

950 CMR 21.00: PREPARING AND FILING NOTICES FOR THE CENTRAL REGISTER

Section

- 21.01: Scope and Purpose
- 21.02: Definitions
- 21.03: Notices Required to be Published
- 21.04: Filing Requirements

21.01: Scope and Purpose

- (1) 950 CMR 21.00 establishes standards for preparing and filing notices of contract opportunities for capital facility projects that are undertaken by public agencies. 950 CMR 21.00 is intended to promote uniformity, clarity and coherence in form and economy, accessibility and timeliness in distributing the information.
- (2) The purpose is to make contract opportunities widely available to the public at reasonable cost in a form that is current, understandable and legible.

21.02: Definitions

As used in 950 CMR 21.00 the following words have these meanings:

Agency or Public Agency means every department, board, commission, division or authority of state, county and municipal government or subdivision of the foregoing or any other public entity created or established by the General Court to serve a public purpose.

Capital Facility Project or Project means:

- (a) an undertaking by an agency for the planning, design, construction, reconstruction, demolition, installation, repair or maintenance of a public facility; or
- (b) the procurement of supplies and equipment that is incident to the design or construction of a public facility; or
- (c) the sale, lease, rental, acquisition or disposition of real property by an agency.

Central Register means the weekly publication by the Secretary of the Commonwealth which contains notices of contracting opportunities for capital facility projects if the project is estimated to:

- (a) cost \$100,000 or more for completed construction when the project is the procurement of design services, or
- (b) cost \$10,000 or more for construction, reconstruction, demolition, repair or maintenance; or purchase of materials; or
- (c) be 2,500 square feet or more if the project is the sale, lease, rental, acquisition or disposition of real property.

Design Services means any of the following services provided by any designer, programmer or construction manager in connection with a capital facility project for which a notice of contracting opportunity must be published in the *Central Register* when the construction or other cost of the completed project is expected to exceed \$100,000:

- (a) preparation of master plans, studies, surveys, soil tests, cost estimates or programs;
- (b) preparation of drawings, plans or specifications, including but not limited to schematic drawings, preliminary plans and specifications, working plans and specifications or other administration of construction contract documents;
- (c) supervision or administration of a construction contract; or
- (d) construction management or scheduling.

Real Property means land, and generally whatever is erected or growing upon or affixed to land.

Sub-bid Categories means those classes of work required to be a separate section of a general contract if the class of work is estimated to exceed \$20,000 pursuant to M.G.L. c. 149, § 44F. These sub-bid categories must be listed in the Notice of Contract Opportunities - General Contracts (CR-2) and the Contract Award (CR-4).

21.03: Notices Required to Be Published

- (1) Design Services. Notices of the procurement of design services must be submitted for publication at least two weeks prior to the deadline for acceptance of proposals when the completed construction or other cost is expected to exceed \$100,000. These projects are submitted on Form CR-1.
- (2) General Contracts. Notices of a project that is construction, reconstruction, renovation, repair, demolition or maintenance; or purchase of materials must be submitted for publication at least two weeks prior to the deadline. These projects are expected to exceed \$10,000 and are submitted on Form CR-2.
- (3) Disposition or Acquisition of Real Property. Notice of the rental, sale, lease, disposition or acquisition of real property must be submitted for publication 30 days prior to the deadline for acceptance of proposals. The real property consists of more than 2,500 square feet and is submitted on Form CR-3.
- (4) Persons Who Have Obtained Plans or Specifications. Agencies shall submit for publication a weekly list of persons or firms that obtain plans and/or specifications for a project. These names are listed on Form CR-5.
- (5) Contract Award. Agencies shall submit for publication all contract awards for capital facility projects previously published in the Central Register. These are submitted on Form CR-4.
- (6) Debarred Contractors. The Division of Capital Asset Management and Maintenance and the Office of the Attorney General shall submit for publication the names of contractors prohibited from public contracting pursuant to M.G.L. c. 149, §§ 27C and 44C.

21.04: Filing Requirements

- (1) What to File. All CR-1 through CR-5 notices published in the Central Register shall be submitted on the electronic forms located on the Secretary's website at www.sec.state.ma.us/spr/sprcentral/infosubmit.htm.
- (2) When to File. The Central Register is published weekly on Wednesday. All notices must be received by the Secretary by Thursday by 4:00 P.M. of the week preceding publication. It is the responsibility of the agency to assure timely filing so that provisions of law pertaining to public notice are met.
- (3) Where to File. All CR-1 through CR-5 notices for the Central Register shall be filed on the Secretary's website at www.sec.state.ma.us/spr/sprcentral/infosubmit.htm. All other notices (*i.e.* Debarred Lists, *etc.*) shall be submitted via email in a PDF format to regs@sec.state.ma.us.

REGULATORY AUTHORITY

950 CMR 21.00: M.G.L. c. 9, § 20A.