

HOUSE No. 2832

The Commonwealth of Massachusetts

PRESENTED BY:

Louis L. Kafka

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act recognizing the profession of interior designers to bid on state contracts.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: |
|-----------------------------|-----------------------|
| <i>Louis L. Kafka</i> | <i>8th Norfolk</i> |
| <i>Kathi-Anne Reinstein</i> | <i>16th Suffolk</i> |
| <i>Paul McMurtry</i> | <i>11th Norfolk</i> |
| <i>Cory Atkins</i> | <i>14th Middlesex</i> |
| <i>Colleen M. Garry</i> | <i>36th Middlesex</i> |
| <i>Denise Andrews</i> | <i>2nd Franklin</i> |
| <i>Antonio F. D. Cabral</i> | <i>13th Bristol</i> |

HOUSE No. 2832

By Mr. Kafka of Stoughton, a petition (accompanied by bill, House, No. 2832) of Louis L. Kafka and others for legislation to recognize the profession of interior designers to bid on state contracts. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act recognizing the profession of interior designers to bid on state contracts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (b) of section 44 of chapter 7C of the General Laws, inserted by
2 section 82 of chapter 165 of the acts of 2012, is hereby amended by striking out the definition of
3 'Continued services'.

4 SECTION 2. Said subsection (b) of said section 44 of said chapter 7C , as so inserted, is
5 hereby further amended by inserting after the definition of 'Construction manager' the following
6 definition:-

7 'Continued services', authorization for a designer or interior designer who has been
8 appointed for 1 stage of a project to act as the designer or interior designer for a succeeding stage
9 or stages of the same project.

10 SECTION 3. The definition of 'Design services' in said subsection (b) of said section 44
11 of said chapter 7C, as so inserted, is hereby amended by inserting after the word 'designer' the
12 following words:- , interior designer.

13 SECTION 4. Said subsection (b) of said section 44 of said chapter 7C , as so inserted, is
14 hereby further amended by striking out the definition of 'Extended services' and inserting in
15 place thereof the following 2 definitions:-

16 'Extended services', authorization for a designer or interior designer who has been
17 appointed to provide design services for a project to act as designer or interior designer for work
18 to be done on another project not originally included in that designer's or interior designer's
19 contract.

20 'Interior Designer', an individual, corporation, partnership, sole proprietorship, joint stock
21 company, joint venture or other entity engaged in the practice of interior design, who may serve
22 as the prime consultant for projects that primarily involve construction or other work relating to
23 the nonstructural interior elements of a building or structure and provides services that do not
24 require a registered architect, landscape architect or engineer; provided, however, that an interior
25 designer shall demonstrate competence by completion of a nationally-recognized certification.

26 SECTION 5. Subsection (a) of section 46 of said chapter 7C, as so inserted, is hereby
27 amended by inserting after the word 'designers', the following words:- , interior designers.

28 SECTION 6. Subsection (b) of said section 46 of said chapter 7C, as so inserted, is
29 hereby amended by striking out the word 'selection', each time it appears, and inserting in place
30 thereof the following words:- or interior designer selection.

31 SECTION 7. Said subsection (b) of said section 46 of said chapter 7C , as so inserted, is
32 hereby further amended by striking out the words 'advertise for designers, select any designers'
33 and inserting in place thereof the following words:- advertise for designers or interior designers,
34 select any designers or interior designers.

35 SECTION 8. Said subsection (b) of said section 46 of said chapter 7C , as so inserted, is
36 hereby further amended by inserting after the words 'services of any designers' the following
37 words:- or interior designers.

38 SECTION 9. Subsection (c) of said section 46 of said chapter 7C, as so inserted, is
39 hereby amended by striking out the word 'selection', each time it appears, and inserting in place
40 thereof the following words:- or interior designer selection.

41 SECTION 10. Clause (ii) of subsection (d) of said section 46 of said chapter 7C , as so
42 inserted, is hereby amended by striking out the word 'selection' and inserting in place thereof the
43 following words:- or interior designer selection.

44 SECTION 11. Clause (iii) of said subsection (d) of said section 46 of said chapter 7C, as
45 so inserted, is hereby amended by striking out the words 'designer services' and inserting in place
46 thereof the following words:- design services.

47 SECTION 12. Said clause (iii) of said subsection (d) of said section 46 of said chapter
48 7C, as so inserted, is hereby further amended by inserting after the words 'any designer' the
49 following words:- or interior

50 designer.

51 SECTION 13. Said clause (iii) of said subsection (d) of said section 46 of said chapter
52 7C, as so inserted, is hereby further amended by inserting after the words 'paid to the designer'
53 the following words:- or

54 interior designer.

55 SECTION 14. Subsection (a) of section 47 of said chapter 7C, as so inserted, is hereby
56 amended by striking out the word 'designer', each time it appears, and inserting in place thereof
57 the following word:- design.

58 SECTION 15. Clause (i) of subsection (b) of said section 47 of said chapter 7C , as so
59 inserted, is hereby amended by striking out the word 'designer' and inserting in place thereof the
60 following word:- design.

61 SECTION 16. Subsection (b) of said section 47 of said chapter 7C , as so inserted, is
62 hereby amended by striking out clause (iii) and inserting in place thereof the following clause:-
63 (iii) the qualification required of applicants for the projects, including whether interior designers
64 are eligible to apply, as determined by subsection (h) of section 48;

65 SECTION 17. Clause (iv) of said subsection (b) of said section 47 of said chapter 7C, as
66 so inserted, is hereby amended by inserting after the word 'designers' the following words:- and
67 interior designers'.

68 SECTION 18. Subsection (a) of section 48 of said chapter 7C, as so inserted, is hereby
69 amended by inserting after the words 'No designer', the following words:- , interior designer.

70 SECTION 19. Clause (i) of said subsection (a) of said section 48 of said chapter 7C, as so
71 inserted, is hereby amended by inserting after the word 'designer' the following words:- , interior
72 designer.

73 SECTION 20. Subsection (e) of said section 48 of said chapter 7C , as so inserted, is
74 hereby amended by inserting after the word 'designer' the following words:-, interior designer.

75 SECTION 21. Subsection (f) of said section 48 of said chapter 7C , as so inserted, is
76 hereby amended by inserting after the word 'designers', the following words:- and interior
77 designers.

78 SECTION 22. Said section 48 of said chapter 7C, as so inserted, is hereby further
79 amended by striking out subsection (g) and inserting in place thereof the following subsection:-

80 (g) The division of capital asset management and maintenance, in consultation with the
81 board, shall develop a standard designer and interior designer evaluation form that shall be
82 completed by every public agency, as defined in section 44A of chapter 149, upon completion of
83 the work under a design contract under its control. The evaluation form shall be submitted to the
84 division and the board for the designer's or interior designer's qualification file. The official from
85 the public agency or the owner's representative shall certify that the information contained on the
86 designer's or interior designer's evaluation form represents, to the best of the official's or
87 representative's knowledge, a true and accurate analysis of the designer's or interior designer's

88 performance record on the contract. The public agency shall mail a copy of the designer's or
89 interior designer's evaluation form to the designer or interior designer who may, within 30 days,
90 submit a written response to the division and board disputing any information contained in the
91 form and setting forth any additional information concerning the building project or the oversight
92 of the building construction contract by the public agency as may be relevant to the evaluation of
93 the designer's or interior designer's performance. The division and board shall attach such a
94 response to the evaluation form for inclusion in the designer's or interior designer's qualification
95 file.

96 No public employee or public employer, as defined in section 1 of chapter 258, and no
97 person shall be liable for an injury or loss to a designer or interior designer as a result of the
98 completion of a designer or interior designer evaluation form as required by this section, unless
99 the individual completing the evaluation form has been found by a superior court of competent
100 jurisdiction to have acted in a willful, wanton or reckless manner. If a designer or interior
101 designer, seeking to recover damages resulting from injury caused by such an evaluation,
102 commences a suit against a person who has completed a designer or interior designer evaluation
103 form as required by this section, the public agency for whom the evaluation form was completed
104 or the commonwealth, if the evaluation was completed for a state agency, shall provide for the
105 legal representation of that person. The public agency or the commonwealth, where an
106 evaluation was completed for a state

107 agency, shall indemnify the person who completed the evaluation from all personal
108 financial losses and expenses including, but not limited to, legal fees and filing costs, if any, in
109 an amount not to exceed \$1,000,000; provided, however, that no such person shall be
110 indemnified for losses other than legal fees and filing costs under this section if that person is
111 found by a court or a jury to have acted in a willful, wanton or reckless manner.

112 The awarding authority shall provide the designer or interior designer with a written
113 preliminary evaluation at the completion of the schematic phase of the project for informational
114 purposes.

115 A public agency that fails to complete and submit the designer or interior designer
116 evaluation form, together with any written response by the designer or interior designer, to the
117 division within 70 days

118 of the completion of a project shall be ineligible for receipt of public funds disbursed by
119 the commonwealth for the purposes of public building or public works projects.

120 SECTION 23. Said section 48 of said chapter 7C, as so inserted, is hereby further
121 amended by adding the following subsection:-

122 (h) Interior designers shall be eligible to compete as the prime consultant only for
123 projects that primarily involve construction or other work related to nonstructural interior
124 elements of a building or structure.

125 SECTION 24. Subsection (d) of section 49 of said chapter 7C, as so inserted, is hereby
126 amended by inserting after the word 'designers', the following words:- and interior designers.

127 SECTION 25. Subsection (e) of said section 49 of said chapter 7C , as so inserted, is
128 hereby further amended by inserting after the word 'designer', the following words:- or interior
129 designer.

130 SECTION 26. Section 50 of said chapter 7C, as so inserted, is hereby amended by
131 inserting after the word 'designer', each time it appears, the following words:- or interior
132 designer.

133 SECTION 27. Said section 50 of said chapter 7C, as so inserted, is hereby further
134 amended by inserting after the word 'designers', the following words:- or interior designers.

135 SECTION 28. Said section 50 of said chapter 7C, as so inserted, is hereby further
136 amended by inserting after the word 'designer's', each time it appears, the following words:- or
137 interior designer's.

138 SECTION 29. Section 51 of said chapter 7C, as so inserted, is hereby amended by
139 striking out the words 'designer or construction manager', each time they appear, and inserting in
140 place thereof the following words:- designer, interior designer or construction manager.

141 SECTION 30. Subsection (b) of said section 51 of said chapter 7C , as so inserted, is
142 hereby amended by inserting after the words 'If the designer's' the following words:-, interior
143 designer's.

144 SECTION 31. Clause (i) of said subsection (b) of said section 51 of said chapter 7C, as
145 so inserted, is hereby amended by inserting after the word 'designer's' the following words:- or
146 interior designer's.

147 SECTION 32. Clause (iii) of subsection (d) of said SECTION 51 of said chapter 7C, as
148 so inserted, is hereby amended by inserting after the word 'designer' the following words:- or
149 interior designer.

150 SECTION 33. Clause (iv) of said subsection (d) of said section 51 of said chapter 7C, as
151 so inserted, is hereby amended by inserting after the word 'designer', each time it appears, the
152 following words:- or interior designer.

153 SECTION 34. Subsection (e) of said section 51 of said chapter 7C, as so inserted, is
154 hereby amended by inserting after the word 'designer', each time it appears, the following
155 words:- or interior designer.

156 SECTION 35. Subsection (e) of said section 51 of said chapter 7C , as so inserted, is
157 hereby amended by striking out the third sentence and inserting in place thereof the following
158 sentence:- A designer or

159 interior designer required by the public agency to obtain all or a portion of such insurance
160 coverage at the designer's or interior designer's own expense shall furnish a certificate of
161 insurance coverage to the public agency prior to the award of the contract.

162 SECTION 36. Subsection (f) of said section 51 of said chapter 7C , as so inserted, is
163 hereby amended by inserting after the word ' designer' the following words:-, interior designer.

164 SECTION 37. Subsection (g) of said section 51 of said chapter 7C , as so inserted, is
165 hereby amended by inserting after the word 'designer' the following words:- or interior designer.

166 SECTION 38. Subsection (h) of said section 51 of said chapter 7C , as so inserted, is
167 hereby amended by inserting after the word 'designer' the following words:- or interior designer.

168 SECTION 39. Said subsection (h) of said section 51 of said chapter 7C , as so inserted, is
169 hereby further amended by inserting after the word 'designer's' the following words:- or interior
170 designer's.

171 SECTION 40. Subsection (i) of said section 51 of said chapter 7C, as so inserted, is
172 hereby amended by striking out the words " or his consultants" and inserting in place thereof the
173 following words:-, interior designer or consultants hired by the designer or interior designer.

174 SECTION 41. Section 52 of said chapter 7C, as so inserted, is hereby amended by
175 inserting after the word 'designer' each time it appears, the following words:- or interior designer.

176 SECTION 42. Subsection (a) of section 53 of said chapter 7C, as so inserted, is hereby
177 amended by inserting after the word 'designer' the following words:-, interior designer.

178 SECTION 43. Section 54 of said chapter 7C, as so inserted, is hereby amended by
179 striking out the words 'designer selection', each time they appear, and inserting in place thereof
180 the following words:- designer and interior designer selection.

181 SECTION 44. Subsection (b) of said section 54 of said chapter 7C , as so inserted, is
182 hereby amended by inserting after the word 'designer's ' the following words:- or interior
183 designer's.

184 SECTION 45. Clause (iii) of section 55 of said chapter 7C, as so inserted, is hereby
185 amended by inserting after the word 'designer' the following words:- or interior designer.