



33 Commercial Street, Suite 1  
Foxborough, MA 02035  
Telephone: 508/543-1700  
Fax: 508/543-5157

## MASSACHUSETTS GENERAL LAW OWNER'S PROJECT MANAGER

---

**E**ffective on July 19, 2004, Chapter 193 of the Acts of 2004 inserted a new provision into M.G.L. c. 149 § 44, which governs public building procurement. The new provision, M.G.L. c. 149 § 44A 1/2, requires public awarding authorities to engage the services on an Owner's Project Manager on all building projects estimated to cost \$1.5 million or more\*. The law requires that the Owner's Project Manager (OPM) be hired before the project designer, meet required minimal qualification standards, and be selected through a "qualifications-based" selection process. The OPM acts as the awarding authority's agent and consultant throughout the project from design through completion and must be completely independent from the designer, general contractor, and any sub-contractors involved in the project at all times. The law provides a listing of the minimally required duties of the OPM as follows:

"The duties of the owner's project manager shall include, but need not be limited to, providing advice and consultation with respect to design, value engineering, scope of the work, cost estimating, general contractor and sub-contractor prequalification pursuant to section 44D 1/2 or 44D 3/4 when applicable scheduling, construction and the selection, negotiation with and oversight of a designer and a general contractor for the project, ensuring the preparation of time schedules which shall serve as control standards for monitoring performance of the building project, and assisting in project evaluation including, but not limited to, written evaluation of the performance of the design professional, contractors, and sub-contractors."

The law requires a qualifications-based selection process, similar to a designer selection process that focuses on qualifications as opposed to lowest price. The law sets forth minimum qualifications standards for the OPM that require the OPM be a registered architect or professional engineer and have at least five years of relevant experience in the construction and supervision of construction of buildings. In the event the OPM is not a registered architect or professional engineer, they must have at least seven years of relevant experience in the construction and supervision of construction of buildings. Awarding authorities should carefully review OPM applicants to ensure they have significant relevant experience in the supervision of construction of the type and complexity necessary for the project. It is critical that the selected OPM be identified as an individual within a firm and that the identified individual meets, and preferably exceeds the minimum qualifications.

In evaluating applicants, due consideration should be given to the potential OPM's personal experience, skills, existing workload, staff available for back-up and assistance, and prior direct experience providing services in both the mandatory tasks and any other additional tasks the awarding authority requires. In particular, if the project is undertaken as a Construction Management at Risk project (CM@Risk), the OPM should have prior experience in the unique aspects of CM@Risk projects including, but not limited to, GMP negotiation and "open book" cost review. The selected OPM as an individual will be intimately involved in the project and bears the ultimate responsibility of providing the required OPM services to the Awarding Authority.

---

Contact: Anthony DiLuzio for more information regarding Maguire Group's OPM Services in Massachusetts.  
Email: [ADiluzio@MaguireGroup.com](mailto:ADiluzio@MaguireGroup.com)