

# HOUSE . . . . . No. 3187

By Mr. Fagan of Taunton, petition of James H. Fagan for legislation to further regulate purchasing practices of procurement officers in the Commonwealth and its political subdivisions. State Administration and Regulatory Oversight.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT MAKING CERTAIN CHANGES IN THE PROCUREMENT LAWS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 22 of Chapter 7 of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 adding at the end thereof the following subsections:—  
4 (21) A procurement officer may procure, without competition,  
5 equipment that serves a specialized need or specialized function;  
6 provided, however, that the procurement officer shall provide to  
7 the office of the inspector general a detailed statement of the rea-  
8 sons for the sole source procurement, including, but not limited to  
9 safety, specialized purpose, or function. Sole source procurements  
10 shall be clearly identified as such. No procurement officer shall  
11 award a contract based on specifications that limit competition by  
12 relying upon language based on a single manufacturer's specifica-  
13 tions or promotional materials. No procurement officer shall use  
14 any specifications that utilize proprietary information unless such  
15 specifications are used for a sole source procurement. (22) A pro-  
16 curement officer may not utilize a sole source procurement by  
17 means of bidding out financing for an identified product or con-  
18 tractor, or for specifications that are limited to one product or one  
19 provider.

1 SECTION 2. Section 22B of said chapter 7, as so appearing, is  
2 hereby amended by adding at the end thereof the following para-  
3 graph:—

4 The commissioner shall notify all cities and towns in the com-  
5 monwealth when procurements are made on a statewide basis. The  
6 procurement officer shall consider the needs of cities and towns in  
7 making a procurement statewide and shall send to each city and  
8 town a statement of the reasons why he considers the procurement  
9 to be advantageous to the cities and towns. The procurement  
10 officer shall consider options on items and equipment to provide  
11 municipalities flexibility in utilizing procurements under this  
12 section.

1 SECTION 3. Section 7 of chapter 30B of the General Laws, as  
2 so appearing, is hereby amended by adding at the end thereof the  
3 following subsections:—

4 (d) A procurement officer may procure, without competition,  
5 equipment that serves a specialized need or specialized function;  
6 provided, however, that the procurement officer shall provide to  
7 the office of the inspector general a detailed statement of the rea-  
8 sons for the sole source procurement including, but not limited to  
9 safety, specialized purpose, or function. Sole source procurements  
10 shall be clearly identified as such. No procurement officer shall  
11 award a contract based on specifications that limit competition by  
12 relying upon language based on a single manufacturer's specifica-  
13 tions or promotional materials. No procurement officer shall use  
14 any specifications that utilize proprietary information unless such  
15 specifications are used for a sole source procurement.

16 (e) A procurement officer may not utilize a sole source procure-  
17 ment by means of bidding out financing for an identified product  
18 or contractor, or for specifications that are limited to one product  
19 or one provider.