

# Chapter 30B and Professional Service Contracts

MassBuys 2024



# Learning Objectives

- Understand the basics of Chapter 30B
- Identify best practices for procuring professional services



# Introduction to Chapter 30B

- Chapter 30B: Uniform Procurement Act
  - Enacted in 1990
  - Governs supplies and services procurement by local governments
  - Commonwealth agencies subject to different supplies and services procurement rules
  - Construction procurement covered by different statutes

# Purposes of Chapter 30B

- Promote competition and fairness by clarifying local contracting for vendors competing for contracts and for citizens observing the process
- Save taxpayer money through robust competition for larger procurements
- Promote integrity and public confidence in government

# OIG and Chapter 30B

- MA Office of the Inspector General
- Chapter 30B support
  - OIG Academy
  - MCPPO designation
  - 30B Hotline
  - Publications and technical assistance



# Note

- This is a general overview of Chapter 30B. Most local jurisdictions subject to Chapter 30B.
- This training does not cover state procurement rules, or the MA design and construction bid laws
- Other statutes and regulations often apply along with procurement laws. Ex: Prevailing wage law & finance law



# Chapter 30B Basics

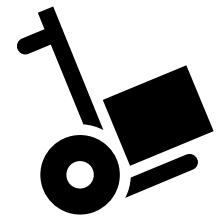
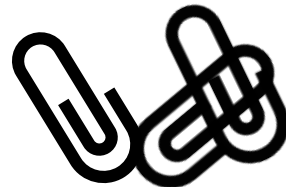
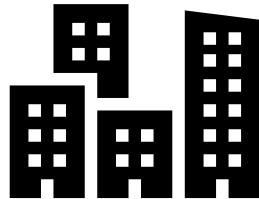
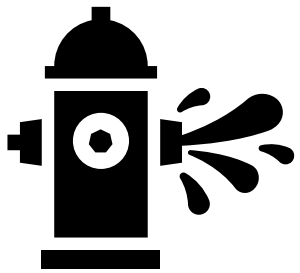
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## Uniform Procurement Act

# Procurements Subject to Chapter 30B

## Acquisition

- Supplies
- Services, including revenue generating services
- Real property



## Disposition

- Surplus supplies
- Real property
- Surplus and Real property not covered in this training



# Chapter 30B Procurement Thresholds & Processes

## Procurement Amount (cities & towns)

- Less than \$10,000
- At least \$10,000 but not more than \$50,000
- More than \$50,000

## Procurement Process

- “Sound business practices”
- Three written quotes
- Competitive sealed bids or proposals

# Thresholds for Schools

- As of 11/25/22
- For school districts only
- Quotes threshold raised to \$100,000
- This also increases bids/RFP threshold to \$100,000

# Responsive and Responsible Vendor

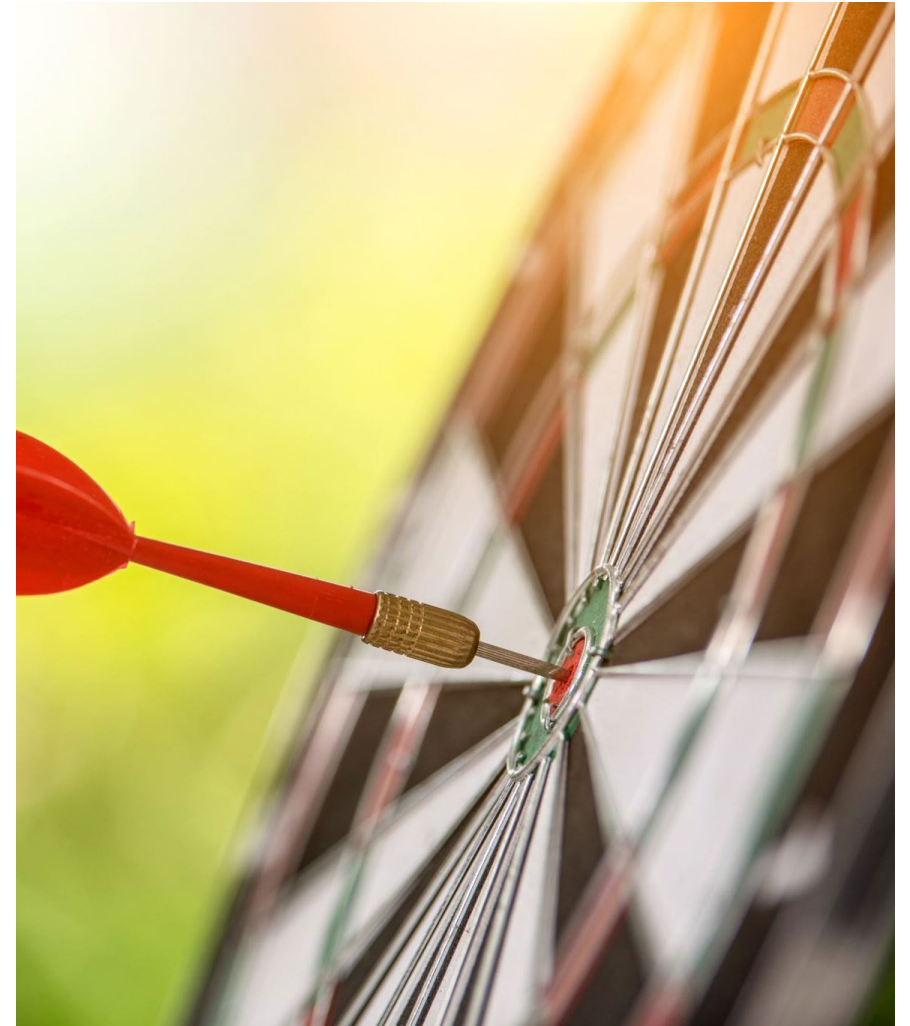
Applies to all thresholds

## Responsive

- Minimum requirements
- Submit all documents

## Responsible

- Capability
- Integrity
- Reliability



# Price Quotations

- Threshold: at least \$10,000, but not more than \$50,000

Solicit at  
least three  
written  
quotes

- Vendor must customarily provide the solicited supply or service

Not  
required  
to receive  
three  
quotes

- Must document good faith effort



# Written Purchase Description

- Use accurate written description of what you are seeking
- All quotes must be in writing
- Think of this as an informal bid process
- Keep a file



# Invitations for Bids and Requests for Proposals

- Commonly known as IFBs and RFPs
- Similar process: both bids and proposals are sealed
- Bids selected based on lowest price
- Proposals selected based on quality factors in addition to price. Price is not primary factor.

# RFPs

- The second procurement method at the >\$50,000 level
- For services or “unique” supplies when a bid will not be adequate to enable jurisdiction to identify the best value
- RFPs have many more procedural requirements than IFBs and should be used sparingly

# IFB and RFP Steps

1. Prepare the solicitation
2. Advertise and distribute
3. Receive, open, and record
4. Evaluate
5. Award
6. Retain records
7. Monitor contract





# Preparing Solicitation

- Purchase description (scope of services)
- Quality requirements (minimum requirements)
- Comparative or evaluative criteria (RFPs)
- Bid/proposal sheet/template

# Preparing Solicitation, cont.

- Rule for award
- Standard forms
- Contract terms and conditions
- Submission requirements
- Prevailing wage sheets?



# “Yes-or-No” Minimum Quality Standards

- Quality requirements. Like resume screening.
  - Does the bidder meet each quality requirement?
    - If the answer is “yes,” the bid remains under consideration
    - If the answer is “no,” the bid is eliminated from further consideration
    - Sometimes referred to as minimum requirements
    - Ensure these requirements do not limit competition or appear targeted toward particular vendors

# Rule for Award

- When using an IFB, award the contract to the responsible and responsive bidder offering the lowest price (or highest in revenue-generating contract)
- For RFPs, award to the responsible and responsive proposer that submitted as the most advantageous proposal at the best price/value
- Include rule for award in solicitation for IFB or RFP



# RFP Comparative Criteria



- Cannot be arbitrary
- Must be measurable
- Need a fair basis for inclusion
- **Based only on what you included in the solicitation** (think grading rubric like in school)

# RFP Comparative Criteria Ratings, Examples

- **Highly advantageous:** Proposer has 5 or more years of experience providing janitorial services in schools
- **Advantageous:** Proposer has 3 or more years but fewer than 5 years of experience providing janitorial services in schools
- **Not Advantageous:** At least 1 but fewer than 3 years of experience providing janitorial services in schools
- **Unacceptable:** Proposer has less than 1 year of experience providing janitorial services in schools

# Proposal Evaluation: Be careful

- Scoring by evaluation committee members should be comparable if criteria are objective.
  - Example: 5 years or more of experience = highly advantageous
  - All evaluators should all rank this the same
  - In case of question, the chair must mediate and/or the committee must ask the vendor for an explanation
  - No guess work





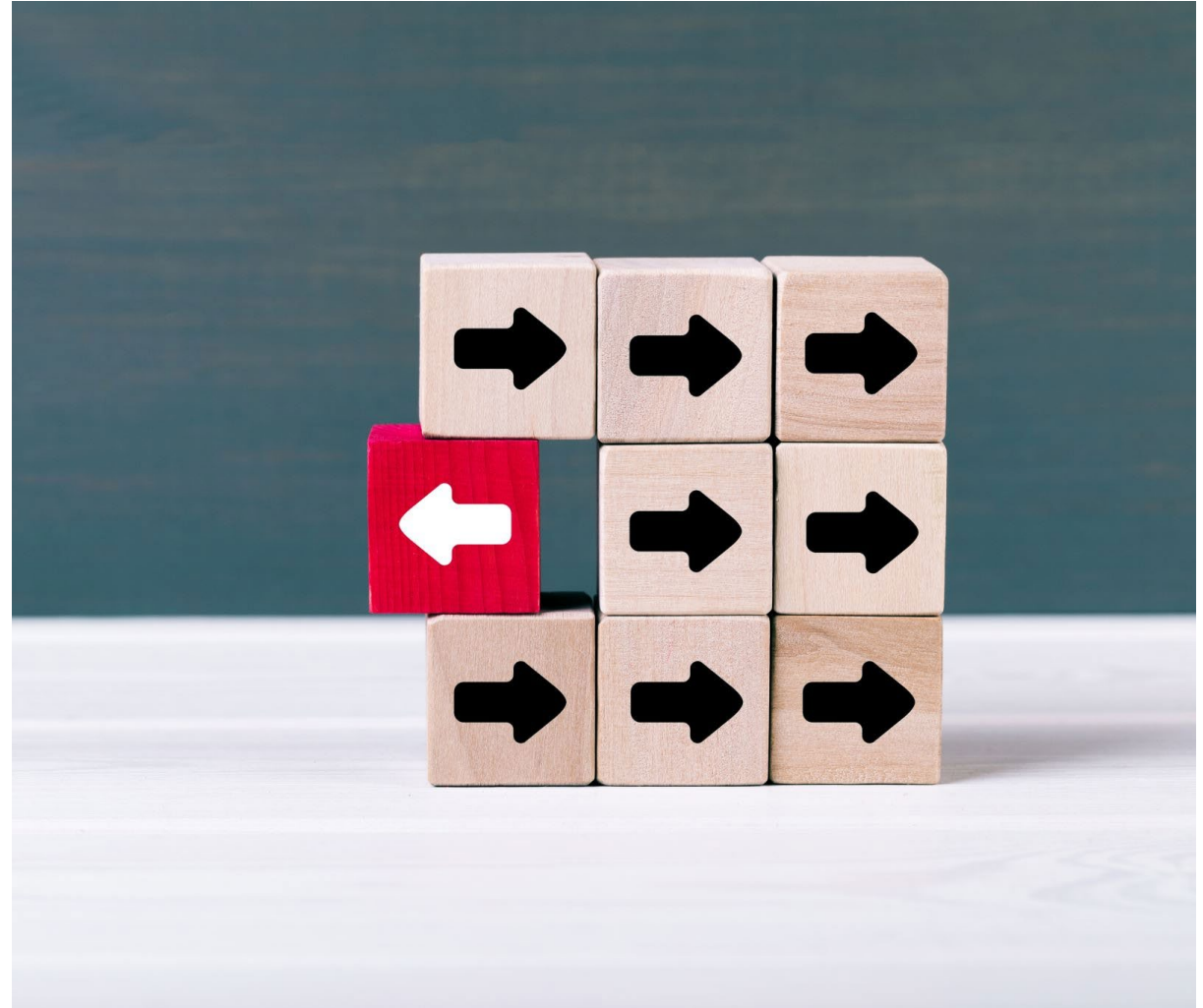
# Exemptions

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# Exemptions from Chapter 30B

- Chapter 30B has more than 34 exemptions (most listed in section 1)
  - Examples: energy contracts, municipal airports, lawyers, solid waste disposal



# OSD Contracts/COMMBUYS

- Statewide contracts procured competitively by OSD
- Use by local jurisdiction is deemed to comply with Chapter 30B
- For supplies **and** services
- Follow specific user guide applicable to the particular contract
- Chapter 30B dollar thresholds do not apply

# Cooperative Contracts

- May originate with out-of-state public procurement unit
- Must be procured using fair and open competition
- Any level of government
- Local Massachusetts jurisdiction not part of original agreement
- Must follow agreement
- Supplies only

# Collective (Collaborative) Contracts

- Multiple jurisdictions band together to boost purchasing power and reduce procurement costs
  - Examples: Berkshire Regional Group Purchasing Program, SERSG – Southeastern Regional Services Group
- Supplies **and** services
- One jurisdiction will take the lead, but all must be members of the group before contract solicitation
  - No piggybacking on to existing collective contracts; wait until contract is rebid to join membership organization





# Professional Services

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## Best Practices

# Professional Services: Exempt or Not

- Qualitative evaluation important even when exempt
  - Lawyers, CPAs, medical professionals, engineers, surveyors, etc.
- Consider minimum qualifications and experience
- Consider licensure, certifications, degrees
- Check state contracts for applicable services



# Professional Services Contracts: Exempt or Not

- MUST develop scope of services and/or performance standards
  - Performance measures - should be objective, well-defined measures that are disclosed to all parties
- Specify work product
- Cannot leave services contracted for open ended
- Consider contract maximum/cap for each service stage

# Professional Services Best Practices



- Ensure no conflict of interest – attestation statement
- No payment can be made to vendor until you have accepted their work as satisfactory. No retainers.

# Professional Services Best Practices

- Consider a qualifications-based process (like designer selection) for exempt services like engineers and related professionals
- Consider RFI (request for information/interest) or RFQ (request for qualifications) process pre-solicitation
- Qualifications and price should supersede preferences
- Renewal rather than rebidding should be in best interest of the jurisdiction even if service is exempt from Chapter 30B

# OSD Professional Services Contracts



## Professional Services Solutions for Municipalities

*Vetted Businesses - Competitive Pricing – Compliance with 30B requirements*

From large-scale projects to day-to-day operations, the Operational Services Division (OSD) offers an array of Professional Services contracts to help cities, towns, school districts, and other municipal purchasers. More information about [Statewide Contracts](#) may be found on OSD's webpages.

### Need

Comprehensive Marketing Services  
Audit and Accounting Services  
Engineering Services, including site evaluation and construction oversight services  
Temporary Help Employees  
Foreign Language Interpretation and Translation\*

*\* Most popular contract among municipalities!*

### Solution

[PRF70](#)  
[PRF78](#)  
[PRF69](#)  
[PRF71](#)  
[PRF75](#)

## Environmental Projects

### Need

Asbestos Consulting and Sampling  
Climate Research and Analysis  
Energy Consulting Services  
Environmental Assessment of Facilities  
Grant Writing, including environmental grants  
Environmental Project Consulting

### Solution

[PRF77](#)  
[PRF74](#)  
[PRF74](#)  
[PRF77](#)  
[PRF74](#)  
[PRF76](#)



Questions? Contact the OSD Help Desk at [OSDHelpDesk@mass.gov](mailto:OSDHelpDesk@mass.gov) or at 888-MA-State (627-8283)

One Ashburton Place, Suite 1608 | Boston, MA 02108 | 617-720-3300 | [www.mass.gov/osd](http://www.mass.gov/osd)





# Resources

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# Chapter 30B and Training

## 30B Hotline

- [30BHotline@mass.gov](mailto:30BHotline@mass.gov) or 617-722-8838 or us the online form at <https://www.mass.gov/orgs/office-of-the-inspector-general>

## OIG Academy

- [MA-IGO-TRAINING@mass.gov](mailto:MA-IGO-TRAINING@mass.gov)





# Fraud Reporting

- OIG 24-hour Confidential Fraud Hotline at (800) 322-1323
  - Confidential translation services are available in most languages.
- OIG 24-hour Confidential Email Address at [IGO-FightFraud@mass.gov](mailto:IGO-FightFraud@mass.gov)
- Online form to report fraud, waste or abuse at <https://www.mass.gov/forms/report-fraud-waste-or-abuse-of-government-funds-or-property-to-the-oig-online-form>



# Resources on OIG Website

- [www.mass.gov/ig](http://www.mass.gov/ig)
  - 30B Manual
  - Procurement Charts
  - Design & Construction Manual
  - OIG Bulletin, FAQs, Advisories
  - OIG Academy class listings
  - YouTube Page



# Questions?

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