

Uniform Procurement Act

G.L. c.30B

The chart on the other side of this sheet summarizes the procurement procedures for purchase of supplies and services, for the disposal of surplus supplies, and for the acquisition and disposal of interests in real property. This chart is designed as a guide to the applicable procedures. It is not a comprehensive treatment of all statutory requirements. For detailed, step-by-step procedures and requirements, see G.L. c.30B, §§1-23. Refer also to the Inspector General's *Chapter 30B Manual: Procuring Supplies, Services and Real Property - 9th Edition*, available at the State Bookstore, Room 116, State House, Boston, MA 02133, (617) 727-2834, or online at the Inspector General's website at <http://www.mass.gov/ig> under View OIG Bulletins, Guides, Advisories and Forms → View our guides and advisories.

In addition to procurement procedures, miscellaneous provisions require or allow:

1. Certificate of Good Faith (Non-Collusion Certificate) in every bid/proposal (§10).
2. Bid-Splitting prohibited (§11).
3. Contract Amendments: increase in quantity of supply or service limited to 25% of original contract price; increase must be stated in writing signed by parties; unit prices must remain the same or less (§13).
4. Specifications: general descriptions; limitations on proprietary specifications (§14).
5. Written Contract Document: agreements of \$10,000 or more (§17); maintain file for six years from the date of final payment (§3).
6. Enforcement: contract awarded in violation of procedures is invalid, no payment may be made; up to \$2,000 fine for each violation and double damages to municipality plus costs of any legal action; Inspector General enforces (§17).
7. Delegation: Chief Procurement Officer (CPO) may delegate powers to one or more employees of municipality; notice of delegation signed by CPO must be filed with Inspector General (§19).
8. Multi-year Contracts: subject to annual appropriation; term in excess of three (3) years authorized by majority vote of town meeting or city council (§12).
9. Local option for preference for Massachusetts agricultural products (§20).
10. Reverse auction for procurement contracts of more than \$50,000 in compliance with Massachusetts Operational Services Division policy (§6A).
11. All purchases from vendors under federal GSA contracts are compliant with G.L. c. 30B (§1(f)).
12. Exemptions: many types of contracts are exempt; see G.L. c.30B, §1(b). Some of the most common exemptions: inter or intra governmental agreements; state bid list or joint purchasing; issuance of bonds; procurement of insurance or bonds; contracts with expert witnesses, lawyers, certified public accounts and health care professionals; contracts with architects, engineers, and related professionals (as defined in §2); contracts funded by gift; towing and storage contracts; ambulance services; municipal hospital and airport commission contracts; solid waste and recycling contracts; snow plowing contracts; grant agreements; employment agreements; contracts for energy, energy aggregation and energy related services; energy management services contracts procured under G.L. c.25A, §11C.

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Uniform Procurement Act Procedures (G.L. c.30B)

Dollar Amount of Contract	Statutory Reference	Published Advertisement	Procedure	Award to	Additional Requirements or Exceptions
<u>Supplies & Services</u> Under \$10,000	§4	None Required	Exercise of sound business practices (See §2 for definition)	Favorable Price Quote	No written contract required
<u>Supplies & Services</u> \$10,000 - \$50,000	§4	None Required	Solicit 3 Written Quotes	Lowest Quote	Written contract required
<u>Supplies & Services</u> > \$50,000 Invitation for Bids	§5	Posting, Newspaper, COMMBUYS (\$100,000+ also Goods and Services Bulletin)	Sealed Bids (IFB)	Lowest responsible and responsive bidder	Written contract required
<u>Supplies & Services</u> > \$50,000 Request for Proposals	§6	Posting, Newspaper, COMMBUYS (\$100,000+ also Goods and Services Bulletin)	Separately sealed price and non-price proposals (RFP)	Most advantageous based on non-price and price factors	Written contract required; Chief procurement officer – written determination of need for non-price factors.
<u>Supplies & Services</u> Sole Source \$50,000 maximum (no limit for library & school books, education materials, software maintenance, sole source utilities)	§7	None Required	Direct Negotiation	Sole Source	Sole Source determination by procurement officer. Additional recordkeeping.
<u>Supplies & Services</u> Emergency	§8	Goods and Services Bulletin (as soon as practicable)	Comply with c.30B procedures to extent possible (3 quotes recommended)	Lowest Price	Emergency declaration by procurement officer. Procure only to meet emergency needs.
<u>Supplies (Disposal)</u> Net value of \$10,000+	§15	Same as §5 above for bid or auction	Sealed bids, auction, or established markets	Highest Price	May be listed as trade-in in IFB/RFP. Special procedure for disposal to charity.
<u>Real Property</u> More than \$35,000 acquisition or disposal by purchase, sale or lease	§16	Newspaper – advertise once per week for 2 consecutive weeks, last at least 8 days before deadline (greater than 2,500 sq. ft. – also Central Register – at least 30 days before)	Sealed Proposals	Most advantageous	For dispositions: declaration of availability, determination of value. For acquisitions: uniqueness determination to shorten or waive advertising; notice of award in Central Register.