

The Office of the Inspector General (OIG) created the following charts to easily reference Massachusetts public procurement procedures. The charts are designed to provide a general overview of the principal public procurement statutes and are not a substitute for the statutes themselves or the advice of legal counsel. Your local rules may include stricter or additional requirements that you must follow. Contact your chief procurement officer or legal counsel for advice on your local procurement rules and procedures. For more information about Massachusetts procurement laws, consult the statutes, review our procurement manuals and related information, or contact the OIG's Public Procurement Technical Support. Please see our [website](#) for additional resources.

The charts include:

- [M.G.L. c. 149](#) – Building Construction Contracts
- [M.G.L. c. 30, § 39M](#) or [M.G.L. c. 30B, § 5](#) – Public Works (non-building) Construction Contracts (with labor)
- [M.G.L. c. 30, § 39M](#) or [M.G.L. c. 30B, § 5](#) – Construction Materials Procurements (without labor)
- [M.G.L. c. 7C, §§ 44-58](#) – Design Services for Public Building Projects:  
Cities, Towns, Regional School Districts, and Horace Mann Charter Schools
- [M.G.L. c. 30B](#) – Procurement of Supplies and Services
- [M.G.L. c. 30B, § 23](#) – Procurement of Electric Vehicles and Charging Infrastructure

Any suggestions for the charts or questions concerning M.G.L. c. 30B (Chapter 30B) may be directed to the OIG at (617) 722-8838 or by email at [OIGProcurementSupport@mass.gov](mailto:OIGProcurementSupport@mass.gov). Questions concerning M.G.L. c. 149, M.G.L. c. 30, § 39M and M.G.L. c. 7C should be directed to the Attorney General's Office by [clicking here](#) or your legal counsel.

Additional information is available from the following sources:

- Prevailing wage rate sheets may be requested by calling the Department of Labor Standards at (617) 626-6953 or online by [clicking here](#).
- *Central Register* advertisements must be submitted to the Secretary of State's Office online by [clicking here](#).
- *Goods and Services Bulletin* advertisements must be submitted to the Secretary of State's Office online by [clicking here](#).
- COMMBUYS postings must be completed online by [clicking here](#).

## 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 three 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 (1) on your jurisdiction's website; (2) on COMMBUYS; (3) in the <i>Central Register</i> ; and (4) in a conspicuous place near your office. <sup>2</sup>	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and, at least one week before bids are due, post a notice (4) in your jurisdiction's office. <sup>3</sup>	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and, at least one week before bids are due, post a notice (4) in your jurisdiction's office. <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 more than \$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 [2016 Mass. Acts c. 218, 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 [2016 Mass. Acts c. 218](#).

<sup>3</sup> [M.G.L. c. 149, § 44J](#), as amended by [2016 Mass. Acts c. 218](#).

<sup>4</sup> *Id.*

<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 prepaid, to all prequalified general contractors 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 contractors 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](#).

## M.G.L. c. 30, § 39M or M.G.L. c. 30B, § 5 – Public Works (Non-Building) Construction Contracts (With Labor)

Applied Statute and Estimated Contract Amount	M.G.L. c. 30, § 39M Under \$10,000	M.G.L. c. 30, § 39M \$10,000 to \$50,000	M.G.L. c. 30B, § 5 Option <sup>1</sup> \$50,000 or less	M.G.L. c. 30, § 39M Over \$50,000
<b>Procurement Procedure</b>	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 three persons who customarily perform such work. <sup>3</sup>	Sealed bids.	Sealed bids.
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due (1) on your jurisdiction's website; (2) on 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>	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and at least one week before bids are due, post a notice (4) in your jurisdiction's office. <sup>6</sup>
<b>OSHA Training</b>	No.	Yes.	Yes.	Yes.
<b>Prequalification</b>	No.	No.	No.	Maybe. <sup>7</sup>
<b>Bid Deposit</b>	No.	No.	No.	5% of the value of the total bid.
<b>Payment Bond</b>	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>9</sup>	50% payment bond.
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	Yes.	Yes.	Yes.	Yes.
<b>OSD or Blanket Contract Option</b>	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 [2016 Mass. Acts c. 218](#); [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 [2016 Mass. Acts c. 218](#).

<sup>4</sup> *Id.*

<sup>5</sup> [M.G.L. c. 30B, § 5](#) and [M.G.L. c. 9, § 20A](#).

<sup>6</sup> [M.G.L. c. 149, § 44j](#).

<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 if (1) 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> *Id.*

## M.G.L. c. 30, § 39M or M.G.L. c. 30B, § 5 – Construction Materials Procurements (Without Labor)

Applied Statute and Estimated Contract Amount	M.G.L. c. 30, § 39M Under \$10,000	M.G.L. c. 30, § 39M \$10,000 to \$50,000	M.G.L. c. 30, § 39M Over \$50,000	M.G.L. c. 30B, § 5 Option <sup>1</sup> Any Amount
<b>Procurement Procedure</b>	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 three persons who customarily perform such work.	Sealed bids.	Sealed bids.
<b>Notice/Advertising Requirements</b>	None.	Post a notice at least two weeks before responses are due (1) on your jurisdiction's website; (2) on COMMBUYS; (3) in the <i>Central Register</i> ; and (4) in a conspicuous place near your office. <sup>3</sup>	At least two weeks before bids are due, publish a notice (1) in the <i>Central Register</i> ; (2) in a newspaper; and (3) on COMMBUYS; and at least one week before bids are due, post a notice (4) in your jurisdiction's 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>
<b>OSHA Training</b>	No.	No.	No.	No.
<b>Prequalification</b>	No.	No.	No.	No.
<b>Bid Deposit</b>	No.	No.	5% of the value of the total bid.	No.
<b>Payment Bond</b>	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>
<b>Performance Bond</b>	No.	No.	No.	No.
<b>Prevailing Wage</b>	No.	No.	No.	No.
<b>OSD Option</b>	Yes.	Yes.	Yes.	No.
<b>Blanket Contract Option</b>	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 [2016 Mass. Acts c. 218: 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 [2016 Mass. Acts c. 218](#).

<sup>4</sup> [M.G.L. c. 149, § 44J](#).

<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, publish in the *Goods and Services Bulletin* at least two weeks before bids or proposals are due.)

<sup>6</sup> [M.G.L. c. 149, § 29](#).

<sup>7</sup> *Id.* (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.)

## M.G.L. c. 7C, §§ 44-58 – Design Services for Public Building Projects: Cities, Towns, Regional School Districts, and Horace Mann Charter Schools

Estimated Design Fee (EDF)/ Estimated Construction Cost (ECC)	EDF less than \$30,000 or ECC less than \$300,000	EDF \$30,000 or more and ECC \$300,000 or more
<b>Procurement Procedure</b>	None. Recommend soliciting qualifications and prices from at least three designers.	Qualifications-based selection process. Jurisdiction must either (1) set the design fee; or (2) set a not-to-exceed fee limit and then negotiate the fee with the top-ranked designer within the fee limit.
<b>Advertising Required</b>	No.	Advertise in the <i>Central Register</i> <b>and</b> your local newspaper at least two weeks before the deadline for filing applications.
<b>Designer Selection Board<sup>1</sup></b>	No.	No – adopt selection procedure in writing. <sup>2, 3</sup>
<b>Designer Application</b>	No.	Yes. See <a href="#">Designer Selection Procedures for Municipalities</a> Use “Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (Updated July 2016)”
<b>Designer Evaluation (Submit to DCAMM and Designer Selection Board)</b>	No.	Yes. See <a href="#">Designer Selection Board   Mass.gov</a>
<b>Registration</b>	Yes.	Yes.
<b>Insurance</b>	No.	At a minimum, the lesser of \$1 million or 10% of the project’s estimated cost of construction. <sup>4</sup>
<b>Prevailing Wage</b>	No.	No.

<sup>1</sup> Executive departments of the Commonwealth and Commonwealth charter schools are subject to the jurisdiction of the Designer Selection Board when the design fee is \$30,000 or more and the estimated construction cost is \$300,000 or more.

<sup>2</sup> Cities, towns, school districts, and Horace Mann charter schools are required to adopt their own procedures for selecting designers for building projects. These procedures must conform to the purposes and intent of the designer selection process as outlined in [M.G.L. c. 7C, §§ 44 – 58](#), and noted herein. See the OIG’s [Model Designer Selection Procedures for Municipalities and Other Local Public Agencies | Mass.gov](#).

<sup>3</sup> Housing authorities must follow the procedures established by the Department of Housing and Community Development for the design of state-funded housing. Projects requesting funding from the Massachusetts School Building Authority (MSBA) are subject to MSBA rules.

<sup>4</sup> [M.G.L. c. 7C, § 51](#).

## M.G.L. c. 30B – Procurement of Supplies and Services

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000 (\$10,000 to \$100,000 for municipal and regional school districts <sup>1</sup> )	Over \$50,000 (over \$100,000 for municipal and regional school districts)
<b>Procurement Procedure</b>	Sound business practices. <sup>2</sup>	Use a written purchase description to solicit written price quotations from no fewer than three persons who customarily provide the supply or service. <sup>3</sup>  As of November 25, 2022, the price quotation threshold changed for municipal or regional school districts only from \$10,000 to \$100,000. <sup>4</sup>  <b>NOTE:</b> A governmental body may require that any procurement in an amount of not more than \$50,000 be subject to sealed bid procedures under M.G.L. c. 30B, § 5.	Sealed bids or sealed proposals (M.G.L. c. 30B, §§ 5 or 6).  <b>NOTE:</b> At more than \$100,000 a municipal or regional school district must use a sealed bid or sealed proposal.
<b>Notice/Advertising Requirements</b>	None.	None.	Post notice at least two weeks before bids or proposals are due in (1) a conspicuous location in your jurisdiction's office, (2) in a newspaper of general circulation, and (3) on COMMBUYS.  If over \$100,000, also publish in the <i>Goods and Services Bulletin</i> at least two weeks before bids or proposals are due.
<b>Award contract to:</b>	Responsible and responsive 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>5</sup> and responsive <sup>6</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>7</sup></b>	No.	Yes.	Yes.
<b>Maximum Contract Term<sup>8</sup></b>	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	Yes.

<sup>1</sup> 2022 Mass. Acts c. 198.

<sup>2</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>3</sup> M.G.L. c. 30B, § 4, as amended by 2016 Mass. Acts c. 218, requires the procurement officer to record the names of all persons from whom quotations were sought and the names of persons submitting quotations, with the date and amount of each quotation.

<sup>4</sup> M.G.L. c. 30B, § 5, as amended by 2022 Mass. Acts c. 198, authorizes a procurement officer for “a municipal or regional school district” to procure a supply or service at more than \$100,000 with a sealed bid procedure.

<sup>5</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>6</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>7</sup> M.G.L. c. 30B, § 17(a) states that 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>8</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.”

## M.G.L. c. 30B, § 23 – Procurement of Electric Vehicles and Charging Infrastructure<sup>1</sup>

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000 (\$10,000 to \$100,000 for municipal and regional school districts)	Over \$50,000 (over \$100,000 for municipal and regional school districts)
<b>Procurement Procedure</b>	Sound business practices. <sup>2</sup>	Use a written purchase description to solicit written price quotations from no fewer than three vendors who customarily provide the supply or service.  As of November 25, 2022, the price quotation threshold changed for municipal or regional school districts only from \$10,000 to \$100,000. <sup>3</sup>  <b>NOTE:</b> Sealed bid procedures allowed under M.G.L. c. 30B, § 5 if adopted. <sup>4</sup>	Sealed bids or sealed proposals (M.G.L. c. 30B, §§ 5 or 6).  <b>NOTE:</b> At more than \$100,000 a municipal or regional school district must use a sealed bid or sealed proposal.
<b>Notice/Advertising Requirements</b>	None.	None.	Post notice at least two weeks before bids or proposals are due (1) in a conspicuous location in your jurisdiction's office, (2) in a newspaper of general circulation, and (3) on COMMBUYS.  If over \$100,000, also publish in the <i>Goods and Services Bulletin</i> at least two weeks before bids or proposals are due.
<b>Award contract to:</b>	Responsible and responsive person offering the best price.	Responsible person offering the needed quality of supply or service at the lowest price.	Under § 5, responsible and responsive bidder offering the lowest price. <sup>5</sup> Under § 6, most advantageous proposal from a responsible and responsive offeror considering price and non-price proposals.
<b>OSHA and Labor Harmony Certifications Required</b>	Yes. <sup>6</sup>	Yes.	Yes.
<b>Prevailing Wage Required</b>	Yes. <sup>7</sup>	Yes.	Yes.
<b>Payment Bond Required</b>	No.	Yes. 50% payment bond required if contract is more than \$25,000. <sup>8</sup>	Yes. 50% payment bond required if contract is more than \$25,000.
<b>Written Contract Required<sup>9</sup></b>	No.	Yes.	Yes.
<b>Maximum Contract Term<sup>10</sup></b>	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.	Three years, unless majority vote authorizes longer.
<b>OSD or Blanket Contract Option</b>	Yes.	Yes.	Yes.

<sup>1</sup> 2024 Mass. Acts c. 239 allows for the procurement of electric vehicles and charging infrastructure together or separately.

<sup>2</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>3</sup> 2022 Mass. Acts c. 198 raised the upper threshold for soliciting written quotations to \$100,000 for municipal or regional school districts.

<sup>4</sup> M.G.L. c. 30B, § 4. Note that a jurisdiction may require that any procurement of not more than \$50,000 be subject to sealed bid procedures under M.G.L. c. 30B, § 5, but not sealed proposals under § 6.

<sup>5</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.” The statute 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.” *Id.*

<sup>6</sup> [2024 Mass. Acts c. 239](#) requires a bidder to “certif[y] that it is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work.” In addition to certifying that all “employees to be employed at the worksite will have successfully completed a course in construction safety and health approved by the United States Occupational Safety and Health Administration that is not less than 10 hours in duration at the time the employee begins work and furnish documentation of successful completion of such course with the first certified payroll report for each employee.”

<sup>7</sup> *See id.* (requiring application of “[s]ections 26 to 27D, inclusive, of chapter 149 [] [to] apply to any contract entered into under this section.”)

<sup>8</sup> *See id.* (requiring bidder to “obtain[] within 10 days of the notification of contract award the security by bond required under section 29 of chapter 149 [including public works]”).

<sup>9</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>10</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.”