

# HOUSE . . . . . No. 3209

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## The Commonwealth of Massachusetts

PETITION OF:

Louis L. Kafka  
Bradford Hill  
Frank M. Hynes  
Jarrett T. Barrios

Mary E. Grant

In the Year Two Thousand and Seven.

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:*

SECTION 1. Chapter 112 of the general laws is hereby amended by adding the  
following new section:

Section 227.

Section 1. Interior design professionals shall be permitted to bid on state work  
and offer their services to the Commonwealth and its political subdivisions.

In order to bid on state work, interior design professionals shall meet the federal  
standards required to bid on federal appropriations work as set forth by the  
federal government. These standards, found in federal code 541410, identifies  
the NAICS code and universal definition for the profession of Interior Design  
for the US federal, Canadian and Mexican governments. The code and  
definitions are used by the US Census Bureau as identification and by the  
Federal Government when listing Requests for Proposals.

These standards include:

- a) Professionals shall be primarily engaged in planning, designing, and  
administering projects in interior spaces to meet the physical and  
aesthetic needs of people using them, taking into consideration building

codes, health and safety regulations, traffic patterns and floor planning, mechanical and electrical needs, and interior fittings and furniture.

- b) Interior designers and interior design consultants work in areas, such as hospitality design, health care design, institutional design, commercial and corporate design, and residential design.
- c) Interior decorating consultants engaged exclusively in providing aesthetic services associated with interior spaces.
- d) The duties of which are to perform, supervise, or manage work related to the design of interior environments in order to promote employee productivity, health, and welfare, and/or the health and welfare of the public. These shall include investigating, identifying, and documenting client needs; analyzing needs, proposing options and, working with the client, developing specific solutions; developing design documents, including contract working drawings and specifications; and, as appropriate, managing design projects performed in-house or by contract.
- e) The work, which requires appropriate knowledge from fields relevant to this profession, such as
  - 1) interior construction (building systems and components, building codes, equipment, materials, and furnishings, working drawings and specification, codes and standards);
  - 2) contracting (cost estimates, bid proposals, negotiations, contract awards, site visits during construction, pre- and post-occupancy evaluations);
  - 3) facility operation (maintenance requirements, traffic patterns, security and fire protection);
  - 4) aesthetics (sense of scale, proportion, and form; color, texture, and finishes; style and visual imagery);
  - 5) psychology (privacy and enclosure; effects of environmental components (color, texture, space, etc.) on mood, alertness, etc.); and, as appropriate,
  - 6) management (design project and resource coordination).

It shall be the policy of this state to announce publicly requirements for such professional services, to encourage all qualified persons to be considered for a contract, and to enter into contracts for such professional services on the basis of demonstrated competence and qualification for the types of professional services required at fair and reasonable fees.

#### Section 2. Interior Design Services.

- a) Any person desiring to provide professional services to a state agency shall submit to the agency a statement of qualifications and performance data and

such other information as may be required by the agency. The agency may request such person to update such statement periodically in order to reflect changed conditions in the status of such person.

b) Any person desiring to provide professional services to a state agency shall meet minimum education or experience requirements as defined as follows:

*Education. Undergraduate and Graduate Education:* Major study--interior design or other field that included or was supplemented by at least 30 semester hours in interior design, interior architecture, or interior environmental design; or passage of the National Council for Interior Design Qualification (NCIDQ) examination.

*Experience.* Experience that provided a basic knowledge and understanding of interior design and the design process. Experience may have been gained in work such as interior design assistant or technician, architectural drafting, space planning, furniture/furnishings design, or other positions that require the practical application of design principles in a structured design process. The work of craftspeople or hobbyists in the following fields is not qualifying: painting, fiber art, weaving, woodworking, carpet installing, etc.

*Specialized Experience.* Experience that required the performance of work concerned with the design and alteration of interior spaces to meet functional and aesthetic needs such as:

- Identifying, researching, and creatively solving problems pertaining to the function and quality of the interior environment.
- Performing services relative to interior spaces, including programming, design analysis, space planning and aesthetics, using specialized knowledge of interior construction, building systems and components, building codes, equipment, materials, and furnishings.
- Preparing drawings and documents relative to the design of interior spaces in order to enhance and protect the health, safety, and welfare of the public.
- Coordinating and integrating the mechanical, electrical, and structural engineering disciplines within the interior context.
- Managing projects, developing cost estimates, evaluating bid proposals, reviewing construction documents, participating in on-site construction visits, conducting pre- and post-occupancy evaluations, developing standards for efficient space management, etc.

c) For each proposed project for which professional services are required, the principal representative or his or her designee of the state agency for which the project is to be done shall evaluate statements of qualifications and performance data as required in the public notice provided and shall conduct discussions with

not less than three persons regarding their qualifications, approaches to the project, abilities to furnish the required professional services, anticipated design concepts, and use of alternative methods of approach for furnishing the required professional services. The principal representative or his or her designee shall then select not less than three nor more than five persons deemed to be most highly qualified to perform the required professional services after considering, and based upon, such factors as the ability of professional personnel, past performance, willingness to meet time requirements, project location, office location, the professional's current and projected workloads, the professional's approach, quality control procedures, the volume of work previously awarded to the person by the state agency, and the extent to which said persons have and will involve minority subcontractors, with the object of effecting an equitable distribution of contracts among qualified persons as long as such distribution does not violate the principle of selection of the most highly qualified person.