



# TOWN OF PLAINVILLE

# PROCUREMENT PROCEDURES





## TOWN OF PLAINVILLE

[www.plainville.ma.us](http://www.plainville.ma.us)

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December 1, 2021

Dear Department Head, Committee Member, or Board Member:

I am pleased to issue this first edition of the *Procurement Procedures Guide*.

The Guide is designed to familiarize you with the municipal procurement process and purchasing laws, rules and regulations. It is a primer on Massachusetts General Law Chapter 30B, also known as the "Uniform Procurement Act." It is not expected that you will become an expert but merely introduce you to municipal purchasing. The Guide will provide an awareness of purchasing issues and a resource when you have questions.

For additional information on procurement and the role of the Inspector General's Office, visit their website at [www.mass.gov/ig](http://www.mass.gov/ig).

Please feel free to contact me directly with any questions or concerns

Sincerely,

BRIAN S. NOBLE  
Town Administrator

BSN:mt



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# Procurement Policies & Procedures

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## Procurement Policies & Procedures Town of Plainville, Massachusetts

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## Procurement Policies

### General Overview

#### 1.0 Objective

The Town of Plainville utilizes a Chief Procurement Officer (CPO) in its Procurement Process. It is the responsibility of the CPO to secure quality goods and services while promoting fair competition and competitive pricing.

Procurement procedures have been developed to:

- simplify, clarify, and modernize the procedures governing procurement by the Town of Plainville;
- increase public confidence in processes followed in Town procurement;
- ensure the fair and equitable treatment of all persons who offer to provide goods or services to the Town;
- provide increased economy in procurement activities and to maximize to the fullest extent practicable the purchasing value of Town funds;
- foster effective broad-based competition for the provision of goods and services to the Town of Plainville; and
- provide safeguards for the maintenance of a procurement system based on quality and integrity.

#### 2.0 Procurement Procedure

All Town departments, including the School Department, and departments that operate through an enterprise fund, are subject to state procurement laws, inclusive but not limited to MGL 30B, 7, 30/39M, and 149, and are responsible for meeting all requirements. Departments under the jurisdiction of the Town Administration must follow all procurement policies and procedures as established by the Select Board. The CPO is available to provide guidance and procurement assistance to all Town Departments in the development and solicitation of public bids and proposals through quotes, the Invitation for Bid (IFB) and Request for Proposal (RFP) process for the procurement of goods and services, contract administration and monitoring of invoices which follow the contract award.

#### 3.0 Overview of Procurement Laws

The type of supply or service, along with the required amount, shall determine what legal requirements must be met in order for the procurement to be compliant with



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applicable purchasing laws. Once the need for the procurement has been identified and the nature of the goods and services determined, the appropriate procurement must be followed. A majority of purchases will fall into one of the following categories:

### **3.1 Procurement of Supplies and Services: MGL c. 30B**

Unless expressly exempt from public bidding under MGL c. 30B, §1, the Town's purchase of any supplies or services, meeting certain monetary thresholds, requires compliance with the procurement procedures outlined in MGL c. 30B.

### **3.2 Public Works Construction: MGL c.30, 39M**

The procurement of a contractor for the construction, reconstruction, installation, demolition, maintenance, or repair of a public work requires public bidding. A public works construction project is generally considered any horizontal construction activity that involves any land disturbance but excluding the construction of a building.

### **3.3 Public Building Construction: MGL c.149, §44A to 44M.**

Procurement of a contractor for a public agency's construction, reconstruction, installation, demolition, maintenance or repair of a building is subject to the Filed Sub-Bid Law, MGL c. 149, §44A to 44M. All building construction projects over \$1.5 million REQUIRE an Owners Project Manager (OPM)

### **3.4 Procurement of Design Services: MGL c. 7, §44-58.**

Procurement of design services (Architect/Engineer, etc.) in connection with a public building project is subject to the Designer Selection Law. Design services in connection with a public works construction project are exempt from all bidding requirements as long as the Town hires a designer that fits the definition contained in MGL c. 30B, §2.

## **4.0 Procurement of Goods and Services (MGL c.30B)**

Chapter 30B establishes procedures to follow for most agreements for acquisitions of supplies and services, dispositions of surplus supplies, and real property acquisitions and dispositions by local governmental bodies. Most local jurisdictions' contracts with vendors for supplies and services, including agreements to buy, rent, lease, lease-purchase, or otherwise acquire supplies or services, are subject to Chapter 30B. "Supplies" are defined in the law as all property, other than real property, including



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equipment, materials, and printing and further including services incidental to the delivery, conveyance, and installation of such property. "Services" are defined as the furnishing of labor, time, or effort by a contractor, not involving the furnishing of a specific end product other than reports. Who pays is irrelevant to whether a contract is subject to Chapter 30B. The law applies to the contract's total value when an agreement exists between a local government and a vendor.

### **4.1 Bidding Procedures Applicable to MGL Chapter 30B, Procurement of Goods and Services**

#### **4.1.1 MGL c.30B Procurements estimated to cost less than \$10,000**

Procurement of supplies and services estimated to cost less than \$10,000 must be conducted using "sound business practice." MGL c.30B §2 defines sound business practice to mean periodically checking price lists or seeking quotes to ensure that you are receiving a competitive price for the supply or service. While this statute does not explicitly state how often you should check prices, the best practice is to check costs at least once a year. Sound reasoning could also consist of consideration of quality, experience, or qualifications of the vendor providing a service, availability, proximity of service, etc. Therefore, for procurements of goods and services costing less than \$10,000, departments must periodically check price lists from competing vendors and purchase goods and services at the lowest available price. The solicitation of quotes when possible is encouraged even for procurements estimated to cost less than \$10,000.

#### **4.1.2 MGL c.30B Procurements estimated to cost between \$10,000 - \$50,000.**

The procurement of supplies and services costing between \$10,000 and \$50,000 will require the solicitation of at least three written quotations from potential vendors who customarily supply the needed supply or service. Documentation of quotes solicited shall be on a standard quote sheet (see page 26). The contract must be awarded to the responsible vendor offering the lowest price who meets all specifications. Any such purchases made which are not of an emergency nature shall not constitute official transactions of the Town of Plainville.



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### **4.1.3 MGL c.30B Procurements estimated to cost more than \$50,000**

An “Invitation for Bid” (IFB) or a “Request for Proposal” (RFP) is required to promote competition and public invitation for all non-exempt procurements estimated to cost more than \$50,000. An IFB should be used for all procurements of goods and services in circumstances where an award to the bidder offering the lowest price is preferred. If the department has determined that considering factors other than price is important, an RFP should be used. The RFP process is the only procurement method that allows the Town to award a proposal based on what is determined to be in the Town’s best interests, taking into consideration both price and the evaluation of criteria outlined in the RFP. However, no department may utilize the RFP process unless the Chief Procurement Officer has determined in writing that factors other than price are important considerations. It is therefore imperative that departments consult with the Chief Procurement Officer before issuing an RFP. The Town Administrator will assign the responsibility for posting and advertising the IFB/RFP.

The CPO collaborates with the department to prepare an IFB/RFP and issues the bid. The bid or proposal must be advertised once in the newspaper at least two weeks before bids/proposals are due. A notice must be posted on the bulletin board or website two weeks before the deadline. The IFB/RFP must also be posted on COMMBUYS. Once opened, the purchasing agent reviews the bids or proposals received for responsiveness, ensuring they are complete and documentation of the requirements. The department’s responsibility is to perform reference checks on conforming bids or proposals to ensure that vendors or contractors are responsible and responsive. Any bids or proposals received from vendors deemed to be not responsible or not responsive must be rejected. Late submissions must be rejected, with no exception. Contracts are generally awarded, with some exceptions, to the responsible vendor that offers the lowest price or highest price if it is a sale of property or supply. Proposals are awarded to a responsible vendor that offers the most advantageous proposal considering both price and the evaluation criteria contained in the RFP.





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A Request for Proposal issued by any Town department must receive the prior approval of the Chief Procurement Officer pursuant to G.L. c. 30B, § 6.

### **4.1.4 MGL c.30B Procurements estimated to cost \$100,000 or more**

The procurement of supplies and services over \$100,000 must follow all the requirements listed in 4.1.3, and, in addition, are required to post an advertised legal notice in the Goods & Services Bulletin one time at least two weeks before the bid or proposal deadline.

### **4.1.4 Legal Notices**

Legal notices are developed and distributed for advertising and public notice by the purchasing agent. There are strict legal requirements for the publication of procurements, and they can differ considerably depending on the nature of the procurement. A complete listing of the MGL c.30B publication requirements is listed in the Inspector General's chart on page 7.



# Procurement Policies & Procedures

## 4.1.5 30B Reference Chart

### M.G.L. c. 30B – PROCUREMENT OF SUPPLIES AND SERVICES

July 2018 revision

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000
<b>Procurement Procedure</b>	Sound business practices. <sup>1</sup>	Use a written purchase description to solicit written quotations from no fewer than 3 persons who customarily provide the supply or service. <sup>2</sup>	Sealed bids or proposals (M.G.L. c. 30B, §§ 5 or 6).
<b>Notice/Advertising Requirements</b>	None.	None.	Post a notice 1) in your jurisdiction's office, and, at least two weeks before bids or proposals are due, publish 2) in a newspaper, and 3) on COMMBUYS.  If the procurement will exceed \$100,000, at least two weeks before bids or proposals are due, publish in the <i>Goods and Services Bulletin</i> .
<b>Award contract to:</b>	Responsible person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price quotation.	Under § 5, the responsible <sup>3</sup> and responsive <sup>4</sup> bidder offering the best price. Under § 6, the most advantageous proposal from a responsible and responsive proposer taking into consideration price and non-price proposals.
<b>Written Contract Required<sup>5</sup></b>	No. Keep written records as a best practice.	Yes.	Yes.
<b>Maximum Contract Term<sup>6</sup></b>	Three years, unless majority vote authorizes longer.		
<b>OSD Option</b>	Yes.		

<sup>1</sup> M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

<sup>2</sup> M.G.L. c. 30B, § 4, as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 30B, § 2, defines a responsible bidder or offeror as "a person who has the capability to perform fully the contract requirements, and the integrity and reliability which assures good faith performance."

<sup>4</sup> M.G.L. c. 30B, § 2, defines a responsive bidder or offeror as "a person who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals."

<sup>5</sup> M.G.L. c. 30B, § 17(a), states "All contracts in the amount of \$10,000 or more shall be in writing, and the governmental body shall make no payment for a supply or service rendered prior to the execution of such contract."

<sup>6</sup> M.G.L. c. 30B, § 12(b), states "Unless authorized by majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option."



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### **4.2 Public Works Construction Projects: M.G.L. c. 30, 39M**

Procurement of supplies and services that involve the construction, reconstruction, installation, demolition, maintenance, or repair of a public work by a contractor. A public works construction project is generally considered any horizontal construction activity that involves any land disturbance, excluding the construction of a building.

### **Bidding Procedures Applicable to MGL Chapter 30, 39M or MGL Chapter 30B, §5, Public Works (Non-building) Construction Contracts (with labor)**

#### **4.2.1 Bid requirements for Public Works Construction with labor (MGL c.30,39M) \$10,000 and under**

- Procurement of non-building construction contracts with labor estimated to cost less than \$10,000 require the purchaser to follow the sound business practices defined in MGL c.30B, §2.
- All contracts for public works services require the contractor to pay the prevailing wage to their employees. The Town must provide the prevailing wage rates with the bid solicitation. Contact the purchasing agent for prevailing wage rates.

#### **4.2.2 Bid requirements for Public Works Construction with labor (MGL c.30,39M) \$10,000-\$50,000**

- A written scope-of-work statement should be used to solicit written responses from no fewer than three persons who customarily perform such work.
- Legal Notices at least two weeks before the bid deadline, including a posting on a municipal bulletin board and Town's website, a posting on COMMBUYS, and once in the Central Register.
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided with the bid documents.
- A payment bond of 50% must be included in the bid if the contract is more than \$25,000.
- Prevailing Wage rates (contact the purchasing agent for prevailing wage rates).



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The CPO reviews the bids received for responsiveness, ensuring they are complete, and providing documentation of the requirements. It is the department's responsibility to confirm the content of bids to ensure that vendors are responsible. Bids are awarded to a responsible vendor that offers the lowest price.

When a contract price total is available upon the award of an IFB contract, a purchase order requisition will be entered by the Department to encumber all funds upfront. For contract awards, when only unit pricing is available with an estimated quantity yet to be determined, the purchase order requisition will be entered at the department level as supplies and services are procured.

A Town of Plainville contract shall be completed before supplies and services are rendered. The only exception is an approved emergency that would follow with a contract at the earliest convenience.

A written contract on the Town's standard contract form is required for all public works projects.

Massachusetts Highway reimbursed contracts (Chapter 90) costing \$50,000 or more mandates a contract award to be a DCAM certified contractor.

Public works construction and supplies can be procured from a state contract. However, when using the state contract FAC70: *Procurement of a tradesperson service with supply*, the contract amount cannot exceed \$10,000. The State Contract procurement of a tradesperson service & supplies in excess of \$10,000 will require the standard Invitation for Bid (IFB) process and requirements of public works procurement as defined by MGL. 30,39M.

### **4.2.3 Procuring Public Works with labor under MGL c.30B § 5 (\$50,000 or less)**

Public Works supplies and services (with labor) costing less than \$50,000 can also be procured under MGL c.30B§5; the benefits include a waiver of the following requirements: No bid deposit is required. See Chart on p. 10.



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### **4.2.4 Bid requirements for Public Works Construction with labor (MGL c.30,39M) over \$50,000**

- Sealed Bid procedures (IFB)
- Legal Notices at least two weeks before the bid deadline, including newspaper listings, a posting on COMMBUYS, publication in the Central Register.
- Legal Notices at least one week before the bid deadline, including a posting on a municipal center bulletin board.
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided with the bid documents.
- A bid deposit in the amount of 5% must be provided with a bid.
- 50% payment bond must be provided with the bid
- Prevailing Wage rates are required

### **4.2.5 DCAMM Procedure and Requirements**

Public Works (non-building) Construction Contracts, with labor, require prequalification of bidders by the Massachusetts Department of Transportation for all contracts of \$50,000 or more where the awarding authority receives State Aid funds under MGL c.90 §34, or the work is on a state road, regardless of whether the awarding authority receives State Aid funds under MGL c.90 §34.





# Procurement Policies & Procedures

## 4.2.6 Public Works Reference Charts

### M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – PUBLIC WORKS (NON-BUILDING) CONSTRUCTION CONTRACTS (WITH LABOR)

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	\$50,000 or less	Over \$50,000
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option <sup>1</sup>	M.G.L. c. 30, § 39M
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2); <sup>2</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work; <sup>3</sup>	Sealed bids.	Sealed bids.
Notice/Advertising Requirements	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>4</sup>	Post a notice at least two weeks before bids are due 1) in your jurisdiction's office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . <sup>5</sup>	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>6</sup>
OSHA Training	No.	Yes.	Yes.	Yes.
Prequalification	No.	No.	No.	Maybe. <sup>7</sup>
Bid Deposit	No.	No.	No.	5% of the value of the total bid.
Payment Bond	No.	50% payment bond if contract is more than \$25,000. <sup>8</sup>	50% payment bond if contract is more than \$25,000. <sup>5</sup>	50% payment bond.
Performance Bond	No.	No.	No.	No.
Prevailing Wage	Yes.	Yes.	Yes.	Yes.
OSD or Blanket Contract Option	Yes.	Yes.	No.	No.

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A.

<sup>6</sup> M.G.L. c. 149, § 44I.

<sup>7</sup> Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

<sup>8</sup> M.G.L. c. 149, § 29.

<sup>9</sup> M.G.L. c. 149, § 29.



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### **Bidding Procedures Applicable to MGL Chapter 30, 39M, or MGL Chapter 30B, §5 Public Works (Non-building) Construction Contracts (without labor)**

#### **4.2.7 Bid requirements for Construction Materials without labor (MGL c.30,39M) \$10,000 and under**

- For this type of procurement, the purchaser should follow the sound business practices defined in MGL chapter 30B, §2.
- Prevailing wage rates are not issued for Public Works construction contracts with no labor.

#### **4.2.8 Bid requirements for Construction Materials without labor (MGL c.30,39M) \$10,000 to \$50,000**

- A written scope-of-work statement should be used to solicit written responses from no fewer than three persons who customarily perform such work.
- Legal Notices at least two weeks before the bid deadline, including a posting on a municipal bulletin board and Town's website, a posting on COMMBUYS, and once in the Central Register.
- A payment bond of 50% must be provided with the bid if the contract is more than \$25,000

The CPO reviews the bids received for responsiveness, ensuring they are complete, and providing documentation of the requirements. The department's responsibility is to confirm the content of bids to ensure that vendors are responsible. Contracts are awarded to the lowest responsible and eligible bidder by the awarding authority.

When a contract price total is available upon the award of an IFB contract, a purchase order requisition will be entered by the Department to encumber all funds upfront. Upon approval by the Chief Procurement Officer, the purchase order number should be provided to the vendor to be referenced on invoices they submit to the Town for payment. For contract awards, when only unit pricing is available with an estimated quantity yet to be determined, the purchase order requisition will be entered at the department level as supplies and services are procured.



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A Town of Plainville contract shall be completed prior to the supplies being rendered. The only exception is an approved emergency that would follow with a contract at the earliest convenience.

A written contract on the Town's standard contract form is required for all public works projects.

### **4.2.9 Bid requirements for Construction Materials without labor (MGL c.30, 39M) over \$50,000**

- Sealed Bid procedures (IFB).
- Legal Notices at least two weeks before the bid deadline, including newspaper listings, a posting on COMMBUYS, publication in the *Central Register*.
- Legal notices at least one week before the bid deadline, including posting on a municipal bulletin board and the Town's website (optional).
- A bid deposit of 5% of the total bid value must be provided with the bid.
- A payment bond of 50% must be provided with the contract.

### **4.2.10 Bid requirements for Construction Materials without labor (MGL c. 30B, §5) for any amount.**

- Sealed Bid procedures (IFB).
- Legal Notices at least two weeks before the bid deadline, including a posting on a municipal center bulletin board and Town website (optional), newspaper listing, posting on COMMBUYS, publication in the *Central Register*.
- A payment bond in the amount of 50% of the bid must be submitted with the bid if the contract is more than \$25,000.



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## 4.2.11 Public Works Reference Charts

### M.G.L. c. 30, § 39M, or M.G.L. c. 30B, § 5 – CONSTRUCTION MATERIALS PROCUREMENTS (WITHOUT LABOR)

July 2018 revision

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000	Any Amount
	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30, § 39M	M.G.L. c. 30B, § 5 Option <sup>1</sup>
Procurement Procedure	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>2</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids.	Sealed bids.
Notice/Advertising Requirements	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>3</sup>	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>4</sup>	Post a notice at least two weeks before bids are due 1) in your jurisdiction's office, and publish 2) in a newspaper; 3) on COMMBUYS; and 4) in the <i>Central Register</i> . <sup>5</sup>
OSHA Training	No.	No.	No.	No.
Prequalification	No.	No.	No.	No.
Bid Deposit	No.	No.	5% of the value of the total bid.	No.
Payment Bond	No.	50% payment bond if contract is more than \$25,000. <sup>6</sup>	50% payment bond.	50% payment bond if contract is more than \$25,000. <sup>7</sup>
Performance Bond	No.	No.	No.	No.
Prevailing Wage	No.	No.	No.	No.
OSD Option	Yes.	Yes.	Yes.	No.
Blanket Contract Option	Yes.	Yes.	No.	No.

<sup>1</sup> Authorized by M.G.L. c. 30, § 39M(d).

<sup>2</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016. M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

<sup>3</sup> M.G.L. c. 30, § 39M, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 44I.

<sup>5</sup> M.G.L. c. 30B, § 5, and M.G.L. c. 9, § 20A. (Note: If the procurement will exceed \$100,000, and the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, at least two weeks before bids or proposals are due, publish in the *Goods and Services Bulletin*.)

<sup>6</sup> M.G.L. c. 149, § 29.

<sup>7</sup> M.G.L. c. 149, § 29. (Note: If the materials will be purchased for the purpose of stockpiled inventory and will not be used in conjunction with a specific project, you do not need to obtain a payment bond.)



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## Procurement Policies & Procedures

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### **4.3 Building Construction Services: M.G.L. c. 149**

Procurement of supplies and services that involve the construction, reconstruction, installation, demolition, maintenance, or repair of a building by a contractor.

#### ***Bidding Procedures Applicable to MGL Chapter 149, Construction Contracts***

##### **4.3.1 Procuring Building Construction Services (MGL c.149) under \$10,000**

- Procurement of building construction services estimated to cost under \$10,000 shall use “sound business practices” as defined in MGL c. 30B, § 2.
- The Town shall provide the prevailing wage rates to all contractors providing this work for the Town as required by the Massachusetts Department of Labor and Workforce Development.

Supplies and services can be procured independently from a State contract in any amount for all State Contracts except for the Tradesperson State Contract: FAC70. Procurement of a tradesperson service with supply can only be procured from a State Contract vendor in an amount not to exceed \$10,000. The State Contract procurement of a tradesperson service & supplies in excess of \$10,000 will require the standard Invitation for Bid (IFB) process and requirements of construction procurement as defined by MGL 149.

##### **4.3.2 Procuring Building Construction Services (MGL c.149) \$10,000-\$50,000**

- Use a written scope-of-work statement to solicit written responses from no fewer than three persons who customarily perform such work.
- Publish legal notices in the Central Register and on COMMBUYS at least two weeks before the bid deadline, including a posting on the bulletin board at Town Hall and on the Town website. (No newspaper ad is required)
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided upon request.
- The Town shall include prevailing wage rates as provided by the Massachusetts Department of Labor.





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## Procurement Policies & Procedures

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### **4.3.3 Procuring Building Construction Services (MGL c.149) over \$50,000 to \$150,000**

- Sealed Bid procedures (using MGL c30,39M procedure).
- Publish legal notices at least two weeks before the bid deadline, including newspaper listing, a posting on a municipal bulletin board, posting on COMMBUYS, and once in the Central Register; Posting on the town website is optional.
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided with the bid documents.
- A bid deposit in the amount of 5% of the value of the total bid must be provided with the bid
- A 50% payment bond must be provided with the contract and before the service is rendered.
- The Town must include in the bid specs the prevailing wage rates as provided by the Massachusetts Department of Labor

### **4.3.4 Procuring Building Construction Services (MGL c.149) over \$150,000**

- Sealed bids using MGL c. 149 §44A-44J.
- Required notices included posting on a bulletin board in the municipal center at least one week before the bid deadline. As well as publishing in the Central Register, COMMBUYS, and a newspaper at least two weeks before the bid deadline.
- DCAMM Certification is required for general bidders and filed sub-bidders.
- Filed Sub-bids are required for certain trades if over \$25,000 per trade.
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided with the bid documents.
- Town prequalification is optional.
- A bid deposit equal to 5% of the value of the total bid, or sub-bid.
- A payment bond in the amount of 100% is required.
- A performance bond in the amount of 100% is required.
- The Town must include the prevailing wage rates as provided by the Massachusetts Department of Labor.
- DCAM will require the Town to evaluate contractor performance.



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## Procurement Policies & Procedures

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### **4.3.5 Procuring Building Construction Services (MGL c.149) \$10,000,000 or More**

- Solicit statements of qualifications before soliciting sealed bids. Sealed bids should be solicited using MGL c. 149, § 44A-44J.
- Advertise the request for qualifications in the Central Register, a local newspaper, and COMMBUYS at least two weeks before responses are due.
- DCAMM Certification is required for general bidders and filed sub-bidders.
- Filed Sub-bids are required for certain trades if over \$25,000 per trade.
- The employees of the contractor are required to have completed the State mandatory OSHA training. OSHA certificates should be provided with the bid documents.
- Town prequalification is required.
- A bid deposit equal to 5% of the value of the total bid, or sub-bid
- A payment bond in the amount of 100% is required.
- A performance bond in the amount of 100% is required.
- The Town must include the prevailing wage rates as provided by the Massachusetts Department of Labor
- DCAM will require the Town to evaluate contractor performance



# Procurement Policies & Procedures

## 4.3.7 Construction/Building Improvement Reference Chart

### M.G.L. c. 149 – BUILDING CONSTRUCTION CONTRACTS

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000	Over \$50,000 to \$150,000	Over \$150,000	Over \$10,000,000
<b>Procurement Procedure</b>	Sound business practices (as defined in M.G.L. c. 30B, § 2). <sup>1</sup>	Use a written scope-of-work statement to solicit written responses from no fewer than 3 persons who customarily perform such work.	Sealed bids (using M.G.L. c. 30, § 39M).	Sealed bids (using M.G.L. c. 149, §§ 44A – 44J).	Solicit statements of qualifications prior to soliciting sealed bids (using M.G.L. c. 149, §§ 44A – 44J).
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due on 1) your jurisdiction's website; 2) COMMBUYS; 3) in the <i>Central Register</i> ; and 4) in a conspicuous place near your office. <sup>2</sup>	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>3</sup>	Post a notice 1) in your jurisdiction's office for at least one week before bids are due; and, at least two weeks before bids are due, publish 2) in the <i>Central Register</i> ; 3) in a newspaper; and 4) on COMMBUYS. <sup>4</sup>	Advertise the request for qualifications at least two weeks before responses are due (1) in a newspaper; (2) in the <i>Central Register</i> ; and (3) on COMMBUYS. <sup>5</sup>
<b>DCAMM Certification</b>	No.	No.	No.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.	Yes. General bidders if more than \$150,000 and filed sub-bidders if more than \$25,000.
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.	Yes.
<b>Prequalification</b>	No.	No.	No.	Optional. <sup>6</sup>	Yes.
<b>Filed Sub-bids</b>	No.	No.	No.	Yes, if more than \$25,000.	Yes, if more than \$25,000.
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	5% of the value of the total bid or sub-bid.	5% of the value of the total bid or sub-bid.
<b>Payment Bond</b>	No.	50% payment bond if contract is >\$25,000. <sup>7</sup>	50% payment bond.	100% payment bond.	100% payment bond.
<b>Performance Bond</b>	No.	No.	No.	100% performance bond.	100% performance bond.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.	Yes.
<b>Contractor Evaluation</b>	No.	No.	No.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	No.	No.	No.

<sup>1</sup> M.G.L. c. 149, § 44A(2)(A), as amended by Chapter 218 of the Acts of 2016, M.G.L. c. 30B, § 2, defines sound business practices as "ensuring the receipt of favorable prices by periodically soliciting price lists or quotes."

<sup>2</sup> M.G.L. c. 149, § 44A(2)(B), as amended by Chapter 218 of the Acts of 2016.

<sup>3</sup> M.G.L. c. 149, § 441, as amended by Chapter 218 of the Acts of 2016.

<sup>4</sup> M.G.L. c. 149, § 441, as amended by Chapter 218 of the Acts of 2016.

<sup>5</sup> The advertising procedures listed pertain only to the request for qualifications. Within 14 days of the completion of the prequalification process, you are required to post a notice in your jurisdiction and on COMMBUYS listing those general contractors and subcontractors that have been prequalified. A copy of the notice must be sent via first class mail, postage pre-paid, to all prequalified general and subcontractors along with an invitation to bid. The invitation to bid must have a deadline of at least two weeks. Although you may only consider bids from those general and subcontractors who have been prequalified, the advertising requirements for building construction contracts over \$150,000 apply.

<sup>6</sup> If you decide to use the optional prequalification process for projects over \$100,000, follow the procedures listed in the "Over \$10,000,000" column. (Note: The prequalification threshold was not raised in 2016.)

<sup>7</sup> M.G.L. c. 149, § 29.



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### GENERAL CONTRACTING PROCEDURES

#### 5.0 Invitation for Bid (IFB) & Request for Proposal (RFP)

The purchasing agent<sup>1</sup> develops the IFB or RFP and collaborates with Town departments to develop specifications, minimum criteria, and evaluation criteria. The purchasing agent facilitates the development and receipt of bid or proposal packets and solicits interest in the procurement. Legal Notices are placed by the CPO, who may also serve as the vendor contact for any bid or proposal questions or issues.

The CPO evaluates proposals and bids for responsiveness and ensures they meet the predetermined minimum criteria, and provides documentation as requested. Bids and proposals that are deemed to be responsive are then provided to the appropriate Town department. Managers and department heads are expected to conduct reference checks and take notes on these checks as part of the selection process to assess the performance, quality, and timeliness of the contractor's past work. Managers and Department Heads suggest awarding an Invitation for Bid to the lowest bidder that is deemed responsible following the department reference check.

The Request for Proposal (RFP) procedure will also follow with managers or department heads completing reference checks to determine if the vendor is responsible. Proposals that meet minimum criteria will then be ranked based on evaluation of the Technical Proposal and reference checks and ranked according to established evaluation criteria outlined in the proposal by CPO and Department Head.

#### 6.0 Finalizing the Contract

Once a contract award has been recommended and documented, the CPO will prepare a contract. The contract will reference supporting contract specifications, including the IFB or RFP packet, the successful bid or proposal documents, price information, etc. Following the Department's appropriation of funds, the contract is sent to the vendor to obtain the following: signatures, W-9 form, any required bonds, any required insurance, applicable certifications, etc. The contract is then forwarded to the Town Administrator and Finance Department for authorization.

Once the contract is complete, the original is filed in the Accounting Office, and one copy is issued to the Department for them to copy and forward to the vendor.

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<sup>1</sup> A Purchasing agent may be a Regional Planning Authority, A Joint Purchasing Authority, or a person or company designated by the Chief Procurement Officer of the Town (the Town Administrator).



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Any vendor agreement or contract presented by a vendor will require content review to comply with Plainville contract specifications. Before signing any vendor agreement or vendor contract, the document's content will need approval from the Town of Plainville's Legal Counsel at the request of the Town Administrator.

### **6.1 Contract Award**

Following the receipt of bids or proposals, the CPO will review them for responsiveness to ensure bids and proposals are complete, and documentation is provided as requested. The Departments will evaluate bids and proposals and perform reference checks to ensure an award to a vendor likely to be responsible.

### **6.2 Appropriation of Funds**

The department head will provide the Accounting Department with all pertinent documentation relating to the contract or purchase. The Town Accountant then confirms the availability of funds for the contract. No contract in excess of appropriated funds will be allowed.

### **6.3 Encumbering Funds**

All contracts must be completed in triplicate as one fully executed original goes to the vendor, one to the Finance Department, and one to the Town Clerk. The department should also retain a copy of the contract, preferably in electronic form. The Finance Director shall encumber the necessary funds, which shall no longer be available to the Department after that.

### **6.4 Use of State Contracts**

A list of Massachusetts State-approved blanket (open to all agencies) contracts can be obtained from the [COMMBUYS](#) website. Supplies and services can be procured independently from a state contract in any amount for all State Contracts, except for the tradesperson contract, where the limit is \$10,000.

### **6.5 Contract Forms**

The type of goods and services procured and the applicable law will determine which of the following contracts should be used. Contact the CPO to initiate a contract. For some supplies and services, a signed purchase order by the vendor will serve as a contract.





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### **6.6 Multi-Year Contracts**

As authorized by Massachusetts General Laws, Chapter 30B, Section 12(b), contracts are not to exceed three (3) years unless a longer term is authorized under the Town bylaws or town meeting has voted to approve a longer-term.

#### **Procurements not requiring a written contract:**

The following procurements do not require a contract:

Purchases obtained off the Massachusetts State Contract vendor list found on the website: [www.commbuys.com](http://www.commbuys.com) are State pre-approved vendors with State contracts, so a Plainville contract is not mandatory.

In the place of a contract, the requisition will require the documentation of the state contract that applies.

However, consideration should be considered for the complexity of the procurement, and a contract should be administered accordingly.

### **6.7 CANCELLATIONS**

The Town may cancel an invitation for bids, a request for proposals, or other solicitation, or may recommend rejecting in whole or in part any and all bids or proposals when it is determined that cancellation or rejection serves the Town's best interest. The town must document in writing the reason for the cancellation or rejection and keep documentation in the procurement file.

### **7.0 Sole-Source Procurement**

A "sole-source" procurement is a purchase of supplies or services without advertising or competition. Chapter 30B places strict limitations on sole-source procurements. *(Receiving one response when soliciting quotes or issuing an IFB or an RFP is not the same as making sole-source procurement).*

Only the purchasing agent can determine in writing if you are eligible for a sole-source procurement. Keep records of every sole-source procurement, specify the contractor's name, amount and type of contract award, a listing of the supplies or services procured, and the basis for the determination that there was only one practical source for the purchase. Document the reasoning for sole-source procurement. A contract must still be in place if the purchase is over \$10,000.

#### **7.1 Sole-Source Contracts under \$50,000**

Sole source procurements under \$50,000 may be made when a reasonable investigation shows that there is only one practical source for the required



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supply or service. The determination that only one practical source exists must be documented and approved in writing by the Chief Procurement Officer.

### **7.2 Sole-Source Contracts \$50,000 or More**

A sole source procurement of \$50,000 or more may not be made.

## **8.0 Emergency Procurement**

If the health or safety of people or property is endangered due to an unforeseen emergency, the procurement process may be expedited but only to the extent necessary caused by the emergency. Records must be maintained documenting the basis for determining that an emergency exists, the vendor's name, the amount and type of contract, and a list of the supplies or services purchased under each contract. An emergency that occurs due to a known circumstance involving delayed corrective planning or proactive action cannot be justified and will not qualify as an Emergency Procurement.

### **8.1 Emergency procurement for Chapter 30B (supplies & services):**

The procurement must comply to the fullest extent possible with MGL 30B procedures. The public notification requirement may be shortened. At a minimum, three quotes should be obtained whenever possible. A written description of the nature of the emergency and the procurement procedures followed must be included in the procurement file. A copy of the emergency declaration must be submitted to the Secretary of State for publication in the Goods and Services Bulletin as soon as practicable.

### **8.2 Emergency procurement for public works, MGL 30,39M:**

A written waiver of the public notice requirements from DCAM must be requested and obtained [MGL c. 149, Section 44J(6)]. Quotes must be solicited.

### **8.3 Emergency procurement for construction, MGL c.149:**

In qualifying emergency situations, certain public construction procurement laws may be waived under MGL c.149, Section 44(A)(4), or the advertising requirement may be waived under MGL c.149, Section 44(J)(6). In order to implement these waivers, written authorization must be obtained from the Division of Capital Asset Management and Maintenance (DCAMM), and the Town is required to follow the procedures outlined by DCAMM. Even though an emergency waiver may be granted, the Town is still responsible for enforcing the prevailing wage requirements, bonding, and DCAMM contractor certification is required for emergencies estimated to cost \$100,000 or more.



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### 9.0 Disposition of Surplus Property

#### 9.1 Disposition of Surplus Property valued at LESS THAN \$10,000:

Section 1. Pursuant to M.G.L. c. 30B, §15(f), the Town's Disposition Agent (Town Administrator), as defined below, is required to dispose of all tangible supplies that are no longer useful to the Town but have a resale or salvage value of less than \$10,000 using written procedures approved by the Select Board. This procedure applies to all tangible supplies, including motor vehicles, machinery, computer equipment, furniture, and other supplies. The term "supplies" does not include real property.

Prior to a disposition under this procedure, a supply must be declared to be no longer useful to the Town and must have an estimated net value of less than \$10,000.

Section 2. Property shall be declared surplus by the Town Administrator, or the Town Administrator may delegate to the department head of the Town department in possession of the supplies ("Disposition Agent").

Having been so declared and approved for disposition, the following procedures with respect to the property shall be followed by the Disposition Agent, who is responsible for assuring compliance with these procedures:

Value the Supply: The Disposition Agent shall value the property in a commercially reasonable manner. Valuations shall be aggregated where the property is to be sold in a single lot. If a valuation is \$10,000 or more, the Disposition Agent must meet the requirements of M.G.L. c.30B, §§15(b) through (d).

Offer the Property to Other Departments: The Disposition Agent shall circulate a list of the property to be disposed of to other Town departments and shall convey the property to any department that wants it.

Dispose of the Property: If the property is valued at less than \$10,000 and no department is interested in the property, the Disposition Agent shall:

- a. Prepare a complete list of the property to be disposed of;
  - b. Establish a procedure for potential buyers to examine the property;
- and



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- c. Perform one of the following, as determined by the Disposition Agent and the relevant Department Head:
  - i. Advertise the pending sale by posting at municipal offices and the Town's website;
  - ii. solicit quotes;
  - iii. hold a yard sale or a silent auction; or
  - iv. through established markets for the type of supply.

The property will be conveyed to the responsive person making the best offer. The Town shall properly record all documents.

Section 3: The Town shall reserve the right to accept or reject all offers, and to sell any property to any person offering to pay more than the highest offer received as provided in M.G.L. c.30B, §15(d)(1). All property shall be sold on an "as is" basis, with no warranty of any kind, express or implied.

Section 4. All monies from the disposition of supplies under this procedure shall be payable to the Town. All revenue from the disposal of supplies under this procedure shall be deposited with the Town Treasurer for deposit in the general fund or appropriate revolving or enterprise fund, as recommended by the department head and approved by the Town Treasurer.

Section 5. If the Town receives no offers based on any of the methods included herein for a surplus supply, it may be disposed of in any commercially reasonable manner.

### **9.1 Disposition of Surplus Property valued at LESS THAN \$25,000 but MORE THAN \$10,000:**

Whenever an item or collection of items of tangible personal property with an estimated net value of less than Twenty-Five Thousand (\$25,000) Dollars but more than \$10,000 within the control of an official Town body, shall be determined by that official body to be surplus, obsolete, salvage, or beyond repair, it may be disposed of by sale, trade or otherwise, by the Town Administrator. Notwithstanding the foregoing, an item or collection of items of tangible personal property, with an estimated net value of less than Twenty Five Thousand (\$25,000) Dollars, but more than Ten Thousand (\$10,000) is no longer useful to the Town but having resale or salvage value, may be disposed of by the Town Administrator and without any further approval by Town Meeting at less than fair market value to a charitable organization which has



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received a tax exemption from the United States because of its charitable nature.

The Town of Plainville will utilize the web-based government liquidation site: GovDeals.com or Auctions International or another firm as determined by the Town Administrator, for all disposition of surplus property. Department Heads will work with the CPO to post surplus property to the site. If the surplus property is not sold within 30 days, said property may be disposed of in the most cost-effective manner available. If the property has scrap value, the Town will pursue a vendor to remove the item (s) at the highest available value. If the property has no scrap value, the Town will pursue the item (s) disposal in the most cost-effective manner available.

If the value of the surplus item is less than the cost of sale, the Town of Plainville reserves the right to pursue the highest scrap value or lowest disposal cost without the listing of said item for sale. Similarly, if the trade value of the item exceeds the estimated sale price, the Town reserves the right to pursue said trade absent of listing the item for sale.

Should GovDeal.com or Auctions International be unavailable or non-feasible, the Town will utilize another online auction resource with a cost of less than or equal to 7.5% of the sale price.

The Select Board may donate or sell surplus property valued at less than \$10,000 to another municipality without utilizing the process above should another municipality express a need for the equipment.

*Additional procedures are applicable to the disposition of tangible supplies outlined in G.L. c 30B, Sec 15.*

### **10.0 Prevailing Wage**

The Town is required to comply with the Massachusetts Prevailing Wage Law for **all** public works and public building projects regardless of the cost of the contract. For example, repairing a sewer pipe estimated to cost \$3,000 requires the payment of prevailing wages. Any request for quotes must include the prevailing wage sheets issued by the Massachusetts Department of Labor. In addition, whenever the Town hires a vehicle in the performance of a public work, the contractor must pay prevailing wages. See G.L. c.149, Sec. 27.

#### **10.1 Blanket Wage Rates for Smaller Projects (under \$10,000)**

A blanket period wage sheet is available for work not associated with larger planned projects. For example, a municipality should be able to quickly provide



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prevailing wage rates to have a broken window repaired without having a delay. For this reason, a period wage sheet is issued for small and/or emergency repairs. For larger projects and planned capital improvements, customized prevailing wage sheets should be obtained. A current prevailing wage sheet can be obtained by contacting the CPO.

Sole Proprietors such as some local plumbers and electricians who do not rely on non-family members may be exempt from the Prevailing Wage Law. Please check with the Town Administrator.

### **10.2 How to Order Prevailing Wage Rate**

The Procurement Office requires the following information to order prevailing wage rates.

- Project name
- Description of project
- Project location,
- Estimated cost
- Estimated completion date

*If a project is estimated to take more than one year, the Town is legally required to request updated prevailing wage rates.*

### **10.3 Prevailing Wage Rates for Building & Public Works Projects**

Prevailing Wages must be paid to all persons employed on a public building or public works project, regardless of whether the successful bidder or a subcontractor employs them. The wage rates issued for each project shall be paid for the entire project.

The successful bidder must keep certified payroll records for all persons employed on the project. When its portion of the work is completed, a separate Statement of Compliance must be submitted to the Division of Occupational Safety by every employer, including all prime contractors and subcontractors. The form entitled "Weekly Payroll Records Report and Statement of Compliance" clearly details these requirements. *When in doubt, check with the Division of Occupational Safety for their opinion.*

### **10.4 Prevailing wage rates for the Hiring of a Vehicle in the Performance of a Public Work**

Prevailing wages must be paid by any Contractor utilizing a vehicle in the performance of public work on behalf of the Town. Examples include a solid waste collection contract, the hiring of a backhoe or other piece of equipment for normal storm drain maintenance, or the operation of equipment vehicles by



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the water and sewer department of the landfill. There is an exemption for snow removal contractors' hired equipment.

### **11.0 Contract Exceptions and Exemptions**

#### **11.1 Contract Exceptions**

See Appendix A.

#### **11.2 Real Estate Transaction**

The acquisition or disposal of an interest in real property when the value of the interest exceeds \$25,000 is subject to a competitive procurement process under MGL 30B, sec 16. There are many important considerations and procedures involved with real estate transactions. No department may proceed with a real estate transaction without first seeking the guidance of the Chief Procurement Officer.

#### **11.3 Contract Exemptions**

Several types of procurements are exempt from public bidding under MGL c. 30B, §1. The Procurement Office must approve in advance the procurement of any exempt supply or service from public bidding. The Town is not legally required to follow the bidding procedures for certain contracts expressly exempt from bidding under MGL 30B, sec 1. A written contract is still required for any procurement costing more than \$10,000. Departments are encouraged to seek competitive bids or proposals for exempt supplies and services if doing so is likely to be in the Town's best interests. *See Appendix A for procurements exempt from MGL c.30B.*



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### 12.0 Charts & Forms

MGL Chapter 30B, Section 1

The Office of the Inspector General created the following charts for local officials to use as a reference guide on public procurement procedures.

<http://www.mass.gov/ig/publications/guides-advisories-other-publications/charts-proc.pdf>

MGL 30B Uniform Procurement Act §1-23

<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B>

### **CONTRACT ADMINISTRATION**

#### **LIMIT CONTRACTS TO THREE YEARS OR LESS**

The Select Board shall not award a contract for a term exceeding three years, including options or extensions unless authorized to do so by Town Meeting or unless a contract of such duration is authorized by general or special law. (See chapter 40, section 4.)

#### **REQUIRE WRITTEN CONTRACTS OVER \$5,000**

A written contract is required by MGL c.30B, §17 for any procurement costing more than \$10,000. It is the department's responsibility to provide the CPO with proper specifications for bids or a detailed scope of services set forth a clear description of goods and services to be procured. The scope of services must be provided before issuing the appropriate procurement document and incorporated into the written contract.

#### **PROFESSIONAL SERVICE CONTRACTS**

In cases where the Town of Plainville has engaged the services of a professional service firm, or an individual consultant, for an unspecified level of service, detailed statements of time and expenses shall be rendered to the Town of Plainville every month. Each statement shall contain the most recent month's detailed charges and fiscal year-to-date total charges. Invoices for professional services provided under such agreements will not be processed for payment without the detailed time and expense statements.





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### **CONTROL PAYMENTS TO VENDORS**

Payment to vendors shall not be made:

- under a contract made in violation of these procedures,
- for a supply or service rendered before the execution of a valid contract; and
- in an amount in excess of that authorized by the contract.

### **CONTROL CONTRACT EXTENSIONS AND RENEWALS**

If a contract contains an option for renewal or extension, the exercise of the option shall be at the sole discretion of the Town of Plainville and shall not be subject to agreement or acceptance by the vendor. No option shall be exercised unless the department head recommends in writing to the Town Administrator, after reasonable investigation of costs and benefits, that the exercise of the option is more advantageous to the Town than alternate means of procuring comparable supplies or services.

### **CONTROL INCREASES IN SUPPLIES AND SERVICES**

The Town may increase the quantity of supplies or services specified in a contract provided:

- the unit prices remain the same or less;
- the department head specifies in writing that an increase is necessary to fulfill the actual needs of the Town and is more economical and practical than awarding another contract;
- the parties agree to the increase in writing; and
- the increase in quantity in any contract except a contract for the purchase of gasoline, fuel oil, or road salt.

### **MAINTAIN PROCUREMENT FILES**

The department head shall maintain a file on each contract for \$5,000 or more. The file shall be retained for six (6) years from the final payment date under the contract



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or any longer period required by general or special law. The file shall include a copy of all written documents required by these procedures and shall be open to public inspection.

### **DEFINITIONS:**

- 1 “**Bid**” means a written offer to provide a supply or service at a stated price submitted in response to an invitation for bids, except that as used in vendor certifications required to be submitted with proposals, the term “bid” shall mean “proposal.”
- 2 “**Contract**” means all types of agreement for the procurement of supplies or services, regardless of what the parties may call them.
- 3 “**Contractors**” means a person having a contract with the Town Plainville.
- 4 “**Invitation for Bids**” (IFB) means the documents utilized for the soliciting of bids, including documents attached or incorporated by reference.
- 5 “**Minor Informalities**” means minor deviations, insignificant mistakes, and matters of form rather than the substance of the bid, proposal, or contract document, which can be waived or corrected without prejudice to other offerors, potential offerors, or the Town of Plainville.
- 6 “**Person**” means any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.
- 7 “**Procurement**” means buying, purchasing, renting, leasing, or otherwise acquiring a supply or service, and all functions that pertain to the obtaining of a supply or service, including a description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.
- 8 “**Proposal**” means a written offer to provide a supply or service at a stated price submitted in response to a request for proposal.
- 9 “**Purchasing Agent**” or “**Chief Procurement Officer**” (CPO) means the person or firm acting as the fiduciary agent of the Town. The Chief Procurement Officer is appointed by the Select Board and is usually the Town Administrator. The Town Administrator may specify purchasing agents that represent the Town. A purchasing agent may be a local joint purchasing authority. Purchasing Agents



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## Procurement Policies & Procedures

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employed by the Town include MAPC, SERSG, FRCOG, and SRPEDD, to name a few.

- 10 **“Request for Proposals”** (RFP) means the documents utilized for soliciting proposals, including documents attached or incorporated by reference.
- 11 **“Responsible Bidder or Offeror”** means a person who can perform fully the contract requirements and the integrity and reliability which assures good faith performance.
- 12 **“Responsive Bidder or Offeror”** means one who has submitted a bid or proposal which conforms in all respects to the invitation for bids or request for proposals.
- 13 **“Services”** means the furnishing of labor, time, or effort by a contractor, not involving the furnishing of a specific end product other than reports. This term shall not include employment agreements or collective bargaining agreements.
- 14 **“Supplies”** means all property, other than real property, including equipment, materials, printing, and insurance, and further including services incidental to the delivery, conveyance, and installation of such property.
- 15 **“File”** shall mean an electronic or paper copy of the documentation relating to the procurement process. Aside from original signed documents, and wherever permissible by law, the Town of Plainville will endeavor to utilize electronic copies for procurement documentation.

### **Request for Quotes**

#### **For Goods and Services \$10,000 - \$50,000**

Step 1: Specifically describe the goods and services you want to purchase. Include a date by which the product must be delivered or service performed as part of your description.

Step 2: Solicit a minimum of three (3) oral or written quotes (by phone, fax, letter, or email). Record the names and addresses of all persons/companies that you contact. Record the amount of each quote that you receive. Be sure that the vendor giving you the quote can provide the product or service by your stated delivery date.

Step 3: Award the quote to the responsible and responsive vendor offering the lowest price.



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### TOWN OF PLAINVILLE Procurement Data Form Supplies & Services \$10,000 to \$50,000

Department Head:

Date:

**Specifications:** Description of goods or services to be purchased (attach additional pages where necessary):

**Bidders:**

Name	Quoted Bid	Date of Quote	City/State	Responsive? (Y/N) If no, please explain.

**Winning Vendor:**

Name	Amount Awarded	Date Awarded

**Exemption from 30B:**

(i.e. Sole source, school textbooks, library books, intergovernmental contracts, emergencies that would endanger health and safety of people/property, special education supplies or services delivered directly to students, job related trainings, insurance, lawyers, engineers/architects/designers, public accountants, deputy tax collector services, healthcare services, snowplowing, real estate, energy, solid waste collection/disposal, required advertisements, purchases with gift or trust money)

**Certification of Non-Collusion:**

I certify that I am not aware of any ethical issues in violation of Chapter 268A regarding this procurement. I am not aware of any potential conflict of interest that I have not already disclosed to the CPO.

\_\_\_\_\_  
Signature – Department Head

\_\_\_\_\_  
Signature – Chief Procurement Officer

This original form, the contract between the Town and the vendor, the state or collaborative bid contract, and any supporting pages must be filed with and approved by the Chief Procurement Officer (CPO) in advance of placing an order with the winning vendor. The minimum requirement of MGL Chapter 30B is to request three (3) quotes, either via telephone or in writing. The Town Accountant cannot process a payment unless this approval form is submitted with the invoice.



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### **Appendix A Contracts Exempt from Chapter 30B**

The following supply and service contracts are exempt from the requirements of Chapter 30B.

1. Public construction contracts subject to the provisions of M.G.L. c.30, §39M, M.G.L. c. 25A, §§11C, and 11I, or M.G.L. c.149, §§44A through 44J, inclusive. [M.G.L. c.30B, §1(b)(1).] See Chapter 9 for information on design and construction projects.
2. Public building design contracts are subject to the provisions of M.G.L. c.7, §§38A½ - 38O, inclusive. [M.G.L., c.30B, §1(b)(2).] See Chapter 9 for information on design and construction projects.
3. Intergovernmental service agreements under the provisions of M.G.L. c.40, §4A. [M.G.L. c.30B, §1(b)(3).]
4. Agreements with the Commonwealth, except as pertains to subsection (i) of section 16. [M.G.L. c.30B, §1(b)(4).]
5. Contracts for the purchase of materials, under specifications of the Massachusetts Highway Department (Massachusetts Department of Transportation Highway Division), and at prices established by the Department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of M.G.L. c.81 or M.G.L. c.90. [M.G.L. c.30B, §1(b)(5).]
6. Contracts for the advertising of required notices. [M.G.L. c.30B, §1(b)(6).]
7. An agreement between agencies, boards, commissions, authorities, departments, or public instrumentalities of one city or town. [M.G.L. c.30B, §1(b)(7).]
8. An agreement for the provision of special education under M.G.L. c.71B and regulations promulgated pursuant thereto. [M.G.L. c.30B, §1(b)(8).]

*This exemption applies to direct services delivered to children with special needs, such as transportation, counseling, or education under an individual education program and any supplies used by children with special needs as part of an individual educational program. However, other supplies and services are not exempt simply because the special education department procures them. For example, office supplies or computers for office administration would not fall under this exemption.*



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## Procurement Policies & Procedures

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9. A contract to purchase supplies or services from, or dispose of supplies to, any agency or instrumentality of the federal government, the Commonwealth, or any of its political subdivisions or any other state or political subdivision thereof. [M.G.L. c.30B, §1(b)(9).]
10. The issuance of bonds, notes, or securities following procedures established by law. [M.G.L. c.30B, §1(b)(10).]A-2 ã Office of the Inspector General, Commonwealth of Massachusetts. All rights reserved.
11. Contracts and investments made in connection with deferred compensation programs for employees in accordance with sections 57 or 57A of M.G.L. c.35 or sections 67 or 67A of M.G.L. c.44. [M.G.L. c.30B, §1(b)(11).]
12. A contract for the procurement of insurance or surety bonds, including an agreement subject to the provisions of sections 1 to 16, inclusive, of M.G.L. c.40M or sections 25E to 25U, inclusive, of M.G.L. c.152. [M.G.L. c.30B, §1(b)(12).]

*The procurement of an insurance contract is exempt from Chapter 30B. Contracts for insurance-related services, however, are not exempt. You must follow Chapter 30B to procure insurance consulting, claims administration, or third-party billing services.*

13. Contracts for expert witnesses' services for use in an adjudicatory proceeding or litigation or anticipation thereof. [M.G.L. c.30B, §1(b)(13).]
14. Contracts or agreements entered into by a municipal gas or electric department governed by a municipal light board, as defined by section 55 of M.G.L. c.164 or by a municipal light commission, as defined by section 56A of c.164; provided, however, that any such board or commission may accept the provisions of this chapter by a majority vote of its members. [M.G.L. c.30B, §1(b)(14).]
15. Contracts with labor relations representatives, lawyers, or certified public accountants. [M.G.L. c.30B, §1(b)(15).]

*This exemption applies only to services that could reasonably be restricted exclusively to labor relations representatives, lawyers, or certified public accountants. Service contracts are not exempt from Chapter 30B simply because you select a labor relations representative, lawyer, or certified public accountant to perform the service. For example, a contract to computerize your accounting system is subject to Chapter 30B even if you contract with a CPA firm for the work.*



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16. Contracts with physicians, dentists, and other health care individuals or persons, including nurses, nurses' assistants, medical and laboratory technicians, health care providers including diagnosticians, social workers, psychiatric workers, and veterinarians. [M.G.L. c.30B, §1(b)(16).]

*This exemption applies only to services that could reasonably be restricted exclusively to physicians, dentists, and other health care individuals or entities. Other healthcare-related service contracts are not exempt from Chapter 30B simply because you select a physician, dentist, or other health care individual to perform the service.*

17. A contract for snow plowing services. [M.G.L. c.30B, §1(b)(17).]
18. A contract or lease by a governmental body of its boat slips, berths, or moorings. [M.G.L. c.30B, §1(b)(18).]
19. A contract for retirement board services. [M.G.L. c.30B, §1(b)(19).]
20. A contract which is funded by proceeds derived from a gift to a governmental body or a trust established for the benefit of a governmental body [M.G.L. c.30B, §1(b)(20).]A-3
21. A contract for the towing and storage for motor vehicles. [M.G.L. c.30B, §1(b)(21).]
22. A contract to provide job-related training, educational, or career development services to the employees of a governmental body. [M.G.L. c.30B, §1(b)(22).]
23. A contract pursuant to which a governmental body obtains services from a bank, defined in section one of M.G.L. c.167, is subject to compensating balance maintenance. [M.G.L. c.30B, §1(b)(23).]

*Compensating balance contracts are subject to the provisions of section 53F of M.G.L. c.44 and rules established by the state Department of Revenue.*

24. A contract for ambulance service by a governmental body. [M.G.L. c.30B, §1(b)(24).]

*(The procurement of ambulances is subject to Chapter 30B.)*

25. A contract to sell, lease or acquire residential, institutional, industrial, or commercial real property by a public or quasi-public economic development agency or urban renewal agency engaged in the development and disposition of



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## Procurement Policies & Procedures

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said real property in accordance with a plan approved by the appropriate authorizing authority. [M.G.L. c.30B, §1(b)(25).]

26. A contract for the collection of delinquent taxes or the services of a deputy tax collector. [M.G.L. c.30B, §1(b)(26).]
27. Contracts or agreements entered into by a municipal hospital or a municipal department of health. [M.G.L. c.30B, §1(b)(27).]
28. Contracts entered into by a governmental body on behalf of a hospital-owned by such governmental body where such contract is funded by expenditures from an operations account, so-called, or a special account, established under a special act that is maintained for the benefit of and designated with the name of such hospital. [M.G.L. c.30B, §1(b)(28).]
29. Contracts, agreements, or leases entered into by a municipal airport commission established under the provisions of section 51E of M.G.L. c.90, provided, however, that such contracts, agreements, or leases apply to aviation uses or the sale of aviation fuel. [M.G.L. c.30B, §1(b)(29).]
30. A contract for collecting, transportation, receipt, processing, or disposal of solid waste, recyclable or compostable materials. [M.G.L. c.30B, §1(b)(30).]

*A hazardous waste contract is **not** exempt.*

31. An agreement for the purchase of photography services entered into by a public school. [M.G.L. c.30B, §1(b)(31).] Energy aggregation contracts entered into by a political subdivision of the Commonwealth for energy-related services arranged or negotiated by such subdivision on behalf of its residents. [M.G.L. c.30B, §1(b)(32).] (A). Contracts with architects, engineers, and related professionals. [M.G.L. c.30B, §1(b)(32A).] A-4 ã Office of the Inspector General, Commonwealth of Massachusetts. All rights reserved. Energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the Commonwealth, for energy or energy-related services; provided, however, that within 15 days of the signing of a contract for energy or energy-related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of public utilities, the department of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract;





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provided, further, that for any such contract determined to contain confidential information under subclause (r) of section 7 of chapter 4, the governmental body shall instead maintain a record of the procurement processes and awards for six years after the date of the final payment. The governmental body shall make such records available to the inspector general upon request; however, the inspector general shall not disclose said information. [M.G.L. c.30B, §1(b)(33).]

32. Contracts entered into between the Department of Public Health and regional emergency medical services councils pursuant to M.G.L. c.111C, §5. [M.G.L. c.30B, §1(b)(34).]



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## Procurement Policies & Procedures

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### **GENERAL PURCHASING RESPONSIBILITIES**

#### **ANTICIPATE PURCHASING NEEDS**

All employees are responsible for anticipating needs and services in a timely manner to allow compliance with all procurement laws.

#### **IDENTIFY OPPORTUNITIES TO CONSOLIDATE PURCHASES**

Office equipment - All requests for new or replacement office equipment (furniture, copier machines, etc.) will be forwarded to the Town Administrator's office for approval before a purchase is undertaken. The Town Administrator's office will be responsible for maintaining a list of surplus and/or underutilized office equipment within the Town government to assure that unnecessary purchases are not made.

Computer supplies and equipment - All computer supplies and computer hardware purchases will be coordinated by the Town Administrator through the IT Director. All requests for these supplies or equipment should be forwarded to the IT Director before any department makes purchases.

Department heads should also attempt to utilize collective purchasing through regional and state associations when possible.

December 2021