

# Streamlining the Public Works Design Process

**E**ngineering business operations in Massachusetts has been under scrutiny since the publication of the report "A Taxpayer's Look at a Sacred Cow: Public Sector Design in Massachusetts Two Decades After the Ward Commission." Released in November 1995 by the Massachusetts Taxpayers Foundation, the report was commissioned by the American Consulting Engineers Council of New England (ACEC/NE), the Boston Society of Architects, the Boston Society of Civil Engineers and other professional design organizations representing over 350 corporate members and 30,000 practicing professionals in Massachusetts. It is a scholarly paper, 38 pages long, that analyzes the procedures followed in Massachusetts for selecting and managing design services for public projects, explains how these procedures evolved, evaluates their efficiency and effectiveness, finds them wanting in many respects and makes specific recommendations for reform. The paper will be of particular interest and value to *Civil Engineering Practice* readers, their colleagues and clients who are involved in Massachusetts public projects and those who would like to evaluate other states' interests in the public sector work process.

Since the report was released, it has gained some public interest for its recommendations of saving taxpayer money. On June 20, 1996, Governor William Weld spoke to 900 members of ACEC/NE, the Boston Society of Architects and other allied design professionals at the Design Professions Annual Dinner held in Boston. Many in the audience anticipated that the governor would announce major policy changes in state procurement and contracting as a result of the report initiatives.

## Salary & Overhead Cap Relief

In his speech, Governor Weld announced a major step toward the ultimate elimination of caps on direct labor and overhead. He promised to follow the national mandate to abolish caps on federally-aided transportation design projects. Technically, the announced policy was to not seek a legislative exemption from the elimination of caps established in the National Highway Bill, recently enacted by Congress. Thus, all federally-aided design, such as the remaining design on the Central Artery/Tunnel project, the Route 3/Weymouth to Duxbury project, the I-495/Lawrence project will be "capless," in his terms. Conversely, the caps will remain on state-funded design projects, which represent the majority of public work under the Massachusetts Highway Department's (MHD) jurisdiction. With the dual capless and capped systems, the governor set up a "competition" of sorts to see if the cap relief saved time and money, with the ultimate potential for total cap relief if these benefits are realized.

## Statewide Partnering

The governor spoke proudly (and justifiably so) about the success of the ACEC/MHD partnering process and announced that the Massachusetts Bay Transportation Authority (MBTA) – the agency responsible for overseeing all public transportation projects – would be joining it immediately. He also expressed his intent to further broaden partnering by directing Secretary of Transportation and Construction, James Kerasiotes, and Secretary of Administration and Finance, Charles Baker, to “work with all state agencies to implement partnering.”

## More Lump Sum Contracts

The MHD and MBTA have recently experimented with lump sum contracts to streamline the negotiating and invoicing process. The governor announced an expansion of that effort to the MHD's \$63 million footprint bridge program, a bridge rehabilitation program which will be designed completely with lump sum as a fee basis.

## Elimination of the Study/Design Prohibition

The Department of Capital Planning and Operations (DCPO) is the agency responsible for overseeing all public building construction projects and enforces the current state law that prohibits a designer of “public building projects” from performing both the feasibility study and the final design. The intent of the law was to prevent a designer from justifying a building project to do the final design. The governor recognized the time wasted by this prohibition and announced his intent to file legislation to eliminate this law.

## Reduction of Paperwork

Throughout his speech, Governor Weld expressed his disdain for excessive regulations and wasteful paperwork. To emphasize this point, he concluded his speech with the phrase “as little paperwork as we can possibly get away with.” There were no specific changes to implement this policy, but its unmistakable clarity will provide a solid basis for future action.

## The First Step to Action

What does the design community gain from this speech? First, there should be acknowledgment of the rarity and importance of the event: after all, when has a sitting governor spoken to the engineers of Massachusetts solely on the design process and announced any reform at all? Although lots of questions remain about how, when and by whom these policies will be implemented, the partnering framework has been established and funded to answer them. All in all, the recommended policy changes represent a profound step forward in the procurement and contracting process by state government. Starting on page 7, a condensed version of the Massachusetts Taxpayers Foundation report is presented in this issue of *Civil Engineering Practice*. It is published herein to continue the debate in bringing public works design and construction management into the 21st century.



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*(Special thanks are given to Bill Rizzo, Past President of ACEC/NE, for his input and updates.)*