

# Compliance with M.G.L. c. 149 When Using Statewide Contracts to Procure Construction Projects

The M.G.L. c. 149 guidance below covers Statewide Contract (SWC) compliance for construction projects of less than \$10,000 and projects totaling \$10,000 to \$50,000. Construction projects estimated to cost over \$50,000 may not be procured using OSD Statewide Contracts.

Estimated Contract Amount	Under \$10,000	\$10,000 to \$50,000
<b>Procurement Procedure</b>	Select a contractor from SWC and make sure to reference the SWC #. <sup>1</sup>	Solicit at least three quotes from vendors on applicable SWC. Must receive at least two substantive quote responses. <sup>2</sup>
<b>Notice/Advertising Requirements</b>	None	None <sup>3</sup>
<b>Division of Capital Asset Management and Maintenance (DCAMM) Certification</b>	No	No
<b>Occupational Safety and Health Administration (OSHA) Training</b>	No	Yes <sup>4</sup>
<b>Prequalification</b>	No	No
<b>Filed Sub-Bids</b>	No	No
<b>Bid Deposit</b>	No	No
<b>Payment Bond</b>	No	50% payment bond if contract is more than \$25,000 <sup>5</sup>
<b>Performance Bond</b>	No	No
<b>Prevailing Wage<sup>6</sup></b>	Yes	Yes
<b>Contractor Evaluation</b>	No	No

<sup>1</sup> M.G.L. c. 149, Section 44A(2)(A): “A public agency that utilizes a vendor on a statewide contract procured through the operational services division of the commonwealth, or a blanket contract procured by the public agency pursuant to this subsection, shall be deemed to have obtained the contract through sound business practices.”

<sup>2</sup> Recommended Best Practice is to solicit quotes from all SWC vendors in the service area. Per M.G.L. c. 149 Section 44A(2)(B): “...The public agency shall make public notification of the contract and shall seek written responses from **no fewer than 3 persons** who customarily perform such work. ... A public agency may utilize a vendor list established through a statewide contract procured through the operational services division to identify 1 or more of the persons from whom it will seek written responses for purposes of this paragraph.”

<sup>3</sup> M.G.L. c. 149 Section 44A(2)(B): “... if the public agency obtains a minimum of 2 written responses from a vendor list established through a blanket contract or a statewide contract procured through the operational services division, and the lowest of those written responses is deemed acceptable to the public agency, public notification is not required.”

<sup>4</sup> M.G.L. c. 30, Section 39S

<sup>5</sup> M.G.L. c. 149, Section 29

<sup>6</sup> See <https://www.mass.gov/prevailing-wage-program>