

# SENATE . . . . . No. 1557

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*James E. Timilty*

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*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 adoption of the accompanying bill:

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

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

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*James E. Timilty*

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*Bristol and Norfolk*

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*Antonio F. D. Cabral*

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*13th Bristol*

# SENATE . . . . . No. 1557

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By Mr. Timilty, a petition (accompanied by bill, Senate, No. 1557) of James E. Timilty and Antonio F. D. Cabral for legislation to recognize the profession of interior designers to bid on state contracts. State Administration and Regulatory Oversight.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 1634 OF 2011-2012.]

## The Commonwealth of Massachusetts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) The division of capital asset management and maintenance, in consultation with the board, shall develop a standard designer and interior designer evaluation form that shall be completed by every public agency, as defined in section 44A of chapter 149, upon completion of the work under a design contract under its control. The evaluation form shall be submitted to the division and the board for the designer’s or interior designer’s qualification file. The official from the public agency or the owner’s representative shall certify that the information contained

on the designer's or interior designer's evaluation form represents, to the best of the official's or representative's knowledge, a true and accurate analysis of the designer's or interior designer's performance record on the contract. The public agency shall mail a copy of the designer's or interior designer's evaluation form to the designer or interior designer who may, within 30 days, submit a written response to the division and board disputing any information contained in the form and setting forth any additional information concerning the building project or the oversight of the building construction contract by the public agency as may be relevant to the evaluation of the designer's or interior designer's performance. The division and board shall attach such a response to the evaluation form for inclusion in the designer's or interior designer's qualification file. No public employee or public employer, as defined in section 1 of chapter 258, and no person shall be liable for an injury or loss to a designer or interior designer as a result of the completion of a designer or interior designer evaluation form as required by this section, unless the individual completing the evaluation form has been found by a superior court of competent jurisdiction to have acted in a willful, wanton or reckless manner. If a designer or interior designer, seeking to recover damages resulting from injury caused by such an evaluation, commences a suit against a person who has completed a designer or interior designer evaluation form as required by this section, the public agency for whom the evaluation form was completed or the commonwealth, if the evaluation was completed for a state agency, shall provide for the legal representation of that person. The public agency or the commonwealth, where an evaluation was completed for a state agency, shall indemnify the person who completed the evaluation from all personal financial losses and expenses including, but not limited to, legal fees and filing costs, if any, in an amount not to exceed \$1,000,000; provided, however, that no such person shall be indemnified for losses other than legal fees and filing costs under this section if that person is found by a court or a jury to have acted in a willful, wanton or reckless manner.

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

A public agency that fails to complete and submit the designer or interior designer evaluation form, together with any written response by the designer or interior designer, to the division within 70 days of the completion of a project shall be ineligible for receipt of public funds disbursed by the commonwealth for the purposes of public building or public works projects.

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

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

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

124 SECTION 25. Subsection (e) of said section 49 of said chapter 7C, as so inserted, is  
125 hereby further amended by inserting after the word “designer”, the following words:- or interior  
126 designer.

127 SECTION 26. Section 50 of said chapter 7C, as so inserted, is hereby amended by  
128 inserting after the word “designer”, each time it appears, the following words:- or interior  
129 designer.

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

132 SECTION 28. Said section 50 of said chapter 7C, as so inserted, is hereby further  
133 amended by inserting after the word “designer’s”, each time it appears, the following words:- or  
134 interior designer’s.

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

138 SECTION 30. Subsection (b) of said section 51 of said chapter 7C, as so inserted, is  
139 hereby amended by inserting after the words “If the designer’s” the following words:-, interior  
140 designer’s.

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

144 SECTION 32. Clause (iii) of subsection (d) of said section 51 of said chapter 7C, as so  
145 inserted, is hereby amended by inserting after the word “designer” the following words:- or  
146 interior designer.

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

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

153 SECTION 35. Subsection (e) of said section 51 of said chapter 7C, as so inserted, is  
154 hereby amended by striking out the third sentence and inserting in place thereof the following  
155 sentence:- A designer or interior designer required by the public agency to obtain all or a portion

of such insurance coverage at the designer's or interior designer's own expense shall furnish a certificate of insurance coverage to the public agency prior to the award of the contract.

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

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

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

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

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

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

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

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

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

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