



Masconomet Regional School District
Serving Boxford, Middleton & Topsfield

Policy of the School Committee

FB

FACILITIES PLANNING AND UTILIZATION

The Superintendent will incorporate a review of facility utilization which will include enrollment projections, as part of the annual Budget. Short and long term plans for new facilities or the upkeep, alteration and/or renovation of existing facilities will be presented annually.

LEGAL REFS: M.G.L. 7116; 71:37C and D; 71:68; 71:70
Massachusetts Board of Education Regulations Governing the School Building Assistance Act, Chapter 645 of the Acts of 1948 as amended, FY 79 and Board of Education 603 CMR, 38:00 and 603 CMR 26:07

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Amended: 5/19/82; 3/2/94; 12/18/96, 6/21/06, 6/17/09
Review Date: December 2018



Masconomet Regional School District
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Policy of the School Committee

FEB

MASCONOMET DESIGNER SELECTION PROCEDURES

These designer selection procedures are to apply to the selection of the designers on building construction, renovation, alteration, remodeling and repair projects the estimated cost of which exceeds one hundred thousand dollars. For those projects without an associated estimated construction cost, including but not limited to feasibility studies, projects are exempt from these procedures if the cost of the design service is less than two thousand five hundred dollars. See the definition of "building project"* if there is a question whether a particular project is a building project subject to these guidelines.

Procedures:

1. The Masconomet Regional School Committee (MRSC) will determine the nature and extent of the design services* required for the project and will develop the project criteria required under #3 below.
2. A request for proposals (RFP) for each contract for designer services for a project subject to the jurisdiction of the committee* shall be publicly advertised by the committee in a newspaper of general circulation in the area in which the project is located or to be located, and in the central register established under Chapter 9, section 20A, and in such places as the committee requires at least two weeks before the deadline for filing applications. A contract for designer services for a project whose estimated cost of construction is between ten thousand and twenty-five thousand dollars need only be advertised in the central register.
3. The RFP will provide the following detailed information:
 - a. a description of the project, the specific designer services sought, estimated construction cost, and the time allotted for completion;
 - b. when and where the program prepared for the project will be available for inspection by applicants, or a statement that there is no program beyond the information in (a) above;
 - c. the qualifications required of applicants for the project;
 - d. the categories of designers' consultants, if any, for which applicants must list consultants they intend to use;
 - e. whether the fee has been set or will be negotiated. If the fee has been set, its amount must be stated in the RFP as a total dollar amount, not a percentage. If the fee is to be negotiated, the bids shall establish a not-to-exceed amount prior to negotiations, but need not publish it in the RFP.
 - f. the deadline for submission of proposals;

- g. the person and address to which proposals should be sent;
 - h. any other pertinent information.
4. A committee will be appointed by the MRSC to evaluate proposals and select the finalists. The committee should include one or more public members; and professional members (architects and engineers) who may be in-house or outside people.
5. The selection of the finalists will be based on the following criteria:
- a. prior similar experience;
 - b. past performance on public and private projects;
 - c. financial stability;
 - d. identity and qualifications of the consultants who will work with the applicant on the project; and
 - e. any other criteria that the committee considers relevant for the project.
6. Applicants or finalists may be required to:
- a. appear for an interview before the committee;
 - b. present a written proposal to the committee; or
 - c. participate in a design competition held by the committee.
7. When the committee has required that applicants list consultants whom they intend to use, any changes in, or addition to, consultants named in the application must be approved by MRSC and reported to the committee with a written statement by the designer or construction manager of the reasons for the change. No person or firm debarred pursuant to Chapter 149, section 44C, or disqualified pursuant to Chapter 7, section 38D, shall be so included as a finalist.
8. The committee will select at least three finalists from among all applicants and transmit the list to the MRSC. The list will rank the finalists in order of qualification, provide a record of the final vote of the committee on the selection, and include a written statement explaining the committee's reasons for its choice and its ranking of the finalists. The list will be a public record.

The committee shall transmit to the MRSC all material made or received relating to such recommendation.

9. If the fee for design services has been set by the MRSC prior to the selection process, the MRSC will select the designer to be awarded the contract from the list submitted by the committee. If a designer other than the one ranked first is selected, the MRSC shall file a written justification with the committee.

If the fee is to be negotiated, the MRSC shall review the list transmitted by the committee, and may exclude any designer from the list with a written explanation of the exclusion. The MRSC shall then appoint a designer based on successful fee negotiation among the remaining finalists in order of rank.

10. The design contract shall state the fee as a total dollar amount. The contract may provide for equitable adjustments in the event of changes in scope of services.
11. A designer or programmer appointed to do a feasibility study, master plan or program for a project shall be ineligible for appointment to perform the design services for that project. This paragraph shall not apply to designers performing studies for repair work; provided, first, that such work is limited to identifying and correcting existing deficiencies in a portion of a building or its equipment; and second, that the designer's fee for the combined study and design of repairs is not greater than twenty-five thousand dollars.

The MRSC may allow a designer who conducted a feasibility study to continue with the design of a project, if the MRSC commission an independent review, by a knowledgeable and competent individual or business doing such work, of the feasibility designer's work to insure its reasonableness and its adequacy prior to allowing the designer to continue on said project. The review of a state agency with oversight or approval of a project may be sufficient for the purposes of this paragraph.

12. Every contract awarded for design services shall include:
 - a. certification that the designer or construction manager has not given, offered, or agreed to give any gift, contribution or offer of employment as an inducement for, or in connection with, the award of the contract for design services;
 - b. certification that no consultant to, or subcontractor for the designer or construction manager has given, offered or agreed to give any gift, contribution or offer of employment to the designer or construction manager, or to any other person, corporation, or entity as an inducement for, or in connection with, the award to the consultant or subcontractor of a contract by the designer or construction manager;
 - c. certification that no person, corporation or other entity, other than a bona fide full-time employee of the designer or construction manager, has been retained or hired to solicit for or in any way assist the designer or construction manager in obtaining the contract for design services upon an agreement or understanding that such person, corporation or other entity be paid a fee or other consideration contingent upon the award of the contract to the designer; and
 - d. certification with respect to contracts which exceed ten thousand dollars or which are for the design of a building for which the budgeted or estimated construction costs exceed one hundred thousand dollars, that the designer has internal accounting controls as required by Chapter 30, section 39R, and that the designer will:
 - (1) maintain accurate and detailed accounts for a six-year period after the final payment;
 - (2) file regular statements of management concerning internal auditing controls;
 - (3) file an annual audited financial statement; and

(4) submit a statement from an independent certified public accountant that

such CPA (or public accountant) has examined management's internal auditing controls and expresses an opinion as to their consistency with management's statements in (2) above and whether such statements are reasonable with respect to transactions and assets that are substantial in relation to designer's financial statements, Chapter 7, section 38H(e).

- e. a requirement that the designer at his/her own expense obtain and maintain a professional liability insurance policy covering negligent errors, omissions and acts of the designer or of any person or business entity for whose performance the designer is legally liable arising out of the performance of such contracts for design services. MRSC may require a consultant employed by a designer subject to this policy. The designer shall furnish a certificate or certificates of such insurance coverage to the public agency prior to the award of the contract, showing coverage in an adequate amount for the applicable period of limitation and including any added coverage in such amounts as the awarding authority requires. A professional liability insurance policy obtained and maintained pursuant to this paragraph shall provide for coverage of not less than ten percent of the project's estimated cost of construction for the applicable period of limitations and include any added coverage and in such amounts as the public agency shall require.

The MRSC may request a copy of the Division of Capital Planning and Operations' Standard Design Contract to use as is, or to modify. Contracts for design services may include a requirement that the designer be responsible for overseeing the construction phase of the project.

13. In the selection of applicants to perform design services the following records will be kept by the MRSC.

- a. all information supplied by or obtained about each applicant;
- b. all actions taken by the committee relating to any project;
- c. all actions taken by the MRSC relating to any project.

These records will be available for inspection by the State Designer Selection Board and other authorized public agencies.

14. No member of the Committee shall participate in the selection of a designer as a finalist for any project if the member or any member of his or her immediate family;

- a. has a direct or indirect financial interest in the award of the design contract to any applicant;
- b. is currently employed by, or is a consultant to or under contract to an applicant;
- c. is negotiating or has an arrangement concerning future employment or contracting with any applicants; or
- d. has an ownership interest in, or is an officer or director of, any applicant.

DEFINITIONS*

"Designer", an individual, corporation, partnership, sole proprietorship, joint stock company, joint venture, or other entity engaged in the practice of architecture, landscape architecture, or engineering, which satisfies the following:

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

"Designer services" means any of the following services provided by any designer, programmer, or construction manager in connection with any public building project:

- i. preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- ii. preparation of drawings, plans or specifications including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contracts documents;
- iii. supervision or administration of a construction contract; and
- iv. construction management or scheduling.

"Building project", a capital facility project undertaken for the planning, acquisition, design, construction, demolition, installation, repair or maintenance of any building and appurtenant structures, facilities and utilities, including initial equipment and furnishings thereof; provided, however, that appurtenant buildings or structures which are required to be constructed as integral parts of the development of sewer, water, and highway systems shall not be subject to section 38C, (selection of designers in accordance with the attached guidelines).

"Committee", appointees of the Local Awarding Authority to act as a designer selection board for selection of finalists to provide design services for city or town building projects in accordance with the intent of Chapter 7, section 38a1/2 to 38 O.

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Masconomet Regional School District
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Policy of the School Committee

FF

NAMING OF A FACILITY

The Masconomet School Committee has the exclusive authority to name and rename school facilities, subject to applicable laws and the provisions of this policy. Naming a school facility is an important matter that deserves thoughtful attention. The School Committee recognizes that the naming of all or any portion of a school facility, for example, an entire school or part of a school, including a gymnasium, auditorium, library, cafeteria, classroom, school grounds, etc. (each a "School Facility") must be undertaken with care and scrutiny because the names of School Facilities reflect on the students, staff and community at large. Naming of any part of a facility or building for an individual requires that the individual shall have been deceased for a minimum of two years.

The School Committee also feels that it is appropriate to name schools for physical locations; geographical areas; distinguished local, state, and national leaders whose names will lend dignity and stature to the school; or significant or pertinent events.

The School Committee also feels that in appropriate circumstances, naming rights to school buildings or portion thereof might be licensed to a corporation or other entity in return for a donation or a fee. In these cases, the Committee recognizes that the nature and reputation of any such entity seeking to license these naming rights must be consistent with the educational mission of the Masconomet Regional School District.

The Superintendent will prepare for the approval of the Committee a procedure to follow in recommending names for school buildings. This procedure shall consider sponsorship commitment timelines, the sponsor's reputation, benefits to the District, community interest and the School Committee's responsibility to maintain the district's reputation. This procedure will include a separately posted public meeting for community comment and input prior to final acceptance by the School Committee. The final design of the representation of a name, e.g., sign, plaque, banner, etc, must be accepted by a vote of the School Committee.

SOURCE: MASC

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