

# House Doctor Procurement and Contract Administration for Design and Consulting Services

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October 15, 2014

# Background

The City of Boston began discussing the use and procurement of house doctor consulting services in 2008.

- Consultation with the DCAM, AGO, IGO
- Categories of services that were utilized on an “as-needed-basis” were identified for public bid.
- Advertisement, RFQ, Application and Contract Developed pursuant to requirements of MGL c.7, sections 38A 1/2 - 38O.
- Three year contracts were procured in 2009 and again in 2012.

# Advertised Categories for House Doctor Consulting Services

- Architecture (assessment, study, design and construction administration)
- Interior Architecture (interior architect/ designer)
- Landscape Architecture/Civil Engineering
- Surveying and Mapping Services
- Structural Engineering
- Lighting
- Mechanical, Electrical, Plumbing and Fire Protection
- Commissioning Agent
- Signage/ Environmental Graphics

# Advertised Categories

- Environmental Engineering and Testing
- Project Scheduling
- Construction Cost Estimating
- Building Code Consulting
- Building Forensic Investigation and Testing Services
- Claims Review and Risk Analysis
- Historic Preservation/Restoration
- Green Building, Sustainability and Energy Efficiency
- Property Development Services

# Advertisement

- The last procurement was for the FY 2013 – FY 2015 budget cycle
- Advertisement for was for a Request for Qualifications (RFQ) appeared in March 2012 and followed the provisions of MGL c.7, sections 38A½ - 38O.
- Note: The City anticipates issuing its next RFQ in early 2015 pursuant to MGL c.7C, sections 44-57.

## Advertisement – Scope of Work

- Statements of Qualifications were solicited from design firms to perform “House Doctor Consulting Services” on an as-needed-basis for a three-year contract period from July 1, 2012 through June 30, 2015 in the aforementioned categories.
- Services to be provided in all phases of planning, design and construction.
- The scope of work may include investigating, evaluating and, or preparing certifiable assessments, studies, reports and, or design and construction administration services for renovation, alteration, modernization, and/or additions to various facilities and, or sites.

# Registration, Licenses & Qualifications

- The advertisement and the RFQ identified those categories of services requiring:
- Current Registration as a Massachusetts Architect or Landscape Architect
- Current Massachusetts Licensure as an Engineer
- Other Qualifications as defined in the RFQ (e.g. education, professional experience)

# Projects and Selection Process

- The scope of services to be performed on buildings (4 walls and a roof, i.e. vertical construction projects) and sites (property and, or horizontal construction projects).
- Selection and contract awards made by the City's Public Facilities Department (PFD).
- Advertisement noted that more than one of the highest-rated firms for the categories of services could be selected by PFD for contract award.
- Selection based on a numerical ranking of the firms based on criteria defined in the RFQ package.



# Fee for Service

- RFQ package identified a fee schedule with maximum hourly rates for the services
- \$160.00 per hour for principals
- \$125.00 per hour for professional personnel
- \$55.00 per hour for technical and non-technical personnel
- No additional adjustment for overhead expenses or profit are added.
- Note: The City has consistently received feedback from numerous architectural and engineering firms that the aforementioned fees are below market and require updating.

## Application and Project Team

- House Doctor Consulting Services Application consisted of:

The Commonwealth of MA Standard Application Form for Municipalities Agencies not within the Designer Board's Jurisdiction; and	Designer and Public Selection
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The City's Supplemental Requirements Package with forms A-J

- Applicants had to provide the names of key personnel and, or consultants who would be utilized on projects.
- Applicants were to list prior project experience.

# Definition of Designer

- RFQ required all applicants to meet the legal definition of a designer under MGL c.7, section 38A 1/2(b).
- Note: MGL c.7C, section 44 now provides the definition of a “designer”, which is:
- An individual, corporation, partnership, sole partnership, joint stock company, joint venture, or other entity engaged in the practice of architecture, landscape architecture, or engineering, which satisfies the following:

# Definition of a Designer

- (i) if an individual, the individual is a registered architect, landscape architect, or engineer;
- (ii) if a partnership, a majority of all the partners are persons who are registered architects, landscape architects or engineers;
- (iii) if a corporation, sole proprietorship, joint stock company, or other entity, the majority of the directors or a majority of the stock ownership and the chief executive officer are persons who are registered architects, landscape architects, or engineers, and the person to have the project in his or her charge is registered in the discipline required for the project;

## Definition of a Designer Continued

- (iv) if a joint venture, each joint venturer satisfies the requirements of this section.

# Additional Requirements Listed in the RFQ

- MA Secretary of State – each applicant to include an original, signed and stamped Certificate of Good Standing with application.
- Acceptance of the City's Fee Services Schedule
- Acknowledgement and acceptance of the terms and conditions of the contract for professional design services included in the RFQ

# Designer Selection Committee (DSC)

- City Staff (architects, engineers, project managers and senior managers for design and construction)
- Evaluation of the applications against the selection criteria
- Rankings of the Applicants
- Contract Award Recommendations to the PFD Director
- Contract Awards - Public Facilities Commission (PFC) for public vote of approval. PFC is the governing body for PFD.

# Contract Administration

- Contracts Manager – organized and streamlined the assembly of completed contract documents and forms
- Legal Review of all contracts before routing for City approvals (Auditor, Corporation Counsel, Mayor and PFD Director)
- Assistant Director for Planning and Management of PFD oversees the management of the house doctor contracts
- Program Analyst monitors all payments to house doctor consultants
- Project Managers are assigned to oversee and review house doctor services



# Practice

- Presently, there is not a written policy for how house doctor contracts for architectural and engineering services are administered and managed, but there is an established practice that has evolved in the form of centralized senior management and project management.
- In the upcoming FY 2016 – FY 2018 procurement for house doctor services, the same will be reviewed and policy may be established to ensure compliance with any changes implemented.

# Senior Management Review

- PFD's Deputy Director, an Assistant Director of Operations and the Assistant Director for Planning and Management are the three senior managers overseeing, reviewing and approving requests for use of house doctor services. When there is a need for legal review to see if the HD services can be used rather than an independent MGL c.7C procurement, such is provided before HD services are authorized.

## Approval for Use

- Aforementioned senior managers discuss the scope of work to be completed, the house doctor firms available to perform such services and they review the same with the staff member (project manager) who will be working with the selected house doctor firm. This ensures clear communication, collaboration and project manager feedback on house doctor performance and services.

# Budget Review

- The City's Office of Budget Management Services (OBM) reviews every request for funds for house doctor services.
- There is no general or lump sum funding. Rather, the Budget Office reviews each request. Some requests are for house doctor services for existing, capital funded projects and others are for new matters, not connected to the Capital Plan.

## Allowable Use

- The house doctor services can be used for those services that conform with the advertised scope of work.
- E.g. Structural Engineering services to review and opine on the cost estimate provided by a design firm for the cost estimate of rehabilitating a building for middle school use
- E.g. Surveying and Mapping Services for an alleged encroachment of a prior City playground project on abutters' property.
- E.g. Project Scheduling to review the recovery schedule from a general contractor.

# Non-Recommended Uses

- House doctor services are not recommended:
  - 1) as a replacement for an advertised, competitive procurement process under MGL c.7C, sections 44-57 for design and construction administration services for a capital planned project.
  - 2) For projects that require a study, and the house doctor firms under contract are not the best-suited for the same.
  - 3) To be used to hire construction contractors and subcontractors.

# Best Practices

- Identify architectural and engineering services needed on an annual basis
- Understand the annual cost for such services
- Review the time and cost to procure the same through one-off procurements
- Discuss the scope of services with the municipal staff addressing the needs (Contracts, Legal and Project Manager)

# Best Practices

- Draft Advertisement
- Assemble an Application Package (Designer Selection Process under MGL c.7C, sections 44-57)
- Identify Designer Selection Manager
- Review with municipal counsel the appropriate contract for the house doctor services and include with the RFQ
- Identify the governing body with final authority to approve contract awards



# Examples

The City of Boston has placed the following documents on an FTP site for viewing, printing and instructional use:

- 1) City of Boston FY 2013 - FY 2015 House Doctor Consulting Services Advertisement, RFQ and Contract
- 2) City of Boston Public Facilities Commission's May 24, 2012 Agenda with the House Doctor Consulting Services Contract Award and Certification of Vote.

## Link to Documents

- Use the FTP site at the link noted below to access the aforementioned files. The link will expire on November 13, 2014.
- Link:  
<https://attachments.cityofboston.gov/?f=10134&fid=46cf8fd8>

## Cautionary Reminder

- The documents included on the FTP site for the City's FY 2013- FY 2015 House Doctor Consulting Services, were procured under MGL c.7, sections 38A 1/2 - 38O.
- Chapter 165 of the Acts of 2012 moved said sections to a new Chapter of the General Laws, which became effective on Jan. 1, 2013.
- Accordingly, use of the documents should be reviewed with legal counsel to ensure compliance with MGL c.7C, sections 44-57.