



# Buy the Way

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## Statewide Contracts and Applicable Construction Laws: General Guidance and Resources

Technology is woven into our daily workflow so, not surprisingly, OSD fields a good number of questions about using Statewide Contracts for technology projects.

Particularly since the advent of [An Act to Modernize Municipal Finance and Government](#) in November 2016 – which raised construction procurement thresholds from \$10,000 to \$50,000 and increased the viability of using [Statewide Contracts](#) for technology projects – buyers frequently approach OSD about the applicability of construction procurement laws (M.G.L. c. 149, and M.G.L. c. 30, §39M) and the Prevailing Wage Law (M.G.L. c. 149, §§26-27), as these projects often include installation of network wiring, such as low voltage and optical fiber cable, and construction laws may apply.

Municipal buyers should clearly understand that it is the responsibility of the purchasing entity to comply with applicable construction law requirements and they are strongly urged to obtain legal advice from their local counsel. It also may be worthwhile to contact the [Attorney General's Fair Labor Division](#), as well as the [Office of the Inspector General](#) (OIG), for additional information (see Related Resources below). While we are providing some context to these regulations as they relate to using OSD's Statewide Contracts, OSD does not offer specific construction law guidance.



As a general rule of thumb, if an IT project does not involve the alteration of a building structure, i.e. the coring of walls or floors or the installation of conduit, then the construction procurement laws do not apply and the buyer may utilize the appropriate Statewide Contract(s) without limit.

For example, the upgrade of a security system which utilizes pre-existing holes and conduit for the low voltage cable runs, and which does not otherwise alter the building structure, security equipment may be procured through Statewide Contract [FAC64: Security, Surveillance, Monitoring, and Access Control Systems](#). The buyer may select the FAC64 vendor that submits the quote with the best value.

If, however, the project involves an alteration of the building structure, such as the installation of new conduit, the buyer may use the FAC64 contract, provided the construction labor is less than \$50,000. Buyers should note that the labor provided by the vendor for the installation (pulling) of the low voltage cable and any component parts are subject to the [Prevailing Wage Law](#). Based on the requirements of the FAC64 contract, and consistent with applicable regulations, the buyer must solicit quotes from at least three FAC64 vendors. If the construction labor is less than \$10,000, the buyer may select a responding vendor based on sound business practices. For construction labor valued between \$10,000 and \$50,000, the buyer must receive at least two written responses and select the quote from the lowest responsible bidder.



**Official Newsletter of the  
Operational Services Division**  
December 2018

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## Training for Buyers

**COMMBUYS Procurement**  
January 8 (Boston)

**NEW!! Advanced Purchasing in COMMBUYS**  
January 9 (Boston)

**Introduction to Statewide Contracts  
and COMMBUYS**  
January 10 (Boston)

**COMMBUYS Organizational Administrator**  
January 14 (Boston)

**Essentials of State Procurement**  
January 16 (Boston)

**COMMBUYS Purchasing**  
January 17 (Boston)

**Strategic Sourcing Certificate  
Program (SSCP)**  
Five Days  
February 6, 13, 20, 27 & March 6  
(Boston)

[Click here to see the full calendar.](#)

## Training for Businesses

**SDO Pre-Certification Workshop**  
January 10 (Boston)

**COMMBUYS Organizational Design  
and Maintenance for the  
Seller Administrator**  
January 15 (Webinar)

**COMMBUYS for Awarded  
Statewide Contract Vendors**  
January 22 (Boston)

**Selling to the State: Marketing Your  
Business to Public Purchasers**  
January 22 (Boston)

**Supplier Diversity Plan (SDP) Overview  
for Bidders and Prime Contractors**  
January 23 (Webinar)

**Supplier Diversity Plan (SDP) Overview  
for Certified Businesses**  
January 23 (Webinar)

[Click here to see the full calendar.](#)

## Construction Laws: Guidance and Resources *(continued)*

Similarly, this guidance would hold true for use of other Statewide Contracts, such as [ITT50](#) Converged Voice and Data Communications Systems, [ITT46](#) Network Services, [ITC47](#) IT Hardware and Services, [ITC68](#) Data Cable Products and Services, and [OFF40](#) Audio, Video, Multimedia Presentation Equipment and Services.

Continue to send [Statewide Contract](#) questions to OSD. Reference AG and OIG resources below.

### Related Resources

Public construction under M.G.L. c.149 or M.G.L. c.30, §39M, regardless of the dollar amount, requires payment of prevailing wage. Construction includes additions to and alterations of public works, in accordance with M.G.L. c.149 §27D. Questions regarding the applicability of prevailing wage to any project should be directed to the [Department of Labor Standards](#). [Questions about public construction](#) bidding should be directed to Deborah Anderson, Counsel II for the Attorney General's Office, at 617-963-2371. Visit the Attorney General's [web page](#) to learn more about Prevailing Wage and Public Bidding Laws.

Information also may be found on the [Office of the Inspector General's Guides and Advisories](#) page: [Charts on Procurement Procedures](#). Please also review the OIG's [Designing and Constructing Public Facilities](#) manual. Chapter 30B Procurement Assistance from the Office of the Inspector General is available at [mass.gov/ig/procurement-assistance](#). Access the 30B Hotline at 617-722-8838 or email [30BHotline@mass.gov](#).

## OSD Staff Meet Berkshire County Buyers

Last month, OSD's Jennifer Forsey and Paul Martin met with a group of Berkshire County buyers to demonstrate the value of Statewide Contracts and COMMBUYS. The region was well represented with procurement staff from the towns of Adams, Sheffield, Peru, Hinsdale, Great Barrington, Cheshire, and Richmond in attendance.



(L-R) Jennifer Forsey, OSD Local Government Enablement Account Manager; Amy Pulver, Administrative Assistant, Town of Great Barrington; Jennifer Messina, Assistant Director, Claire Teige Senior Center; and Paul Martin, OSD Senior Training and Development Specialist.

"Paul explained the ways other towns are using COMMBUYS which helped us understand how it could fit into our own procurement process. It was a solid introduction of OSD's services that addressed our concerns and prepared us to take the next steps," said Amy Pulver of Great Barrington who organized the event.

If you would like to schedule training in your city or town, contact the Local Government Enablement team at [commbuysenablement@mass.gov](#).

## You've Got Mail

Over the next several weeks, OSD will be sending out a series of helpful hints for COMMBUYS vendors. So, when you log into COMMBUYS, you may have a message.

Access these messages from the COMMBUYS dashboard where the number of available messages and summary information are provided. Simply click on the News ID link to read the message.

| Home - Welcome Back Vendor Account |   |                            |                           |
|------------------------------------|---|----------------------------|---------------------------|
| <a href="#">News(1)</a>            | <a href="#">Vendor Communication(1)</a> | <a href="#">Bids(1464)</a> | <a href="#">POs(0)</a>    |
| <a href="#">Quotes(19)</a>         | <a href="#">Vendor Performance(0)</a>   |                            |                           |
| News ID                            | Effective Date                          | Category                   | Title                     |
| 24                                 | 12/10/2018                              | Notices                    | Helpful Hints for Vendors |

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Buyers also may see messages posted in COMMBUYS from time to time. On these occasions, select the News ID link to view.

# STATEWIDE CONTRACT UPDATES | DECEMBER 2018

## [Procurement Schedule](#)

## [Statewide Contract Reference Guide](#)

## [COMMBUYS](#)

## [Statewide Contract User Guides](#)

## [Save\\$mart](#)



### Help Desk Assistance

Questions about COMMBUYS?  
Contact us for help.

1-888-627-8283  
[COMMBUYS@mass.gov](mailto:COMMBUYS@mass.gov)

Staff are available  
8 a.m. to 5 p.m. ET,  
Monday through Friday.

### Certified Scrum Added to PRF61

Certified Scrum training recently was added to the [PRF61](#) Statewide Contract for Management Consultants, Program Coordinators and Planners Services, under the Professional Development Services category.

Contact the vendor, RefineM LLC, at [nks@refinem.com](mailto:nks@refinem.com).



FRAMEWORK

### Join a Sourcing Team!

When Department and municipal buyers participate on Strategic Sourcing Services Teams, everyone wins! Your industry knowledge and purchasing experience help OSD build contracts that meet the needs of our varied buyer communities.



Presently, OSD is seeking team members for two Statewide Contracts up for renewal:

- [VEH103](#): Windshield and Glass Replacement for Vehicles
- [VEH105](#): Vehicle Lifts

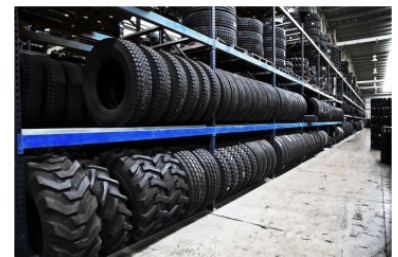
Express interest or direct questions to [Katherine Morse](#).

### Statewide Contract OFF36 Extended

The [OFF36](#) Statewide Contract for Office Supplies, Recycled Paper, and Envelopes has been extended through June 30, 2019. Note that effective January 1, 2019, pricing for OFF36 Categories 2 and 3 – Recycled Paper and Recycled Plain and Printed Envelopes, respectively – will change. Updated price sheets may be found within the [COMMBUYS](#) MBPOs by year end.

The RFR for the replacement Statewide Contract, OFF47, is expected to be released on January 17, 2019.

Forward questions about OFF36 to [Jodi Paris Anastos](#).



### New Tires Contract under Development

The [VEH97](#) Tires, Tubes & Services contract is set to expire on March 31, 2019. Be advised that OSD will join a new cooperative contract (VEH109) beginning April 2019, and currently is working with vendors to sign a Participating Addendum. More information will be available in the new year.

Send interim questions to [Katherine Morse](#) at 617-720-3153.

### Share Your VEH103 Purchasing Experience

The [VEH103](#) Windshield and Glass Replacement for Vehicles contract is up for renewal, and OSD is gathering feedback to ensure the contract is meeting buyer expectations. Take our brief [survey](#).







[Sign-up for other email communications!](#)

## About OSD

The Operational Services Division (OSD) administers the procurement process for the Commonwealth of Massachusetts' Executive Agencies by establishing Statewide Contracts for commonly purchased goods and services. OSD's mission is to create and promote dynamic programs and services that anticipate and fulfill our customers' needs. Our operational and oversight activities facilitate and guide the evaluation, acquisition, management, and disposition of goods and services. We strive to deliver a personalized customer experience by creating a climate of communication and cooperation and leveraging innovative business techniques.

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## Add Our Sourcing Course to Your 2019 Professional Development Goals

With the new calendar year just around the corner, it's the perfect time to think about professional development goals for 2019. For those involved in purchasing and procurement, our course on conducting successful procurements, the *Strategic Sourcing Certificate Program* (SSCP), should be top on your to-do list.

### Strategic Sourcing 7-Step Process

- Assess Opportunity & Plan
- Develop Strategy
- Profile Opportunity
- Create Request for Response
- Conduct Sourcing Event
- Evaluate, Negotiate & Award
- Manage Contract & Vendor Relations

This valuable, five-day course, which is required for Agency Chief Procurement Officials and open to all public purchasers, delves into each of the seven steps of the strategic sourcing process – the same successful method used to establish and manage the Commonwealth's Statewide Contracts – to strengthen participants' skills and knowledge when conducting their own procurements. The course's collaborative approach offers many opportunities to raise questions, share stories, and discuss best practices. The program focuses on the benefits of using the strategic sourcing model and includes tips for negotiating with vendors. The program builds in time to speak with OSD Sourcing staff about procurement questions or challenges they may have within their organization. Whether you're a procurement pro or fairly new to sourcing with a fresh perspective, there's something to glean for everyone.

*The SSCP course was beneficial to me in many ways coming from a one-person purchasing department. It offered some great advice on putting a strategic sourcing team together, common pitfalls to avoid when putting out a bid, and how to maximize savings for our organization. Katherine and Erin made the course fun and interesting and I appreciate them driving out to Western Mass to provide this valuable training.*

*Tammy Coe  
Purchasing Agent  
Hampshire Sheriff's Office*

Based on attendee feedback, we recently improved the course. SSCP attendees now may share information with other participants real-time using Chrome Books and Google Docs, create procurement documents in COMMBUYS, and make connections between course activities and [Conducting Best Value Procurement Handbook](#) policies and procedures.

Sign up for one of our upcoming [SSCP](#) sessions:

- [Boston](#) – State Transportation Building: 2/6; 2/13; 2/20; 2/27; 3/6
- [Westborough](#) – Hadley Building: 3/12; 3/19; 3/26; 4/2; 4/9

Note that *Essentials of State Procurement* is a prerequisite. View our [Buyer Training Schedule](#) for availability. OSD Training sessions are offered to buyers and vendors for free.

To learn more, email [OSD Training](#).

