Massachusetts Bay Transportation Authority

Capital Programs Support
Updated Design Errors & Omissions Evaluation Process

November 18, 2020

REASONS FOR UPDATING THE PROCESS

❑ Replace the existing MBTA cost recovery process which dates back to 2005

❑ Create a quality assurance process focused on improving the quality of design submittals.

❑ Integrate with the Consultant Performance Evaluation Reports (CPER's) to set clear expectations for designers and hold them accountable for performance

❑ Confirm the Project Office's role in evaluating a designer's performance

❑ Establish a quantitative threshold tied to Standard of Care

❑ Implement cost recovery, when appropriate

❑ Align more closely with MassDOT Policy

KEY ELEMENTS OF THE PROCESS

❑ Sets clear expectations for designers with respect to quality of design submittals.

❑ Holds designers accountable for performance

❑ Establishes 3% of construction costs as a fair and reasonable threshold for Standard of Care

❑ Distinguishes an Error from an Omission

❑ Sets designer's responsibility for errors at 100%

❑ Sets Designer's responsibility for omissions at 10%

❑ Creates the E&O Committee to do an independent review of whether a designer has met its Standard of Care

❑ Establishes criteria for determining if cost recovery is appropriate

❑ Requires Senior Leadership to approve all recommendations related to cost recovery

❑ Maintains Project Office lead role in cost recovery efforts

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E&O COMMITTEE MEMBERS

- ❑ Chairperson and the Administrator appointed by the Chief of Capital Programs Support
- ❑ Deputy Chief for QA/QC
- ❑ Deputy Chief for Contract Services
- ❑ Director of Construction QA/QC
- ❑ Manager of Design QA/QC
- ❑ OCE Representative
- ❑ Project Office Representative
- ❑ Owner's Representative Member, if required by statute
- ❑ Maintains Project Office lead role in cost recovery efforts
- ❑ Other Expertise, as appropriate

NEXT STEPS

❑ Present to ACEC

❑ Provide MBTA Project Office Lunch and Learn

❑ Update e-Builder Process

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QUESTIONS