

Letter from the Design Community Working Group

4.25.25

Dear Governor Healey,

On March 1, 2024, the Public Construction Project Advisory Council issued a Report pursuant to Executive Order 630. The Public Construction Project Advisory Council Report identified barriers to the participation of small, emerging, and diverse Massachusetts businesses within the existing procurement and bidding systems for public construction projects as well as a menu of recommended options to reduce or eliminate these barriers. The report recommended that a Design Community Working Group be formed to further review issues, barriers and solutions of access and opportunity related specifically to the Designers who work on public building projects. This report furthers the understanding and recommendations for the Design Community.

Over two months, the Design Community Working Group met three times to discuss additional issues and recommendations not presented in the Advisory Council report. The members of the Design Community Working Group represented a diverse range of backgrounds and perspectives, agencies, municipal representation, professional design groups, and licensed designers. These conversations deepened the Working Group members' understanding of the laws, policies, and practices governing public design, and empowered the group to debate, draft, and finalize a list of recommended options for collective impact.

The current report also builds on previous stakeholder listening sessions in which designers who work on public projects shared issues and barriers. The Design Community Working Group is deeply grateful to the designers who shared their time and experiences. Their input helped ground the recommendations in lived experience, strengthening the potential to drive meaningful change.

After much deliberation, the working group achieved consensus among the options recommended in the report. Unanimous support was not carried for every option, but overall, each reflects the views of a majority of the Working Group's members.

We hope that the recommended options can be utilized to expand equal opportunities for small, emerging, and diverse businesses looking to participate in the design of public construction projects. Thank you for the opportunity to serve and offer our input on these important matters.

Sincerely,
Design Community Working Group

About the Design Community Working Group

The Design Community Working Group included 27 participants and has provided recommended reforms and measures to reduce or eliminate identified barriers for small, emerging, and diverse Massachusetts Designers in public construction projects.

Participants of the Design Community Working Group

Simone Early

Working Group Facilitator,
Executive Director
Designer Selection Board
(DSB)

Erin Anderson

Manager of Capital Projects,
Massachusetts Convention
Center Authority (MCCA)

**Hansy Better Barraza,
AIA, NOMA, LEED AP**

President, Boston Society of
Architecture (BSA) &
BIPOC Firm Owners Chair,
Boston Chapter of the
National Organization of
Minority Architects
(BosNOMA)

Robert Boncore

Director Contract
Administration and Contracts,
Division of Conservation and
Recreation (DCR)

Bonnie Borch-Rote

Executive Director,
Supplier Diversity Office (SDO)

Dorrie Brooks

Principal,
Jones Whitsett

Karl Brown

Massachusetts School
Building Authority (MSBA)

Luciana Burdi

Director of Capital Programs
and Environmental Affairs,
MassPort

Michael A. Camoscio, PE

Co-Chair ACEC/MA
Building Engineering
Committee, American Council
of Engineering Companies of
Massachusetts (ACEC/MA)

Kathy Campbell, PE

President/CEO,
CDW CONSULTANTS, INC.

Meghan Costa

Construction Program
Coordinator,
Supplier Diversity Office (SDO)

Kerry Dietz

Owner and President,
Dietz & Company Architects
American Institute of
Architects (Mass AIA)

Maggie Drouineaud

Chief Diversity Officer for
Compliance on Capital
Projects, University of
Massachusetts Building
Authority (UMBA)

Nick Ferzacca, PE

ACEC/MA Board Member,
American Council of
Engineering Companies of
Massachusetts (ACEC/MA)

Abbie Goodman

Executive Director,
American Council of
Engineering Companies of
Massachusetts (ACEC/MA)

Jill Harvey

Chief Equity Officer,
Massachusetts Municipal
Association (MMA)

Shaunna Jammal

Deputy Chief Contract
Services, MBTA

Shanyan Li

Assistant Director of AESU,
Executive Office of Housing
and Livable Communities
(EOHLC)

Khalil Mogassabi

Board Member
Designer Selection Board

Sean Nelson

Executive Director,
Massachusetts State College
Building Authority (MSCBA)

Daliza Nova

Head of Strategy and
Development,
La Colaborativa

John Nunnari

Executive Director,
AIA Massachusetts

Nicole Obi

President and CEO,
Black Economic Council
of Massachusetts (BECMA)

Mary Pichetti

Deputy Chief Executive
Officer/ Executive Director
Massachusetts School
Building Authority (MSBA)

Ganesh Ramachandran

Deputy Director of Planning,
Division of Capital Asset
Management and
Maintenance (DCAMM)

Fatima Razzaq
Director, Bureau of Housing
Development and
Construction
Executive Office of Housing
and Livable Communities
(EOHLC)

Gladys Vega
Executive Director
La Colaborativa

Process

The Design Community Working Group convened three meetings, the first on January 13, 2025, the second on January 27, 2025, and held its final meeting on February 10, 2025.

At the first meeting, the Working Group reviewed identified but unaddressed barriers from the Public Construction Advisory Council, discussed additional obstacles to include, and discussed a plethora of possible solutions to address in subsequent meetings. An impact matrix was introduced at the second meeting to prioritize solutions for the recommendation in this report. At the final meeting action items were discussed to target and pilot recommendations creating a feedback loop for the recommendations herein. The Design Community Working Group reviewed the final format for the report outside of meetings.

The process is an ongoing effort, but the recommendations represent a focused direction for all stakeholders to pursue. The intent is not to limit agencies which have varied processes, but to provide safeguards that can be accomplished cross-agency, if not in exact language, then in intent. The Working Group worked diligently to provide a menu of recommended options for further consideration. Some of the options are now actively underway.

Report Overview

This report consists of four sections, organized around the categories of barriers identified by the Working Group. Each section includes a statement of purpose, a list of detailed issues and barriers, and a menu of recommended options that the Working Group believes will help reduce or eliminate the barriers for that category. The sections are:

1. Designer Procurement, Advertising, & the Application Process
2. Navigating the Project After Award
3. Training, Tools, Capacity Building, Networking, and Public and Private Stakeholder Collaborations
4. Programs for Action

The majority of members supported the options, but support is not necessarily unanimous for all options. The Working Group envisions additional stakeholder dialogue and legal review as the menu of options is considered to help refine and finalize decisions on the options. Next steps would also include laying out indicators of success and impact tied to the strategies and a determination of quantitative and qualitative metrics to track impact.

The report also provides details on implementation methods. Only one option would require legislation to be implemented; others could be implemented as regulatory or internal policy changes for the affected secretariat or division. The goal of the menu of recommended options is to provide a range of options for consideration and potential current and future implementation.

Categorized breakdown of identified issues/barriers and proposed solutions/recommendations:

1. DESIGNER PROCUREMENT, ADVERTISING, & THE APPLICATION PROCESS

The first step in procuring a design professional for public work is getting firms to apply. To successfully encourage small, emerging, and underrepresented firms to participate, they need clear awareness of available projects, realistic expectations, and the right tools to navigate the complex application process. The issues and barriers are outlined, and the recommendations follow. The recommendations target activities that attract firms to the work and assist them to submit high-quality applications more efficiently and with more comprehension of the process—ultimately increasing their chances of securing projects.

Issues and Barriers:

- Procurement:
 - Administrative burden of navigating the procedure to apply can be daunting and time consuming.
 - Procurement processes for small and emerging firms lack a clarity and transparency of expected potential project delivery, outcomes, and availability of projects.
 - Lengthy timelines for procurement discourage participation. (Designer Selection Process: Designer Selection typically takes 4-6 weeks from advertisement to award. Fee/contract Negotiation for Individual Projects takes an additional 4-8 weeks. Contracts for House Doctor Projects may occur months or even years after the award depending on project timing and agency needs)
- Advertising: Difficulty finding project listings with multiple portals for the application process.
- Application:
 - High intensity application process without standardization across agencies and municipalities, including the required documents, expected production with relationship to the scope, and can lead to repetitive workflows for the application process resulting in highly inefficient process for applying.
 - Application forms may not align with project scale, discouraging participation.
 - Evaluation criteria intended to promote inclusion often still leads to large firms receiving projects that could have helped build the capacity of small and emerging firms.
- Review:
 - Applicant firms receive limited feedback on improvements which could be made for selection.
 - Owners/Boards often favor familiar firms, making it difficult for newer firms to compete.
 - Agencies often see the same few subconsultants carried by prime firms with limited small and diverse firms being carried by prime firms.
- Geographic inequity: limited participation from firms in underrepresented regions like Western Massachusetts.

Solutions and Recommendations:

Procurement:

- Improved and systematic outreach on project opportunities across application platforms with clear expectations set on the project access; review successful outreach achieved by agencies such as MBTA.
- Clarify requirements/procedures for OPMs related to their role in encouraging Owners to provide access and opportunity for small, emerging, and underrepresented design firms.
 - Update [Title XXI, Ch. 149, section 44A1/2, subsection a](#) – duties of OPM to include advice and consultation with respect to providing access and opportunity to small emerging and underrepresented firms, and collection of associated data on firms that are used in projects, including submitting fees of subconsultants, the use of appropriate model contracts, etc.
 - Update OPM training through MCPPO.

- Leverage the Central Register:
 - Remind all agencies they are required by [Title II, Ch. 9, s. 20A](#) to advertise design opportunities on the Central Register for negotiated or application driven projects as well as project selection outcomes.
 - Update the Central Register to be more user friendly. Should not require you to subscribe to view the register but could have subscription as an option as per [Title II, Ch.9, s. 20A](#).
- Develop or expand on an existing platform for Real-time transparency on projects available to the public. Provide procurement notification, applicants, and updates on selection.

Applications:

- Standardized Applications:
 - Improvements to the Designer Selection Network (DSN) Application and Evaluation Program. The DSN allows DCAMM, DCAMM affiliated agencies, Commonwealth Charter Schools, and EOHLC to advertise projects, receive applications, and complete legislated evaluations. An improvement should be made to allow municipalities and other interested agencies to advertise, and at their discretion receive applications through the DSN platform. Legislation currently requires municipalities to use the DSB application and processes (minus a requirement for boards). A standardized submission process would significantly improve the process and efficiency for designers applying. Over 2,000 designers are currently registered and archive application materials in the system. In addition, all legislative requirements are already collected in the DSN and would reduce the administrative burden of agencies who need to track the requirements and reduce the administrative requirements for multiple systems undertaking the same activity. The process would recognize that some agencies have very specific requirements of application but would allow them to advertise and link to their own application platforms. The application is now available for other users. The next step would be training and marketing to municipalities.
- House Doctor:
 - Right sizing house doctor selection to core subconsultants and availability of project funding to more clearly define expectations; verify the assumption that reimbursable subconsultants versus negotiated subconsultants results in higher costs.
- See Section 3 below for tools and training for improved applications.

Review of Applications:

- Develop a single standardized evaluation criteria specifically directed at access and opportunity to use across agencies at the agencies' discretion. The single criteria would be used to promote consistency in the voting processes across awarding authorities and highlight for small, emerging, and underrepresented firms when their participation would be advantageous for a project – alerting them to apply; Agencies would maintain autonomy over other evaluation criteria. Agencies would develop the language as a collaboration. DCAMM and the DSB have developed a base evaluation criterion which requests assessment information both about the firm and about sub consultant selection, as well as directly states the need to broaden participation. The statement could be reviewed as the basis for discussion for a common statement across the Commonwealth.

2. NAVIGATING the PROJECT AFTER an AWARD

Once a Design team has been chosen other barriers make it difficult for small and emerging firms to participate as either a Prime or a Subconsultant. The cost of capital and the balance of power are the largest contributors to making the work prohibitive for small and emerging firms. Issues in contract language, invoicing, and payment structures between Primes and agencies, and between Primes and subconsultants can contribute to limited working capital, making it harder to compete for or perform public work. Recommendations look at models for contracts and systemic changes to the framework for payment.

Contracts

Issues and Barriers:

- Lack of Administrative resources to navigate complex and burdensome contract language.
- SDO participation goals are inconsistently met or enforced by the agency, municipality or OPMs.
- Contracts often lack clear provisions for subconsultant payments and accountability.
- House doctors and smaller subcontractors are underutilized despite being contracted.
- Onerous contract provisions from Primes to Subconsultants, especially regarding insurance, and then the subconsultant may never receive the work for which they paid the insurance.

Solutions and Recommendations:

- Model Contracts for Subconsultants:
 - Develop standardized contracts that include equitable clauses for subconsultants, particularly around indemnification, in line with the requirements of the prime designers. The contract should ensure timely payments, which may follow an alternative payment path such as time and materials or lump sum instead of milestones-based payments based on the type of discipline; included would be Prime consultants submitting invoices for subconsultants even when the prime firm does not have a pending invoice.
- Partnering Guidelines: Publish clear guidelines on shared responsibilities, equitable work distribution, and conflict resolution in prime-subconsultant relationships and for prime-to-prime partnerships.
- House Doctor Utilization: Track Awarding Authority assignment of projects to ensure equitable work distribution of contract awards and revise contracts to improve utilization of all awarded prime firms.

Working Capital and Payment:

Issues and Barriers:

- Inconsistent payment structures and complex invoicing across agencies and projects are difficult for small and emerging firms to navigate and support financially.
- Milestone or percentage by phase payments may not be reflective of the actual workflow of subconsultants.
- Payments to primes and subs are often delayed (90–120 days), creating cash flow issues. Some of these delays are basic administrative delays related to invoice correction and processing or change order reviews.
- Delayed payments along the contracted milestone chain leading to delayed payments to subconsultants.
- Financial strain is caused by small and emerging firms needing to float costs for an extended time for completed work.
- Small and emerging firms can have trouble accessing affordable working capital for small businesses.
- Lack of reporting mechanisms for all subcontractor payments, beyond SDO certified firms, affecting small and emerging firms' transparency of payment weighed against other firms.

Solutions and Recommendations

Note that some of the recommendations for fast-tracking payments and other quick turnaround facilitation may be dependent on agency staffing. Streamlining payments would require a concerted multi-agency effort to accomplish and must be taken into account in the next steps of developing payment strategies.

- Timely Payments:
 - Include contract clauses requiring invoice correction notification within 5 days of receipt of invoice and payments within the original timeline after corrections are submitted. Incorporate review by the OPM in this timetable. (Related legislation allows for contracts to

direct other payment timelines - [General Law - Part I, Title III, Chapter 29, Section 29C](#) and the Comptroller's letter referencing Bill Payment)

- **Payment Redistribution:**
 - Provide a venue for negotiating an early distribution of payment (5%), including distribution to subconsultants, such as for preparation of the initial workplan, or work done for preparation of the Kick-Off meeting or similar early meeting by the various awarding authorities, with a goal of providing small firms with immediate working capital. Early distribution for services rendered would be in keeping with [815 CMR 4.05\(8\)](#)
- **Payment Standardizations and Alternatives:**
 - Subcontractor Payment Reporting: Develop a system to track and report all subcontractor payments, ensuring transparency.
 - Milestone-Based Partial Payments / Payments for Time and Materials / Lumpsum Payments: Integrate milestone-based payment schedules in contracts, allowing firms to receive partial payments for approved deliverables by subconsultants, even if the remainder of the work has not yet been approved, or to use alternative payment schedules such as time and materials or lumpsums as determined by the needs of various disciplines.
 - Fast-Track Payment Process: Develop a fast-track invoicing system for smaller contracts to reduce payment delays. This system will be reviewed under a pilot program.
 - Standardized Payment Systems: While full-scale consistent payment structures statewide would be beneficial, it would be a huge lift. However, a review of effective systems such as MSBA's could provide some lessons learned for wide, cross agency use, particularly if staff were trained in its implementation.

3. TRAINING, TOOLS, CAPACITY BUILDING, NETWORKING, and PUBLIC/PRIVATE STAKEHOLDER COLLABORATIONS

Collaborative efforts among public agencies, professional organizations, and other invested groups are essential to creating a strong framework for successful access and opportunities for design firms. Below is a range of training, tools, capacity-building initiatives, and networking opportunities that could be implemented across the sector and state.

Issues and Barriers:

- Falloff of Collaborative Efforts in the wake of COVID
- Agencies do not actively facilitate collaboration between primes and subs.
- Procurement processes for small and emerging firms lack clarity and transparency of expectations in the applications and project delivery.
- Administrative burden of navigating the procedures to apply for projects, to become SDO certified, and to navigate the payment process of projects can be daunting and time consuming.

Solutions and Recommendations:

- Shared information across public networks to reduce the administrative burden of cross registering on every platform.
- Cross track and analyze participation rates of diverse and non-diverse primes and subconsultants to identify areas for improvement and to track trends and outcomes.
- Collaborate between Public Agencies and organizations such as AGC, AIA, ACEC, BOSNOMA, GNEMSDC, etc.:
 - Partner on initiatives across the Commonwealth focused on promoting inclusion of small, emerging and underrepresented design firms and sharing resources, best practices, and lessons learned.
 - Partner to identify and attract firms in underrepresented areas, such as Western Massachusetts, firms not currently participating, or disciplines with limited participation.

- Host networking events to connect firms with primes, agencies, and projects -- already underway since the initiation of the Design Community Working Group.
- Facilitate regular meetings among agencies to share successful practices and align equity standards.
- Small-Firm Capacity building – may vary by Major Agency, i.e., DCAMM, MassPort, MSBA, MBTA, etc.:
The trainings suggested here may be led by outside professional development groups to support awarding agencies capacity for training – this statement applies to all the suggestions in this category.
 - Offer technical training and resources, administrative support, and Public Agency mentorship advertised through a centralized platform.
 - Provide presentations on procurement and project navigation, and technical skills (e.g., proposal writing, project management, financial planning and literacy for state projects).
 - Provide resources for the application process like model templates and FAQs to assist firms linked in several locations/agencies.
 - Provide specific training on understanding the application in reference to the requirements of the legislation.
- Stakeholder Training:
 - DCAMM/Massport/MBTA/SDO/DSB to host collaborative workshops for agencies, municipalities, procurement selection committees and boards, and other stakeholders where stakeholders can explore and be informed on procurement models that prioritize broadening the use of small, emerging and underrepresented firms and companies. Include topics such as writing or distribution of public notices that broaden participation of small, emerging and underrepresented design firms and selection committee best practices.
 - Update MCPPO training to offer ongoing professional development opportunities for procurement professionals, OPMs, design teams, contractors, agencies, boards, and community stakeholders to deepen their understanding of cultural competency and issues that small, emerging, and under-represented design firms face in procurement and project management.
 - Create a Designer Selection committees/boards onboarding video/doc focused on equity-focused decision-making and cultural competency of issues for small and emerging firms; may need to vary by agency. It would be a one-time task for new board/committee members to undertake, similar to the conflict-of-interest training requirement.

4. Programs for Action

To test and gather feedback on the recommended actions above, concrete steps must be taken. The Design Working Group proposes two key strategies:

1. A mentor-protégé program to guide and support emerging firms who may have limited project readiness, or struggle with capital and administrative capacity.
2. Pilot/targeted process for small prime firms that may have limited administrative or financial capacity but have project readiness.

While some recommendations can stand alone, others require reflection and real-world testing. These strategies offer a structured way for firms and agencies to implement key recommendations on a smaller scale before expanding them across public agencies. By bringing together designers and agencies who are both invested in and affected by the outcomes, these initiatives will help identify the most effective approaches and collect valuable stakeholder feedback. They are designed to support both those with limited experience who need mentorship, and those with experience who need greater capacity. Additionally, complementary efforts—such as surveys and other feedback mechanisms—should be undertaken to inform the broader implementation of these recommendations.

Issues and Barriers:

- Lack of incentives for primes to partner with new or underrepresented firms.
- Limited mentoring and capacity-building opportunities for small and emerging firms.

- Evaluations do not allow for evaluation of the secondary partner on projects providing no system of recorded evaluations for their successes or failures on projects.

Solutions and Recommendations:

- **Mentor-Protégé Programs:**

The Mentor-Protégé Program would be used to develop firm readiness to do public building design including support with business development and capital capacity, administrative sharing, guidance on internal business management and planning. The program would include both partnering with or enlisting the protégé firm as a supported subconsultant.

- Match small, emerging and diverse Massachusetts firms needing support with public project readiness with experienced mentors for guidance, while emphasizing two-way learning to ensure their needs are heard and addressed.
- Provide funding to firms for time spent on structured mentorship programs.
- Build an online platform to connect primes and subconsultants, filtering by specialization, location, and experience with links to their DSN profile.
- Develop mechanisms to incentivize primes to expand their pool of subconsultants and include underrepresented firms or to form partnerships between primes and small, emerging and diverse firms. Primes would include successful SDO-certified and non-certified firms.
- Mentor-protégé type contracts to foster growth and collaboration.
- Review successful programs such as the SBA mentor-protégé program.

- **Targeted Process for Small Firms with Small Projects Pilot:**

The targeted projects pilot would be used to develop a targeted process for firms that may have the firm readiness to do public building design but have limited capital or administrative capacity to compete with larger firms. This process would allocate a portion of contracts to small and emerging firms as leads, reduce the administrative burden of the application process, explore faster payment options, amongst other ways to ease capital constraints on state projects. Below describes elements of a Pilot project that would help determine a new process to initiate small firms into state projects as an outcome. Pilot projects may occur at more than one agency.

- Pilot projects would include interested agencies and consultants
- Work with a committee of designers to develop the streamlined process and application and to develop the Parameters of the project, i.e., range of estimated cost of construction, or phases of the work that fit the skill set.
- Determine a method of effectively marketing the projects during the procurement process
- Projects could be sourced from more complex house doctor projects to encourage broader participation.
- Awarding Authorities actively monitor the projects.
- Support awarding authorities undertaking this capacity building process for small and emerging firms with additional funding.
- Supporting small firms through their first three projects to establish stability, including assigning agency liaisons to guide small firms through their first few projects and to facilitate peer support groups where small firms can share experiences and solutions.
- Tailored Applications:
 - Create applications aligned with a smaller project scale and scope, making them more relevant for smaller firms. The pilot would dedicate time to reviewing with firms what would be less of an administrative burden for these applications.
 - Create a streamlined process for contracts for small projects to reduce administrative burdens.
- Work through the nuances of a Fast-Track Payment Process: Develop a fast-track invoicing system for smaller contracts to reduce payment delays.
- Evaluate outcomes with firms and expand successful models.

- Showcase successful projects led by small firms to inspire others, market visibility, and demonstrate capability.

This completes the recommendations from the Design Community Working Group. The following items for Designers were carried over from the original Report of September 30th by the Public Construction Advisory Council. They are listed here so that their inclusion will be captured as a comprehensive list of recommendations for Designers.

Proposals from the Public Construction Advisor Council Report of September 30, 2024 Related to Designers for Public Building Construction

DCAMM Certification and SDO Certification

- Consider Establishing a Designation for Businesses that Promote and Maintain a Diverse Workforce:
Explore developing a program to recognize and incentivize employers that value, promote and maintain diverse workforces and support training programs that do so. And consider how it might be utilized in procurement processes. (Internal policy change – may fall under a completely other purview)
- Expand Information Listed in SDO Directory:
Have SDO include narrative information including the specific details on the types of work performed, market they serve, size and dollar values of projects completed, prior experience, geographic area they cover, discipline of design firm, workforce diversity, etc. for listed firms. Consider listing whether union affiliated and whether the business has a registered apprenticeship program, if applicable. (Internal policy change)
- Review SDO Certification Application Processes and Requirements:
Have SDO review the processes and application requirements with the goal of addressing potential barriers to small, emerging, and diverse firms. (Internal policy change)

Procurement Processes, Requirements and Contract Administration

- Monitor Bids and Track Small, Emerging, and Diverse Subcontractor/Subconsultant Participation:
Track that prime contractors and designers utilize the diverse subcontractors and subconsultants that were included on their initial business participation commitment documents and that those firms perform the work committed and were not replaced as the work proceed. (Internal policy change)
- Consider Amendments to Chapter 30, 39R regarding Financial Statements:
Consider raising the threshold at which submission of audited financials is required, eliminating the requirement of annual filings of audited financial statements or allow alternative submission of reviewed financial statements for both prime designers and contractors. (Requires statutory change)
- Remove Newspaper Advertisement Requirements:
Remove the requirement to publish public notices for construction and design procurements in newspapers. (Requires statutory change)
- Pursue Obtaining Free Access to the Central Register:
Require that the Secretary of State's office make access to review the Central Register free to all businesses. (Requires statutory change)
- Ensure that Small, Emerging, and Diverse Businesses are Notified of Bidding Opportunities:
For all public awarding authorities to develop a process that alerts small, emerging, and diverse businesses of public construction opportunities and information on the available technical support. (Internal policy change)
- Conduct Informational Events that Provide Information, Technical Support, and Networking:
Designer Selection Board (DSB), DCAMM, SDO and other relevant governmental entities to conduct informational events tailored towards the design and construction industry and accessible for non-English speakers that include technical assistance and networking opportunities. (Internal policy change)

- Establish a Centralized Portal with Comprehensive Information on Public Construction:
Require that public awarding authorities collaborate to develop a centralized portal with comprehensive information, materials, workshop calendars, and contacts for all relevant topics including certifications, licenses, bidding processes, legal requirements, bonding requirements, bidding opportunities, technical and financial support resources, contacts, one on one support, and more. (Internal policy change)
- Add Business Participation Program and Workforce Reporting Responsibilities into the Duties of Owners Project Managers:
Add the responsibility to ensure that project business participation goals and program requirements along with workforce goals are included in all design and construction procurement documents and contracts, the administration and oversight of these programs and the reporting of business and workforce participation to the duties of Owners Project Managers. (Requires statutory change)

Insurance

- Limit Types, and Amount of Insurance and Indemnity Provisions Prime Designers Can Require of Subconsultants:
Limit the types and amount of insurance a prime designer can impose on its subconsultant to no more than what the prime provided to the awarding authority, including potential model contracts. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)

Invoicing and Payments

- Payment Terms that Ensure Prime Designers and Subconsultants are Paid Promptly:
Require that all public awarding authorities develop payment terms that ensure prime designers and subconsultants are paid promptly based upon reasonable deliverables/milestones. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Payment Terms that Ensure All Prime Designers are Paid Promptly:
Require prime designers to timely invoice for deliverables/milestones and to affirm prompt payment to all subconsultants upon payment, consistent with prime designer contract requirements. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Develop a Timeline for Prime Designers Submission of Invoicing:
Standardize the timeline for prime designers to submit invoices to the awarding authority for subconsultant work. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Require Prime Designers Pay Subconsultants Promptly:
Require prime designers to pay subconsultants within XX business days of payment by the awarding authority to prime designer. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Tracking of Invoice Submission, Approval, Payment by Awarding Authority:
Require public awarding authorities to track and confirm the dates of receipt, approval and payments of requisitions to prime design firms. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Tracking of Invoice Submission, Approval, Payment by Prime Designer to Subconsultants:
Require prime designers to track and confirm the dates of receipt, invoicing and payments to subconsultants and report those subconsultant payments to the awarding authority. (Internal policy change for executive agencies and statutory change to apply across the Commonwealth)
- Recognition Program:
Require all public awarding authorities to develop a recognition program for prime contractors and designers that establish programs or adopt processes that support and promote the entry and success of small, emerging, and diverse firms on public projects. (Internal policy change)

Designer Procurement

- Make Improvements to the Designer Selection Process and Evaluation Criteria Used in Design Procurement:

Promote diversity in the decision-making, selection bodies, broaden the pool of prime designer applicants and subconsultants selected for projects, right size the agency requested award pool of house doctors and equitable distribution of projects across awarded prime designers and subconsultants, track participation rates of diverse and non-diverse prime designers and subconsultants, and consider workforce diversity within firms during the evaluation process. (Internal policy change for designer selection board and executive agencies and statutory change to apply across the Commonwealth)

Working Group to Further Address Designer Considerations in the Public Building Process

The current report represents this recommendation.

- Design Professional and Agency Working Group:

To more substantially consider and address the concerns of the design community, convene a Working Group of Commonwealth agencies, Authorities, design professional groups, and other stakeholders invested in designer outcomes to draft additional recommendations that will encourage the selection of small, emerging, and diverse design professional firms and improve related processes. The working group should review issues of transparency, procurement and public notices, contracting advocacy, invoicing, and workforce development. (Internal policy change or statutory change)

End of Document