

# Massachusetts Legislative Update: Proposed Budget Impacts Transportation Projects and Establishes Progressive Design-Build Pilot Program

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On January 28, 2026, Massachusetts Governor Maura T. Healey submitted a bill entitled “An Act Making Appropriations for the Fiscal Year 2027 for the Maintenance of the Departments, Boards, Commissions, Institutions, and Certain Activities of the Commonwealth, for Interest, Sinking Fund, and Serial Bond Requirements, and for Certain Permanent Improvements,” or “House 2” to the Massachusetts Senate and House of Representatives. House 2 includes several provisions that would have a significant impact on the Commonwealth’s construction and design professional communities if adopted as drafted, as briefly summarized below.

## Owner’s Representatives on Transportation Projects

House 2 Sections 20, 64, and 65 amend Chapters 30 and 149A of the Massachusetts General Laws to increase the threshold for contracts requiring an owner’s representative on transportation projects from \$50 million to \$100 million. It also eliminates the requirement that such owner’s representative be a professional engineer. Instead, the representative may be “an individual who has not less than five years of experience in the construction and supervision of construction of the type which is the subject of the pertinent major contract in nature, scope, and complexity.”

## Progressive Design-Build Pilot Program

Section 77 entitled “Progressive Design Build Pilot Program” (the PDB Program) authorizes the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority, otherwise known as the MBTA, to establish and implement a progressive design build (PDB) project delivery method for 14 projects “that are sufficiently extensive in size, complexity, and duration.” The identified projects include the following projects: 1) Allston Multimodal Project; 2) Bourne Bridge Replacement Project; 3) Sagamore Bridge Replacement; 4) MBTA Rail Modernization; and 5) MBTA Station Modernization.

The PDB Program includes the following requirements, among others:

- + PDB projects shall be advertised within five years of the enactment of Section 77;
- + The awarding authority may evaluate and select PDB project proposals on either a qualifications-based or best-value basis;
- + If a PDB project is selected on a qualification basis, the awarding authority shall establish a selection committee to open, evaluate and score each proposal based on the quality criteria contained in the relevant RFP; and
- + If a PDB project is awarded based on best value, each proposal shall include both a sealed technical proposal and sealed price proposal. The awarding authority’s selection committee first evaluates and scores each technical proposal in accordance with the RFP’s quality criteria before then separately evaluating the price proposals.

If adopted as drafted, House 2 represents an important step towards the Commonwealth’s adoption of the progressive design-build procurement model. In particular, Section 77 provides an opportunity for the Commonwealth to implement the PDB model on some of the most important, and complex, public projects that will be undertaken in

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the near future. Importantly, the projects authorized by the PDB Program cover a variety of design and construction sectors, which will provide a useful survey of the benefits of implementing PDB on different project types.

As of the date of publishing of this article, House 2 is currently being reviewed in committee. We will update this article with future developments.