



Gary J. Lambert
Assistant Secretary for Operational Services

Memorandum

To: Secretariat and Agency Chief Procurement Officers, General Counsels, Chief Financial Officers, and Chiefs of Staff
Cc: Cabinet Secretaries, Agency Heads
From: Gary Lambert, Assistant Secretary for Operational Services
Date: December 21, 2022
Re: **Compliance Advisory: Complete Procurement Records**

As previously announced in a [Compliance Advisory Memorandum dated June 16, 2021](#), and subsequent communications, OSD will be conducting Quality Assurance reviews of departmental compliance with OSD's regulations and policy requirements related to maintaining complete procurement records beginning in 2023.

COMMBUYS & The Procurement File:

Departments are and have been required to maintain complete records of their procurement activities as described in OSD's Conducting Best Value Procurement Handbook. The June 2021 Memorandum announced a requirement to upload and maintain certain records to COMMBUYS as an electronic Procurement File and a future requirement to maintain additional documents in an electronic Procurement Folder.

Beginning January 1 2023, all procurements conducted by Executive Agencies will be screened for legal compliance with electronic Procurement Files requirements using data from COMMBUYS.

Procurement File Required Documents:

1. RFR (created in CLM* and pushed to COMMBUYS)
2. Bidder Q&A (created in COMMBUYS – departments must use Q&A feature in COMMBUYS)
3. Bid Amendments (created in CLM and pushed to COMMBUYS)
4. Bid Responses (must be accepted only in COMMBUYS)
5. Evaluation Criteria (created in CLM and pushed to COMMBUYS with the RFR)
6. Final Evaluation Scores (Uploaded into COMMBUYS as an attachment to the RFR using a file name that includes the words "final evaluation scores")
7. Awarded Vendor List (automatically generated by COMMBUYS if procurements are awarded correctly)

*Agencies should not change the default file names of documents created in CLM. If OSD cannot identify documents in COMMBUYS because the default file names have been changed, those records will be considered non-compliant.

Along with the current quarterly COMMBUYS Compliance reports, at the end of Q3 of FY23 (March 2023) OSD

will begin distributing quarterly reports scoring compliance with Maintaining a Complete Procurement File. Agencies' scores will be calculated by dividing the number of departmental contracts in COMMBUYS that are fully compliant (all required records are uploaded to COMMBUYS) by the total number of departmental contracts executed by the agency in COMMBUYS. OSD has set a goal for the remainder of FY23 that each agency will have at least 50% of their departmental contracts fully compliant with these requirements. Agencies scoring below 50% will be subject to additional requirements which may include remedial training and/or placement on a corrective action plan. Continued failure to maintain compliance with OSD policies and regulations *shall* result in the removal of an agency's OSD delegated procurement authority.

FUTURE REQUIREMENTS

CLM & The Procurement Folder

The required implementation and use of CLM to draft RFRs and contract documents also requires that departments use CLM to maintain the electronic Procurement Folders associated with their departmental RFRs in CLM. The CLM module provides a centralized location for these records that allows for streamlined, simplified oversight.

Procurement Folder Required Documents:

The following documents should be maintained as part of the vendor contract records in CLM (as contract package documents or as contract record attachments):

1. SDP Plan Forms (if required)
2. Evaluation Forms
3. Fully Executed Standard Contract Form, with a copy of applicable Commonwealth Terms and Conditions
4. Contract Amendments
5. Executed vendor W-9 form
6. Executed Contractor Authorized Signatory Listing (CASL) Form
7. Completed and executed Prompt Payment Discount Form
8. Electronic Funds Transfer (EFT) form
9. Bid bond and/or performance bond (if applicable)

Beginning July 1, 2023 OSD will:

- 1) identify all departmental contracts,**
- 2) check whether the required COMMBUYS and CLM bid and contract records exist, and**
- 3) check whether all required Procurement File and Procurement Folder records are attached to the appropriate records in COMMBUYS and CLM.**

In FY24, scoring of compliance with Procurement Folder requirements will be incorporated into the Quarterly Procurement File compliance reports.

Questions about this policy may be directed to OSDlegal@mass.gov. Questions about uploading documents in COMMBUYS or CLM may be addressed to our Help Desk, which may be reached at osdhelpdesk@mass.gov or by calling 1-888-627-8283 or 617-720-3197 during normal business hours (8am to 5pm ET Monday – Friday).

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