

Notice of Public Hearing and Comment Period

Notice is hereby given, pursuant to M.G.L. c. 30A, § 2, that the Office of the Inspector General (OIG) will convene a public hearing and comment period for purposes of gathering comments, ideas, and information related to the proposed promulgation of regulations.

- **945 CMR 4.00 Owner's Representative for Major Contracts Under M.G.L. c. 30, § 39M ½**
- **945 CMR 5.00 Owner's Representative for Major Contracts Under M.G.L. c. 149A, § 15 ½**

These regulations, authorized pursuant to M.G.L. c. 30, § 39M ½ and M.G.L. c. 149A, § 15 ½, relate to owner's representatives providing oversight on certain projects which exceed \$50M in estimated costs. These projects involve the Commonwealth procuring the construction, repair or rehabilitation of highways, railways, bridges, tunnels, or building platforms (under M.G.L. c. 30, § 39M ½), or the construction of highways, railways, bridges, tunnels, or aviation facilities (under M.G.L. c. 149A, § 15 ½). These regulations establish standardized policies and procedures for (a) procuring the services of an owner's representative and (b) the owner's representative's professional project oversight responsibilities for these projects. The OIG does not anticipate these regulations having an impact on local government.

The public hearing will be held on **Thursday, October 30, 2025, at 11:30 a.m.** in the **Collaboration Center on the 13th floor of One Ashburton Place, Boston, MA 02108.**

Individuals who provide notice of their intent to testify will be afforded an earlier opportunity to speak. Speakers are strongly encouraged to provide notice of their intent to testify, along with written copy of their testimony, by emailing the address below with the subject line: "*Regulation Hearing Comment – 945 CMR 4.00, 5.00.*" Written comments will be accepted starting **October 6, 2025**, and must be received by **5:00 p.m. on October 30, 2025.**

Email: joshua.giles@mass.gov

Postal Mail: Office of the Inspector General
Attn: Josh Giles
One Ashburton Place, Room 1311
Boston, MA 02108

A copy of the above-listed regulations may be obtained by contacting the above address or email address. Additionally, please find the accompanying Small Business Impact Statements in accordance with M.G.L. c. 30A, §2 attached. To request interpretive services, please submit your request at least five business days prior to the public hearing.

Small Business Impact Statement

945 CMR 4.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 20-25

Will small businesses have to create, file, or issue additional reports?

Not necessarily. Under the new regulations, public agencies may, but do not need to, require owner's representatives to create and file certain additional reports.

Will small businesses have to implement additional recordkeeping procedures?

No.

Will small businesses have to provide additional administrative oversight?

No.

Will small businesses have to hire additional employees in order to comply with the proposed regulation?

No.

Does compliance with the regulation require small businesses to hire other professionals (e.g., a lawyer, accountant, engineer, etc.)?

No.

Does the regulation require small businesses to purchase a product or make any other capital investments in order to comply with the regulation?

No.

Are performance standards more appropriate than design or operational standards to accomplish the regulatory objective?

No.

Do any other regulations duplicate or conflict with the proposed regulation?

No.

Does the regulation require small businesses to cooperate with audits, inspections or other regulatory enforcement activities?

Yes. The regulations allow for regulatory enforcement activities including sanctions and adjudicatory proceedings.

Does the regulation require small businesses to provide educational services to keep up to date with regulatory requirements?

No.

Is the regulation likely to deter the formation of small businesses in Massachusetts?

No.

Is the regulation likely to encourage the formation of small businesses in Massachusetts?
No.

Does the regulation provide for less stringent compliance or reporting requirements for small businesses?
No.

Does the regulation establish less stringent schedules or deadlines for compliance or reporting requirements for small businesses?
No.

Did the agency consolidate or simplify compliance or reporting requirements for small businesses?
No.

Can performance standards for small businesses replace design or operational standards without hindering delivery of the regulatory objective?
No.

Are there alternative regulatory methods that would minimize the adverse impact on small businesses?
No.

Small Business Impact Statement

945 CMR 5.00

Estimate of the Number of Small Businesses Impacted by the Regulation: 20-25

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