Assistant  
Office of Superintendent

#### List of documents used:

1. Neary Building Committee - OPM Subcommittee Meeting Agenda of July 13, 2023
2. Neary Building Committee - OPM Subcommittee Meeting Minutes of June 6, 2023.
3. Neary Building Committee - OPM Subcommittee Meeting Minutes of June 26, 2023
4. Request for Services - Owners Project Management Document

Town of Southborough, Massachusetts  
Neary Building Committee  
Neary Building Committee – OPM Subcommittee  
Meeting Minutes  
Tuesday, July 18, 2023, 7:00 PM  
Virtual Zoom Meeting

Pursuant to Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency, signed into law on June 16, 2021, this meeting will be conducted via remote participation. No in-person attendance by members of the public will be permitted.

Neary Building Committee

**Members Present:** Jason Malinowski, Andrew Pfaff, Roger Challen, Mark Davis, Denise Eddy, Kathryn Cook, and Chris Evers

**Members Absent:** None

**Ex-Officio Members Present:** Gregory Martineau Superintendent of Schools, Keith Lavoie Assistant Superintendent of Operations, and Rebecca Pellegrino Director of Finance

**Ex-Officio Members Absent:** Stefanie Reinhorn Assistant Superintendent of Teaching and Learning, Steve Mucci Woodward School Principal, Kathleen Valenti Neary School Principal, Mark Purple Town Administrator and Brian Ballantine Town Treasurer/ Finance Director

Neary Building Committee - OPM Subcommittee

**Members Present:** Jason Malinowski, Denise Eddy, Mark Davis, Andrew Pfaff, and Roger Challen

**Members Absent:** None

I. Call Meeting to Order

Jason Malinowski called the Neary Building Committee - OPM Subcommittee Meeting to order at 7:03 PM.

Jason noted that this meeting is posted as a Neary Building Committee - OPM Subcommittee meeting given that a quorum of the Neary Building Committee is present for logistical purposes.

II. Vote on Recommendation from NBC – OPM Subcommittee on OPM Finalist

According to Superintendent Martineau, the Neary Building Committee's last task is to bring the Subcommittee's recommendation to a vote by the larger Committee. The Administration has reviewed this decision with internal parties and legal counsel, and they have concluded that the Committee is ready to vote on the recommendation.

Jason Malinowski asked for a discussion and a vote.

Kathryn Cook, a Neary School Building Committee member, wants to clarify that she has attended the meeting where the finalists were interviewed. She believes that she is well-informed about the work that has been done and is ready to approve the recommendation of the Owner's Project Management Subcommittee.

MOTION ON  
RECOMMENDATION  
FROM NBC - OPM  
SUBCOMMITTEE ON  
OPM FINALIST

*Denise Eddy moved, Roger Challen seconded, and it was voted 5-0-2 (Chris Evers and Jason Malinowski abstained) "To put forward Skanska USA Building, who was the choice of the OPM Subcommittee for the Neary Building Committee as its Owners Project Manager."*

Roll Call

*For: Denise Eddy, Andrew Pfaff, Roger Challen, Mark Davis, and Kathryn Cook*

*Opposed: None*

*Abstained: Chris Evers and Jason Malinowski*

Jason Malinowski asked for a discussion and a vote.

*Denise Eddy moved, Roger Challen seconded, and it was voted 6-0-1 (Jason Malinowski abstained), "That the whole Committee directs the negotiations and the awarding of the contract to Vertex Companies LLC if they do not come to terms with Skanska USA Building, so the Committee will not need to come back for another vote."*

Roll Call

*For: Andrew Pfaff, Roger Challen, Chris Evers, Kathryn Cook, Mark Davis, and Denise Eddy*

*Opposed: None*

*Abstained: Jason Malinowski*

Rebecca Pellegrino, Director of Finance, provided a brief overview of what to expect moving forward. After the vote, the administration will submit a draft document of the Narrative to the Massachusetts School Building Association for review. At the upcoming August meeting with MSBA, Skanska will conduct a presentation followed by questions with MSBA as part of the process. MSBA will vote on the recommendation at the end of the meeting and once approved, the administration will execute a contract, with Skanska. During the negotiation process, Denise Eddy is going to represent the Committee with the School Administration.

Jason Malinowski believes it's fitting to maintain the OPM Subcommittee until the contract is granted. In a later meeting, the entire Neary Building Committee will dissolve the Subcommittee and settle any remaining meeting minutes.

III. Other business that may properly come before the Committee (None at this time)

IV. Adjournment

MOTION TO  
ADJOURN

*Denise Eddy moved, Andrew Pfaff seconded, and it was unanimously voted by roll call, "To adjourn the Neary Building Committee - OPM Subcommittee Meeting of July 18, 2023."*

Roll Call

*For: Andrew Pfaff, Roger Challen, Chris Evers, Kathryn Cook, Mark Davis, Denise Eddy, and Jason Malinowski*

*Opposed: None*  
*Abstained: None*

Jason Malinowski adjourned the meeting at 7:19 PM.

Respectfully submitted,  
Mariana Silva, Central Office Administrative Assistant  
Office of Superintendent

Documents used during the meeting:

1. The Neary Building Committee - OPM Subcommittee Meeting Agenda of July 18, 2023

DRAFT

**Neary Elementary School**  
**Designer Selection Schedule**  
**DRAFT 8/11/23**

**DSSC = Designer Selection Subcommittee**

#	Responsibility	Designer Selection Task Name
1	OPM	Develop Designer RFS
2	SBC Meeting	SBC Meeting - DSP process and selection of 3 -5 members
3	DSSC/District	Designer RFS - Review DSSC, Legal Counsel and SBC
4	OPM	Submit Redline Draft to MSBA for Review - Allow up to 10 Days
5	OPM & District	RFS Advertisement to Central Register, Newspaper, etc.
6	SBC Meeting	Regular SBC Meeting - Designer selection Update
7	info	RFS Ad Appears (Allow at least 2 weeks before Applications due)
8	info	Designer Prepares Response to RFS
9	OPM/DSSC	Informational Meeting and Site Visit for Designers
10	info	Last Day for Questions from Respondents
11	SBC Meeting	Regular SBC Meeting - Designer selection Update
12	info	Designer Application (proposal) Response Due
13	OPM	Applications (proposals) to MSBA - Allow up to 4 Weeks for MSBA Review
14	OPM/DSSC	Designer Selection Subcommittee - review proposals and meeting
15	SBC Meeting	Regular SBC Meeting - Designer selection Update
16	MSBA/DSSC	Designer Selection Panel DSP Meeting with MSBA
17	OPM/DSSC	Negotiate and approval of Designer Fee Proposal and Contract
18	SBC Meeting	Regular SBC Meeting - Approval of Designer Fee Proposal and Contract

19	District	Execute Designer Contract
20	OPM	Designer Contract to MSBA
21	OPM	OPM submit Designer workplan within 21 Days Designer Contract



Start	Finish	Notes
8/14/23	8/23/23	
8/21/23	8/21/23	Recommend vote: 1) Approve the DSSC members 2) Authorize the DSSC, after review from Legal Counsel, to authorize the OPM to issue the Designer RFS.
8/24/23	9/1/23	If don't ask for item 2) on the 8/21 SBC meeting, then does the SBC need to review and give approval before can issue RFP?
9/4/23	9/15/23	Need to allow MSBA 10 days to review
9/13/23	9/13/23	Must advertised on Central Register by Thursday 4PM the week before following Wednesday posting
9/11?		9/5 is Labor Day
9/20/23	9/20/23	
9/20/23	10/17/23	
10/2/23	10/2/23	DSSC welcome to join. Will need representative from School's or Town's Facilities Department
10/5/23	10/5/23	
10/2/23		Regular SBC Meeting - Designer selection Update
10/17/23	10/17/23	
10/18/23	11/14/23	
10/18/23	11/14/23	Need to schedule a meeting to review and discuss the proposals with DSSC
11/6/23	11/6/23	Recommended Vote: 1) Authorize the DSSC to negotiate with selected designer by the Designer Selection Panel with MSBA.
11/21/23	11/21/23	MSBA Scheduled date - 11/07/23. Each member of DSSC will let MSBA know their preferred designer. Designer will be selected here unless MSBA request interviews with the designer applicants.
11/22/23	12/1/23	
12/4/23	12/4/23	

12/5/23	12/5/23	
12/6/23	12/6/23	
12/6/23	12/19/23	

|

# TOWN OF SOUTHBOROUGH



## NEARY BUILDING COMMITTEE

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662  
(508) 485-0710 · FAX (508) 983-7752 · [jmalinowski@southboroughma.com](mailto:jmalinowski@southboroughma.com)

### **Designer Selection Subcommittee**

**Charge:** This subcommittee shall consist of members appointed to the Neary Building Committee to perform the Designer procurement process including: develop RFQ, review qualifications and vote for recommendation to the MSBA Designer Selection Panel. All work will be done in accordance with the guidance and process required by the Massachusetts School Building Authority (“MSBA”).

**Membership:** All members must be appointed members of the Neary Building Committee. Membership should consist of 3 voting members and 1 non-voting member that is part of the School Administration.

**Term:** Charge is valid through January 31, 2024

### **Communications Subcommittee**

**Charge:** This subcommittee shall consist of members appointed to the Neary Building Committee to perform all project related communications which includes but is not limited to: press releases, project updates, and maintenance of project website.

**Membership:** All members must be appointed members of the Neary Building Committee. Membership should consist of 3 voting members, 1 non-voting member that is part of the School Administration and 1 non-voting members that is part of the Town Administration.

**Term:** Duration that Neary Building Committee remains active

### **Finance Subcommittee**

**Charge:** This subcommittee shall consist of members appointed to the Neary Building Committee to Review budget development, billing and any change orders and report to the full Neary Building Committee.

**Membership:** All members must be appointed members of the Neary Building Committee. Membership should consist of 3 voting members, School Director of Finance (non-voting) and Town Finance Director (non-voting).

**Term:** Duration that Neary Building Committee remains active

# **Massachusetts School Building Authority**

## **Designer Selection Procedures**

### **Section 1: Introduction**

The following designer selection process has been adopted by the Massachusetts School Building Authority (MSBA) pursuant to Massachusetts General Laws, Chapter 7C, Sections 44 through 58 for the procurement of designers, and programmers by cities, towns, regional school districts, and independent agricultural and technical schools seeking funding from the MSBA for public school construction projects where the estimated construction cost is equal to or greater than \$5,000,000.00 (or other such amount as may be determined from time to time by the Executive Director of the MSBA), except for the MSBA's model schools program. Designer selection for public school construction projects where the estimated construction cost is less than \$5,000,000.00 (or other such amount as may be determined from time to time by the Executive Director of the MSBA) shall be conducted pursuant to Massachusetts General Laws, Chapter 7C, Section 54, by the respective city, town, regional school district or independent agricultural and technical school and in accordance with the MSBA's Designer Selection Guidelines.

### **Section 2: Designer Selection Panel**

- A. The MSBA Designer Selection Panel (DSP) shall be composed of the following individuals who shall be appointed to the DSP by the MSBA's Executive Director ("Executive Director") in accordance with following procedures:
1. The Executive Director, ex officio, or his/her designee;
  2. Three (3) MSBA staff members associated with project management, design and/or construction oversight selected by the Executive Director;
  3. One (1) public member selected by the Executive Director;
  4. One (1) member who is a Massachusetts registered architect or architect emeritus as recommended by the Boston Society of Architects;
  5. Two (2) members who are Massachusetts registered architects or architect emeritus selected by the Executive Director;
  6. One (1) member who is a Massachusetts registered engineer as recommended by the American Council of Engineering Companies of Massachusetts;
  7. Two (2) members who are Massachusetts registered professional engineers selected by the Executive Director;
  8. One (1) member who is a representative of the construction industry as recommended by Associated General Contractors of Massachusetts;

9. One (1) member who is a representative of the construction industry as recommended by the Massachusetts Building Trades Council;
  10. Three (3) members who are proposed by the respective city, town, regional school district, independent agricultural and technical school or other public agency that is the Eligible Applicant, as defined in M.G.L. Chapter 70B, Section 2 for the specific project under consideration, one (1) of whom shall be designated by the school committee, district school committee, or board of trustees of the Eligible Applicant, as the case may be; one (1) of whom shall be the superintendent of schools of the Eligible Applicant, ex officio, or his/her designee; and one (1) of whom shall be the chief executive officer of the city or town that is the Eligible Applicant, ex officio, or his/her/its designee or, in all other cases, a member of the School Building Committee designated by the School Building Committee. The appointment of members pursuant to this Section 2(A)(10) shall be subject to the execution of a certification by each such member that the member has read and understands these procedures and the Designer Selection Guidelines.
- B. Members proposed or recommended by the societies or associations pursuant to subsections 2(A)(4), 2(A)(6), 2(A)(8), and 2(A)(9) above and the members proposed by the Eligible Applicant pursuant to subsection 2(A)(10) above shall be subject to appointment by the Executive Director who reserves the right, within his/her discretion, not to appoint or to disapprove the appointment of said proposed or recommended members. In considering the appointment of members proposed by the Eligible Applicant pursuant to subsection 2(A)(10), the Executive Director may consider, among other things, the extent to which the three (3) proposed members, as a whole, represent the interests of the Eligible Applicant.
  - C. The Executive Director shall appoint a chairperson from one of the members appointed to the DSP pursuant to subsections 2(A)(3) through 2(A)(9) above, who is a registered architect, architect emeritus or registered professional engineer and who shall also serve as chairperson of any subcommittee of the DSP.
  - D. The Executive Director shall appoint a clerk of the DSP to administer the voting process and assist the chairperson with other procedural matters. The Clerk may be a staff member of the Authority or one of the members appointed to the DSP pursuant to subsections 2(A)(3) through 2(A)(9) above.
  - E. All meetings of the DSP shall be open to the public unless the DSP votes to go into executive session by a roll call vote and announces the purpose of the executive session and whether the DSP will convene in open session at the conclusion of the executive session. Any action taken by the DSP in executive session shall be by a roll call vote.
  - F. The presence of nine (9) members, no less than four (4) of whom shall be registered architects, architects emeritus or registered professional engineers, shall constitute a quorum. The DSP shall not conduct any business without the presence of a quorum. The affirmative vote of a simple majority of the members present and voting shall be necessary and sufficient for any action taken by the DSP. No vacancy in the membership of the DSP shall impair the right of a quorum to exercise all the rights and duties of the DSP. In the absence of a quorum, the Chairperson may recess a meeting to some other time or until a quorum is obtained.

- G. Subject to the discretion of the Executive Director, each member appointed pursuant to subsections 2(A)(3) through 2(A)(9) shall serve for a two-year term provided that every member that is appointed by the Executive Director shall continue to serve until a successor has been appointed to the DSP by the Executive Director. Members representing the Eligible Applicant who are appointed pursuant to subsection 2(A)(10) shall serve only while the DSP conducts business directly related to the selection of a designer for the project being proposed by that particular Eligible Applicant.
- H. No member of the DSP shall participate in the selection of a designer as a finalist for any project if the member's participation would constitute a conflict of interest or an appearance of conflict in violation of M.G.L. Chapter 268A.

### **Section 3: Public Notice**

- A. Each contract for designer services for a project subject to these procedures shall be publicly advertised in a newspaper of general circulation in the area in which the project is located or is to be located and, in the Massachusetts Central Register at least two weeks before the deadline for filing applications. The public notice shall contain:
1. A description of the project, including the specific designer services sought, the time period within which the project is to be completed, and, if available, the estimated construction cost;
  2. If there is a program for the project, a statement of when and where the program will be available for inspection by applicants, and when and where a briefing session will be held for applicants and if there is not a program for the project, a statement to the effect;
  3. The qualifications required of applicants for the projects;
  4. The categories of designers' consultants, if any, for which applicants must list the names of consultants which the applicant may choose to use;
  5. Whether the fee has been set or will be negotiated, and if the fee has been set, the amount of the fee;
  6. The deadline for submission of applications;
  7. The person and address from which application forms may be obtained and, when completed, to whom they may be delivered;
  8. Any other pertinent information that may be required by law or deemed appropriate by the MSBA.
- B. The individual designated by the Eligible Applicant to be in charge of procurement for a project who holds the Massachusetts Certified Public Purchasing Official Program certification shall certify that the public notice and all other documents issued pursuant to the selection of a designer, including, but not limited to, program descriptions and request for services, have been prepared and issued in conformance with these procedures and Massachusetts General Laws, Chapter 7C, Sections 44 through 58.

#### **Section 4: Master File Brochure and Application**

- A. Prior to filing an application for any project, designers shall first file a Master File Brochure with the DSP containing the following information:
1. Certification that the applicant, if applying to perform design services other than preparation of studies, surveys, soil testing, cost estimates or programs, is a designer as defined in M.G.L. Chapter 7C, Section 44 paragraph (b);
  2. The names and addresses of all partners, if a partnership, of all officers, directors and all persons with an ownership interest of more than five per cent in the applicant if not a partnership;
  3. The registration number and status of each such person in every jurisdiction in which such person has ever been registered as an architect, landscape architect or engineer;
  4. A list of all projects for all public agencies within the Commonwealth for which the applicant has performed or has entered into a contract to perform design services within the five-year period immediately preceding the filing of the information required in this section;
  5. A list of all current projects for which the applicant is performing or is under contract to perform any design services; and
  6. If the applicant is a joint venture, the information required in this section shall be required for each joint venturer, as well as for the joint venture itself.
- B. The DSP shall keep a permanent record of the Master File Brochures. Each designer shall update its Master File Brochure on an annual basis and shall make current the lists of projects required under Section 4(A)(4)-(6) with each application filed.
- C. An applicant to perform design, programming or feasibility study services on a project must file, in addition to the Master File Brochure, a written application prescribed by the DSP relating to the applicant's experience, ability, and qualifications.

Every application or Master File Brochure filed shall be sworn to under penalties of perjury. Any applicant who has been determined by the DSP to have filed materially false information shall be disqualified by the DSP from further consideration for any project for such time as the DSP determines is appropriate.

#### **Section 5: Selection Criteria**

- A. Minimum qualifications shall include:
1. Must be a qualified Designer within the meaning of M.G.L. Chapter 7C, Section 44 employing a Massachusetts registered architect or engineer responsible for and being in control of the services to be provided.



2. The Massachusetts registered architect or engineer responsible for and being in control of the services to be provided for the Designer must have successfully completed the Massachusetts Certified Public Purchasing Official Program seminar “Certification for School Project Designers and Owner’s Project Managers,” as administered by the Office of the Inspector General of the Commonwealth of Massachusetts, and must maintain certification by completing the “Recertification for School Project Designers and Owner’s Project Managers” seminar every three years thereafter. Proof of recertification or registration in the next recertification seminar for which space is available must be provided.
3. The Commonwealth's Affirmative Marketing Program (AMP) established under M.G.L. Chapter 7C, §6, and Governors' Executive Orders helps ensure that minority owned business enterprises (MBE) and women owned businesses (WBE) certified by the Massachusetts Supplier Diversity Office (SDO) have opportunities to participate on DCAMM and other public construction and design projects across the Commonwealth. DCAMM and the SDO announced a series of AMP program changes that will be in effect for state funded municipal projects advertised on or after July 1, 2020. Please see the updates to the AMP here: <https://www.mass.gov/info-details/dcamm-amp-2020-program-changes>.

Applicants should subcontract with MBE and WBE, as certified by the SDO. The AMP project specific goals should be set separately, with distinct participation goals set for MBE firm participation and WBE firm participation. Districts should set the project specific MBE and WBE goals prior to advertising for design services and the individual MBE and WBE goals should clearly be set forth in the RFS. This enables participation goals for an individual project to be specifically tailored to the particular project prior to procurement and ensures the goals more accurately reflect the availability of contractors or design professionals.

The MBEs and WBEs must be selected from those categories of work identified in Item F of the RFS or be assigned to tasks required under Basic Services as specifically set forth in the Contract for Designer Services as amended. Applicants are strongly encouraged to utilize multiple disciplines and firms to meet their separate MBE and WBE participation goals. Consultants to the prime Designer can team within their disciplines in order to meet the separate MBE and WBE participation goals but must state this relationship on the organizational chart (Section 6 of the application form). Applications from MBE and WBE firms as prime designers are encouraged. Where the prime Designer is an SDO certified MBE or WBE, the Designer must bring a reasonable amount of participation by a firm or firms that hold the certification which is not held by the prime Designer on the project.

B. Other criteria for selection of finalists shall include:

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, DOE-funded, and MSBA-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) Ability to meet 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, local awarding authority and MSBA 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 identity and qualifications of the consultants who will work on the project.
  5. The financial stability of the firm.
  6. The qualifications of the personnel to be assigned to the project.
  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. Any other criteria that may be required by law or that the DSP considers relevant to the project.

## **Section 6: Selection Process**

- A. Cities, towns, regional school districts, and independent agricultural and technical schools subject to these procedures shall not rank or pre-rank applicants. Rankings shall occur only by vote of the DSP in accordance with these procedures and shall occur only after interviews, if allowed by vote of the DSP, have been concluded by the DSP.
- B. In the event that, upon reaching the deadline for submission of applications, three or fewer designer applications are received for a project, the Eligible Applicant may choose to modify the project description, estimated construction cost, program, desired designer qualifications, fee information, or other project information as necessary to attract interested designer applicants and begin the selection process again, starting with re-advertisement pursuant to Section 3: Public Notice. Should the Eligible Applicant choose to proceed with three or fewer designer applications and not re-advertise, the following procedure shall be followed:
  1. The Eligible Applicant designee shall submit a statement that explains why the Eligible Applicant may have received three or less applications for the proposed project, The explanation should include but not necessarily be limited to:
    - a. A description of the public advertisement including the names of the publications in which the advertisement was placed and the date(s) in which the advertisement was published.

- b. A description of the pre-proposal conference, if any, including the date, time, and location of the conference and names of attendees and the firms they represent.
  2. The Eligible Applicant designee and/or the OPM shall contact those design firms that attended the pre-proposal conference/walkthrough but did not submit an application and summarize why an application was not submitted for the proposed project.
  3. Legal counsel for the Eligible Applicant (i.e. town counsel or city solicitor) and the individual designated by the Eligible Applicant to be in charge of procurement for a project who holds the Massachusetts Certified Public Purchasing Official Program certification shall certify as to the adequacy and completeness of the procurement activity undertaken by the Eligible Applicant.
  4. At the discretion of the chairperson and with the concurrence of the three DSP members representing the Eligible Applicant, the DSP may forego the initial application review and invite all the designer applicants to appear for an interview before the DSP.
- C. The DSP may require any number of applicants to:
1. Appear for an interview before the DSP;
  2. Present a written proposal to the DSP through the Eligible Applicant; or
  3. Participate in a design competition held by the DSP through the Eligible Applicant.
- D. The DSP shall use the following procedures to rank three (3) finalists in order of qualifications from among the applicants for a particular project:
1. Prior to a DSP meeting at which the selection of finalists will be made or discussed, each member of the DSP shall be given a copy of each designer's application for his or her review.
  2. At the DSP meeting, the DSP shall consider each application alphabetically or by some other method that may be determined by the chairperson from time to time.
  3. When recognized by the chairperson, members of the DSP may comment or ask questions related to the selection process or the applications before the DSP.
  4. Any potentially disqualifying deficiencies in an application should be noted in the record of the meeting.
  5. After each member of the DSP has been given an opportunity to comment or ask questions, at the direction of the chairperson, each member of the DSP who is present shall utilize a ballot form provided by the MSBA to assign points to his or her top three (3) choices in order of qualifications so that each number one choice shall receive three (3) points, each number two choice shall receive two (2) points, and each number three choice shall receive one (1) point. The completed ballot forms shall be signed by each member and submitted to the DSP Administrator who shall tally the total points awarded to each applicant. The chairperson shall then read aloud the total points awarded to each

of the applicants. In cases where a DSP meeting is held remotely, or any DSP member(s) attends a DSP meeting remotely, all votes taken at such meeting will be by roll-call vote.

6. Once the point totals have been read aloud by the chairperson, the DSP may request interviews of the applicants with the highest point totals by the following procedure: Upon motion of one of the members, duly seconded by one of the other members, the DSP may vote to interview the applicants with the highest point totals.
7. If the DSP does not vote to conduct interviews, the DSP shall then vote to rank three (3) finalists in order of qualifications. If the DSP votes to conduct interviews, the DSP shall defer the ranking of the three (3) finalists until after the interviews have been concluded.
8. If the DSP votes to conduct interviews, the chairperson shall schedule the time and place of the interviews and written notice shall be given to the firms to be interviewed. Interviews shall be conducted in open session except that the chairperson may order competing firms, their agents and employees, to leave the meeting room during the interviews of their competitors. The MSBA may, within its discretion, develop standard questions to be answered or topics to be discussed by the applicants in the interview. Once the interviews have been concluded, at the direction of the chairperson, the DSP shall award points to each of the firms in accordance with the procedures set forth in subsection 6(C)(5). Once the point totals have been read aloud by the chairperson, the DSP shall then vote to rank three (3) finalists in order of qualifications.
9. In the event of a tie for the first, second or third highest point totals awarded to applicants by the DSP under Section 6(C)(5) or 6(C)(8), the chairperson shall determine, in his or her complete discretion, the procedure by which the tie shall be broken. The chairperson shall then read aloud the total points awarded to each of the applicants. Once the point totals have been read aloud by the chairperson, the DSP shall then vote to rank three (3) finalists in order of qualifications.

Once the DSP has voted to rank the top three (3) firms in order of qualifications, the MSBA shall transmit a list of the three (3) finalists ranked in order of qualifications to the Eligible Applicant along with a record of the final vote of the DSP on the selection and a written statement explaining the DSP's reasons for its ranking of the finalists.

Please be advised that the ranking of potential designer candidates will only be done at the scheduled DSP meeting, with a quorum of Panel members in attendance and only after each application is publicly reviewed and publicly discussed among Panel members. The District DSP members are welcome and encouraged to participate in such discussions, as well as share the results of any local reviews. In addition, interviews of potential candidates, if applicable, will only take place at a scheduled public DSP meeting and only with a quorum of Panel members in attendance.

### **Section 7: Award of Contract**

- A. The authority to award a contract for designer services for a project that will receive funding from the MSBA is vested with the Eligible Applicant and subject to the approval of the MSBA.

- B. In the selection of a designer when the fee for designer services has been set prior to advertisement, the Eligible Applicant shall appoint a designer from the ranked list transmitted by the MSBA to the Eligible Applicant in the order of qualifications as determined by the DSP. If the Eligible Applicant proposes to select any designer other than the one ranked first by the DSP, it shall file a written justification for the proposed appointment with the DSP and shall not proceed until it has obtained written approval to proceed from the Executive Director.
- C. When the fee for designer services is to be negotiated, the Eligible Applicant shall review the list transmitted by the MSBA in the order of qualifications as determined by the DSP and may exclude any designer from the list if a written statement of reasons for the exclusion is filed with the DSP. The Eligible Applicant shall then appoint a designer based upon a successful fee negotiation. The Eligible Applicant shall first negotiate with the first ranked designer remaining on the list. Should the Eligible Applicant be unable to negotiate a satisfactory fee with the first ranked designer within thirty (30) days, negotiations shall be terminated, and negotiations undertaken with the remaining designers, one at a time, in the order in which they were ranked by the DSP, until an arrangement is reached. Should the Eligible Applicant be unable to negotiate a successful fee with any designer initially selected by the DSP, the DSP shall recommend additional finalists in accordance with a procedure to be determined by the chairperson of the DSP that is not inconsistent with the procedures set forth in Section 6(B) above. The Eligible Applicant may require a finalist with whom a fee is being negotiated to submit a fee proposal and to provide current cost and pricing data on the basis of which the designer's fee proposal may be evaluated.

#### **Section 8: Continued or Extended Services**

- A. The Eligible Applicant may appoint a designer to perform continued or extended services that were not contemplated in the original public notice if the following conditions are met:
  - 1. A written statement is filed with the DSP explaining the reasons for the continuation or extension of services;
  - 2. The program for the design services is filed with the DSP;
  - 3. MSBA staff has made a written determination that the request for continued or extended services is otherwise in compliance with the MSBA's regulations, policies, procedures, and guidelines and the provisions of the feasibility study agreement, project scope and budget agreement, and/or project funding agreement, as applicable;
  - 4. The DSP approves the appointment of the designer for continued or extended services and states the reason therefore.

#### **Section 9: Emergency Designer Selection Process**

- A. If a situation arises in accordance with Chapter 7C, Section 53, which has been declared an "emergency" by the Executive Director, an Eligible Applicant may request an emergency selection of a designer.

- B. In consultation with the technical staff of the MSBA, the Eligible Applicant shall prepare a proposed scope of work, an estimate of the cost of construction for the designer's services, and submit this, and any other relevant information to the Executive Director.
- C. In lieu of public advertisement, the Executive Director or his/her designee will consult with the Eligible Applicant to select three to six qualified firms who have Master File Brochures on file, to solicit to perform this work.
- D. The MSBA staff will poll an ad-hoc committee of three members of the DSP to select at least three qualified finalists and forward the names of the finalists to the Eligible Applicant with a written statement explaining the committee's reasons for its choice(s).
- E. The Eligible Applicant will select one of the three finalists to perform the work and forward the name of the selected firm to the DSP with a written statement explaining the reasons for its choice.

**Section 10: Statutory Representations by the MSBA**

- A. The projects of the MSBA and the Eligible Applicants are not subject to the jurisdiction of the Division of Capital Asset Management and Maintenance.
- B. The DSP procedures substantially incorporate the procedures required of the Commonwealth's Designer Selection Board in M.G.L. Chapter 7C, Section 45 through 53, inclusive, and Section 55.

**Neary Elementary School**  
**Designer Selection Schedule**  
**DRAFT 8/11/23**

**DSSC = Designer Selection Subcommittee**

#	Responsibility	Designer Selection Task Name
1	OPM	Develop Designer RFS
2	SBC Meeting	SBC Meeting - DSP process and selection of 3 -5 members
3	DSSC/District	Designer RFS - Review DSSC, Legal Counsel and SBC
4	OPM	Submit Redline Draft to MSBA for Review - Allow up to 10 Days
5	OPM & District	RFS Advertisement to Central Register, Newspaper, etc.
6	SBC Meeting	Regular SBC Meeting - Designer selection Update
7	info	RFS Ad Appears (Allow at least 2 weeks before Applications due)
8	info	Designer Prepares Response to RFS
9	OPM/DSSC	Informational Meeting and Site Visit for Designers
10	info	Last Day for Questions from Respondents
11	SBC Meeting	Regular SBC Meeting - Designer selection Update
12	info	Designer Application (proposal) Response Due
13	OPM	Applications (proposals) to MSBA - Allow up to 4 Weeks for MSBA Review
14	OPM/DSSC	Designer Selection Subcommittee - review proposals and meeting
15	SBC Meeting	Regular SBC Meeting - Designer selection Update
16	MSBA/DSSC	Designer Selection Panel DSP Meeting with MSBA
17	OPM/DSSC	Negotiate and approval of Designer Fee Proposal and Contract
18	SBC Meeting	Regular SBC Meeting - Approval of Designer Fee Proposal and Contract

19	District	Execute Designer Contract
20	OPM	Designer Contract to MSBA
21	OPM	OPM submit Designer workplan within 21 Days Designer Contract



Start	Finish	Notes
8/14/23	8/23/23	
8/21/23	8/21/23	Recommend vote: 1) Approve the DSSC members 2) Authorize the DSSC, after review from Legal Counsel, to authorize the OPM to issue the Designer RFS.
8/24/23	9/1/23	If don't ask for item 2) on the 8/21 SBC meeting, then does the SBC need to review and give approval before can issue RFP?
9/4/23	9/15/23	Need to allow MSBA 10 days to review
9/13/23	9/13/23	Must advertised on Central Register by Thursday 4PM the week before following Wednesday posting
9/11?		9/5 is Labor Day
9/20/23	9/20/23	
9/20/23	10/17/23	
10/2/23	10/2/23	DSSC welcome to join. Will need representative from School's or Town's Facilities Department
10/5/23	10/5/23	
10/2/23		Regular SBC Meeting - Designer selection Update
10/17/23	10/17/23	
10/18/23	11/14/23	
10/18/23	11/14/23	Need to schedule a meeting to review and discuss the proposals with DSSC
11/6/23	11/6/23	Recommended Vote: 1) Authorize the DSSC to negotiate with selected designer by the Designer Selection Panel with MSBA.
11/21/23	11/21/23	MSBA Scheduled date - 11/07/23. Each member of DSSC will let MSBA know their preferred designer. Designer will be selected here unless MSBA request interviews with the designer applicants.
11/22/23	12/1/23	
12/4/23	12/4/23	

12/5/23	12/5/23	
12/6/23	12/6/23	
12/6/23	12/19/23	

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