

Frequently Asked Questions - OPM Selection Process

Q. When does a district begin their procurement of an OPM?

A. A district will begin its OPM selection process after the MSBA Board of Directors invites the district into the Feasibility Study phase.

Q. What should our district do prior to beginning the procurement process for an OPM?

A. The selection of an OPM is subject to MSBA approval. Therefore, it is essential for districts to contact its MSBA Project Coordinator or Brian Kelley at the MSBA at 617-720-4466 to discuss the [MSBA's OPM Guidelines](#) and MSBA Regulations before beginning the OPM selection process.

Q. Is an OPM required for every school construction project that moves forward in the MSBA Process?

A. Yes, the MSBA requires an OPM on every MSBA-funded project and the MSBA must approve all OPMs for MSBA-funded projects.

Q. If our district has someone on staff that we believe would qualify as an OPM, can we appoint this person as the OPM for a proposed project?

A. Mass. Gen. Laws ch. 149, § 44A1/2 allows a public agency to assign an existing district employee to serve as an OPM. M.G.L. ch. 149, § 44A1/2 states that the district employee must be *"a person who is registered by the commonwealth as an architect or professional engineer and who has at least 5 years' experience in the construction and supervision of construction of buildings or a person, if not registered as an architect or professional engineer, who has at least 7 years' experience in the construction and supervision of construction of buildings"*; however, a district employee is subject to the same qualification requirements as an OPM firm and the MSBA must approve all OPMs for school construction and renovation projects.

Q. If our district decides to use the Construction Manager at Risk ("CM at Risk") delivery method, as allowed under the Commonwealth's 2004 construction reform law, do we still have to hire an OPM?

A. Yes. The OPM's role is important when a CM at Risk is employed by the district. The OPM assists and advises the district as a member of the CM at Risk Prequalification Committee and the CM at Risk Selection Committee. The OPM is responsible for evaluating cost estimates provided by the CM at Risk and overseeing the CM at Risk's involvement in the design process. In addition, the OPM plays a critical role in developing the Guaranteed Maximum Price with the CM at Risk and auditing the CM at Risk's job costs to ensure compliance with the contract.

Q. Does the MSBA have a list of approved OPMs for projects within the Core Program?

A. No. The MSBA does not have a list of “approved” OPMs; however, the MSBA has a [report](#) that identifies firms that are currently working on an MSBA-funded project.

Q. How does a firm apply for an MSBA-funded project as an OPM?

A. Any qualified firm interested in applying for an MSBA-funded project should check the Massachusetts Central Register and local newspapers. Applications can be submitted by, and are encouraged from, any firm that believes they are qualified to provide the requested OPM services.

Q. OPMs seeking work on an MSBA-funded project are required to be MCPPO certified. What is MCPPO? Does the MSBA provide this certification?

A. Pursuant to the MSBA's regulations, specifically 963 CMR 2.03(2)(o), the [Eligible Applicant](#) or his/her designee who will be in charge of procurement for the project is required to be designated by the Office of the Inspector General (“OIG”) as an [MCPPO for Design and Construction Contracting](#). As a prerequisite to this designation, individuals are required to have previously completed the [Public Contracting Overview Seminar](#) as administered by the OIG.

The Project Director for the OPM firm and the individual directly in charge of the project for the Designer are required to obtain [MCPPO Certification for School Project Designers and Owner’s Project Managers](#) from the OIG, as set forth in [963 CMR 2.11\(12\)](#) for the OPM and [963 CMR 2.12\(6\)](#) for the Designer.

Please find more information on the [MCPPO Certification/Recertification Requirements](#) page of the MSBA website.

Q. Who participates in the selection of an OPM for the district?

A. The district’s OPM Selection Committee should conduct the OPM Selection Process. The composition of the OPM Selection Committee should be authorized by the School Building Committee, School Committee, or other local body of government as dictated by the district’s bylaws and charter. The MSBA does not participate in the OPM selection process; however, the following must be completed: 1.) the MSBA must review the Request for Services (“RFS”) prior to it being published; 2.) a district must submit the OPM Narrative (Attachment A) to the MSBA for review; and 3.) the MSBA may require that the district attend an Owner’s Project Manager Review Panel Meeting. The selected OPM must be approved by the MSBA.

Q. What votes are required by the School Building Committee and/or School Committee for this process?

A. The composition of the OPM Selection Committee should be authorized by the School Building Committee, School Committee, or other local body of government as dictated by the district's bylaws and charter. Also, the OPM Selection Committee must obtain all the required local approvals in connection with drafting and advertising the RFS. The district's procurement administrator should be a member (voting or non-voting) of the OPM Selection Committee. The district must provide documentation of any locally required approvals to the MSBA along with information about the make-up of the OPM Selection Committee and information regarding the background of the members. If the district has questions regarding local approval procedures, the district should consult with local legal counsel.

Q. How does the district know which OPM Review Panel Meeting it should attend?

A. A district must work with its MSBA Project Coordinator to schedule an OPM Review Panel Meeting that coincides with the overall OPM procurement process and the dates included within the district's OPM RFS.

Q. Can anyone attend an OPM Review Panel meeting?

A. Yes, the OPM Review Panel meetings are open to the public.

Q. When advertising for OPM services, where should the district submit their advertisement?

A. The district should publish its advertisement for OPM services in the Central Register under the Designer Services section and in its local newspaper(s). The MSBA has a template OPM advertisement; however, the advertisement does not need to be reviewed by the MSBA. If interested in obtaining the template OPM advertisement, please contact the district's MSBA Project Coordinator.

Q. Does the MSBA have a template Request for Services (RFS) for the procurement of an OPM by a district?

A. Yes. The MSBA has an [OPM Request for Services \(RFS\) Template](#) that districts must use. Although this template is intended to be comprehensive in meeting MSBA requirements for the procurement of an OPM, each district shall be solely responsible for ensuring that its particular RFS complies with all applicable provisions of federal, state, and local law, including, but not limited to, all procurement laws. Please note that the district should allow a minimum of ten business days for the MSBA to review the RFS. Actual review time may vary.

Q. How do I determine the Total Project Cost range for the OPM RFS?

A. The Total Project Cost range indicated in the RFS should be determined locally; however, the MSBA does have historic cost information of other MSBA projects on its website. Please access this information through this link: [Project Information and Cost Data](#)

Q. Can a district make an informational site visit mandatory within the OPM RFS?

A. The MSBA does not recommend that a district make an informational site visit mandatory because it may limit the applicant pool.

Q. Do we have to check references for all respondents that submitted a proposal?

A. The MSBA recommends that the district conduct at least three reference checks for each short-listed firm. A district should adhere to the final selection process that is stated in the district's RFS. For more information on reference checks, please review the [MSBA's OPM Process Guidelines](#).

Q. Can fees be discussed with the OPM firms during the interview process?

A. No, this procurement must be a qualifications-based selection process. Therefore, a district may only discuss fees during its fee negotiations with the selected OPM firm, after the selection process is completed.

Q. Does the MSBA have guidelines and a standard contract for the procurement of an OPM by a district?

A. Yes. The MSBA has OPM Selection Process Guidelines and a standard contract for OPM services. Please click on the following links to view the MSBA's OPM Selection Process Guidelines and the MSBA standard contract for OPM services: [OPM Process Guidelines](#) and [OPM Base Contract for Design Bid Build \(DBB\) and Construction Manager at Risk \(CM-R\)](#). Please note that these documents may be updated from time to time.

Q. Does the MSBA participate in the negotiation of the contract between a district and the selected OPM?

A. No. The MSBA does not participate in the fee negotiations between a district and the selected OPM. Information that may assist a district with the negotiations of an OPM contract can be found here: [Capital Planning Data and Information: Cost Data](#).

Q. Should the district sign the OPM contract once agreement on fees have been reached with the selected OPM firm?

A. No, only the OPM firm should sign the MSBA standard contract after both parties agree on a fee. After the MSBA approves the selected OPM, the district may sign the contract.

Q. What should a district do once it has completed its procurement process and selected its first-ranked firm? Is anything required to be submitted to the MSBA?

A. Upon completion of the procurement process, the district must submit a detailed narrative that outlines a district's procurement process by the deadline that is included within a district's OPM RFS. This information can be found on the MSBA's website here, under "OPM Selection Process Information". Bullets three, four and five contain the necessary documentation to complete the package's contents, in addition to bullet six, which is the MSBA's template OPM contract.

**Please note, the narrative must be completed as directed, with minimal (if any) omissions, particularly, in regard to the final paragraph and the required signature lines.*

Q. If our district is unable to complete fee negotiations prior to the OPM Package due date to the MSBA, are we still able to attend the targeted OPM Review Panel Meeting?

A. After the district completes the OPM selection process, the district will commence fee negotiations with the first-ranked selection. If the district is unable to negotiate a contract with the first-ranked selection, the district will then commence negotiations with its second-ranked selection and so on, until a contract is successfully negotiated and approved by the district. The district may attend the targeted OPM Review Panel Meeting if the negotiations between the OPM and district are ongoing; however, the following must be communicated and submitted to the district's MSBA Project Coordinator: 1.) immediately notify its MSBA Project Coordinator that the negotiations are ongoing and not expected to be completed prior to the OPM selection package due date; 2.) complete all other OPM section package materials to the satisfaction of MSBA staff; and 3.) acknowledge that the contract is forthcoming.

Q. What happens once our district receives its OPM Approval Letter from the MSBA and has fully executed the OPM contract?

A. The district and its OPM will begin the Designer Selection Process ("DSP"). The district and its OPM will work with their assigned MSBA Project Coordinator to determine available DSP meeting dates. Please reference the MSBA's website, [here](#), for further information.