
PROCUREMENT BULLETIN

Volume 5, No. 4

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December 1999

Congratulations to New MCPPOs!

Inspector General Robert A. Cerasoli extends his congratulations to the most recent recipients of MCPPO designations based on applications reviewed between August 2, 1999 and November 15, 1999.

MCPPOs

Ann Daley, Northampton Housing Authority
Joseph J. Delude, Seekonk School District
Dayle A. Doiron, Pioneer Valley RSD
Daniel J. Downie, Springfield Water & Sewer
Betty Sutherland Dumas, Lynn Water & Sewer
Laura B. Dunbar, Town of Lunenburg
Stephen M. Fortado, Ipswich Public Schools
Andrew A. Gala, Jr., Town of Foxborough
J. Thomas Greenhalgh, Jr., Billerica Police Dept.
Shelly I. Hatch, Winchendon Housing Authority
Jon Hite, Northampton Housing Authority
John F. Hurley, Revere Public Schools
Kenneth D. Leon, Canton Public Schools
Joel H. Lovering, Attleboro Public Schools
Linda H. Lynn, Town of Freetown
Theodore N. Otis, Massachusetts Water Resources Authority
Joseph R. Piantedosi, Town of Andover
Francis X. Pisano, Massachusetts Water Resources Authority
Brian G. Salamon, City of Chicopee
Normand R. Sanborn, Amesbury Public Schools
Beverly J. Sleeper, Town of Townsend

Margaret A. Sullivan, Franklin Regional Council

Daniel L. Tassinari, Monson School Dept.
Michael A. Tautznik, Town of Easthampton
Martha L. White, Town of Easton

Associate MCPPOs

ReRe J. Cappoli, City of Newton
Albert C. Hill, Jr., City of Salem
Barbara A. Locurto, Town of Wareham
Kevin J. McGann, Tri-Town School Union

MCPPOs for Supplies and Services Procurement

Crystal A. Atherton, City of Beverly
Colleen A. Cavanaugh, Assabet Valley Collaborative
Russell J. Connor, Jr., Town of Rockport
Daniel B. Doucette, City of Peabody
Constance A. Ross, Town of Marblehead
Charles Seelig, Town of Halifax

Associate MCPPOs for Supplies and Services Procurement

Paul W. Mathieson, Worcester Housing Authority
Melanie A. Savage, Hopkinton Housing Authority

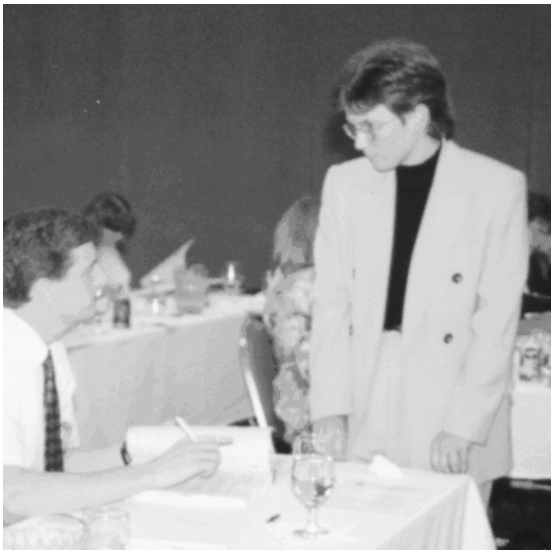
MCPPOs for Design and Construction Contracting

Stephen S. Fader, Town of Wellesley
James Shuris, P.E., City of Fitchburg
Ernest T. Williams, Canton DPW

Chapter 30B and Construction Bid Law Reform Legislation Update

The reporting time has been extended for both House Bill 83 and House Bill 84 until December 30, 1999. House Bill 83, if passed, would increase the current dollar thresholds for procurements made under M.G.L. c. 30B. House Bill 84, if passed, would reform the public construction laws by raising dollar thresholds for bidding requirements, strengthening the contractor prequalification system, introducing value engineering to save money on larger projects, and establishing training standards for public officials responsible for contract oversight. Both bills were heard on May 19, 1999 by the Joint Committee on State Administration. We will keep you updated of any change in the status of these bills.

Please consider voicing your support for these bills by calling your State Representative and Senator. The number to connect to your State Representative is (617) 722-2000. The number for the Senate Clerk's Office, where you may obtain your State Senator's number, is (617) 722-1276.



OIG attorney and MCPPO instructor Lisa Price assists a student at a seminar held at the Taunton Holiday Inn

MWRA Receives Achievement of Excellence in Public Procurement Award

The Purchasing Unit of the Massachusetts Water Resources Authority (MWRA) recently received the Achievement of Excellence in Public Procurement Award from the National Purchasing Institute (NPI) and the National Association of Purchasing Management (NAPM). This annual award is earned by public or non-profit organizations that demonstrate excellence by the high score they earn in national judging against standardized criteria.

The MWRA's Purchasing Unit was selected for overall excellence in purchasing, especially in the following areas:

- ◆ centralizing the MWRA purchasing functions;
- ◆ centralizing warehousing under the materials management program;
- ◆ automating requisition and purchase order issuance; and
- ◆ publication of a procurement manual.

In addition to meeting the above criteria, two additional factors aided the MWRA in receiving this award. The first was the achievement by the entire Purchasing Unit of certification in the Inspector General's MCPPO program. The second was the implementation of a Purchasing Card Program.

Improving Specifications

Drafting performance specifications for commercially available equipment is usually a good idea. Performance specifications state what a product must do, rather than using a brand name as a description. By stating your desired level of performance for a product, you clearly spell out what you need a product to do. You may also set out stringent quality requirements indicating your desired level of quality, so that any product which does not meet your desired level of quality may be rejected as nonresponsive.

When drafting specifications you may be tempted to use a brand name followed by the phrase “or equal,” in lieu of writing detailed specifications for your purchase. Although this method of specifying equipment may save you time at the beginning of the procurement process, it may cost you extra time and sometimes extra money at the conclusion of the procurement process. Many disputes arise from the use of brand name “or equal” specifications. One of the most common disputes occurs when a vendor and an awarding authority disagree as to whether the vendor’s product is actually



OIG attorney and MCPPO instructor Heidi Zimmerman teaches seminar participants about sources of law for public contracts

equal. These disputes are understandable because most “or equal” specifications do not give vendors enough information about an awarding authority’s desired level of quality.



Dan Ahern, First Assistant Inspector General for Management, introduces the MCPPO’s *Public Contracting Overview* seminar

If you find it necessary to use “or equal” specifications, you should clearly spell out what features and qualities of the brand name specified must be equalled. Merely adding the term “or equal” to a brand name usually does not give bidders enough information about the equipment you are purchasing. Additionally, if there are features or qualities of the brand name specified that bidders do not have to meet, then you should list those features. You should also state in your invitation for bids that your jurisdiction reserves the right to determine whether alternate brands are truly equal to the brand specified.

Consumer Protection Resources

As a local procurement officer, you should keep in mind that your jurisdiction is a consumer with the same rights and protections as any other consumer. The Federal Trade Commission Act and a state statute, M.G.L. c. 93A (referred to as the consumer protection law), prohibit unfair or deceptive acts and practices in the conduct of any trade or commerce.

These laws establish a duty of good faith and fair dealing in business transactions. The state statute was fashioned after the federal statute to apply to transactions conducted by and among Massachusetts businesses. The scope of these federal and state laws prohibiting unfair and deceptive business practices is broad and applies to contracts for both goods and services.

The state statute provides that any person who suffers a loss by any unfair method of competition or unfair or deceptive acts or practices in the conduct of any trade or commerce may file suit. Lawsuits against offending businesses can be brought by a consumer, another business, or by the Massachusetts Attorney General. A successful consumer may be eligible to receive two or three times the amount of money that it actually lost, plus attorney's fees.

Several sources, including the Federal Trade Commission Act, federal court opinions, federal regulations, and state regulations issued by the Attorney General detail specific business practices that are unfair and deceptive, and therefore illegal. These illegal practices include:

- false and deceptive advertising
- bait and switch schemes
- material misrepresentations
- product substitutions
- deceptive pricing schemes
- false representations that repairs were made
- false representations that a product is new or unused
- material underestimation of or mistakes about repair costs
- failure to disclose material facts
- "slamming" by telecommunications companies

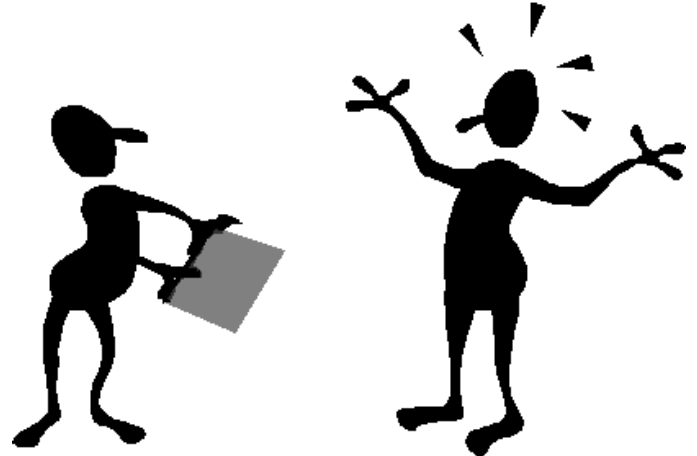
Some unfair or deceptive acts or practices not only violate the consumer protection laws, but may also constitute breach of contract. For example, a seller's failure to honor an express or implied warranty may be a breach of contract and, in some cases, may also violate M.G.L. c. 93A.

The U.S. Federal Trade Commission (FTC) has a toll-free consumer hotline at 1-877-FTC-HELP (1-877-382-4357). The hotline is open from 9:00 a.m. to 8:00 p.m. Monday through Friday. Hotline staff receive and record consumer complaints. The FTC logged over 60,000 consumer complaints last year. The FTC also publishes free brochures on many consumer issues. For more information, visit the FTC's website at www.ftc.gov.

You may also contact the Consumer Protection Division of the Office of the Massachusetts Attorney General if you encounter businesses that engage in unfair or deceptive practices such as those listed above. The consumer protection hotline number is (617) 727-8400.

Another helpful state agency, the Office of Consumer Affairs and Business Regulation, is charged with educating, informing, and protecting consumers. This Office publishes educational brochures, investigates consumer problems, and runs the state's Lemon Law Program and Home Improvement Contractor Program. This Office's website address is www.state.ma.us/consumer. Its toll-free consumer hotline is 1-888-283-3757.

LET OUR
OFFICE
COME TO YOU!



through a new seminar offered by Inspector General Robert A. Cerasoli and taught by Lisa Price, Esq. and Heidi Zimmerman, Esq., who are two of the state's leading Chapter 30B attorneys:

Bidding Basics and Contract Administration

*There is no prerequisite for this seminar and
OIG staff will conduct this seminar at the location of your choice**

Who should attend this course?

Anyone who would like to know more about local government purchasing but is not interested in obtaining MCPPO certification, or anyone who would like to take an entry-level seminar before entering the MCPPO program.

What does this course cover?

Basic legal requirements for procuring contracts for supplies and services under M.G.L. c. 30B and recommended practices for contract administration.

This brief four-hour course is packed with the basics you need to begin understanding public purchasing for local governmental bodies in Massachusetts. You may earn .4 CEUs and 4 CPEs for completion of this course. This course does not contain an examination requirement. You will receive a certificate of completion for attendance at *Bidding Basics and Contract Administration*.

*Call Anne Tierney at **(617) 523-1205** to schedule a seminar in your jurisdiction. A minimum of 35 attendees is required. You may coordinate a seminar with neighboring jurisdictions. Tuition for this seminar is \$40 per person.



Massachusetts Certified Public Purchasing Official Program
The Commonwealth of Massachusetts
Office of the Inspector General
P.O. Box 270 – State House Station
Boston, MA 02133
(617) 727-9140

Who Should Attend:

Local government officials and others interested in local government contracts for supplies, services, real property and construction.

***Earn the MCPPO
Designation****

Courses Offered for 1999-2000

All seminars include comprehensive text materials and qualify for continuing education units (CEUs) and continuing professional education points (CPEs). Undergraduate and graduate college credit may also be earned through taking MCPPO seminars.

Public Contracting Overview

No prerequisite

Tuition for this seminar is \$200.

An overview of legal requirements and best practices for public contracting by local governmental bodies with hands-on workshops that apply contracting knowledge and skills to practical problems faced by the procurement official. *A prerequisite for Supplies and Services Procurement and Design and Construction Contracting*, this 3-day seminar is invaluable both for experienced public officials and those who have recently entered the field or are working in a support capacity. This seminar concludes with a written examination.

Supplies and Services

Prerequisite: Public Contracting Overview

Tuition for this seminar is \$200

Comprehensive and challenging, this 3-day seminar focuses on procurements under the Uniform Procurement Act, M.G.L. c. 30B. Presented in an easy to follow, hands-on workshop format, participants are guided through practical applications of this law. Participants will learn about writing effective specifications, obtaining best value using an invitation for bids, making the request for proposals process work, common bidding problems and how to resolve them, effective contract administration, and more. This seminar concludes with a written examination.

Design and Construction Contracting

Prerequisite: Public Contracting Overview

Tuition for this seminar is \$300

This in-depth, 3-day seminar is tailored to professionals facing the complex issues of today's contracts, focusing on design, public building construction, and public works construction. You will learn practical applications and effective strategies to guide you through procurement and administration of design and construction contracts. This seminar concludes with a written examination.

New 1-day seminar

Local Government Real Property Transactions Under the Uniform Procurement Act

No prerequisite

Tuition for this seminar is \$75

This seminar covers the request for proposals process set forth under M.G.L. c. 30B for the acquisition and disposition of land and buildings by local governmental bodies. This seminar qualifies for 5 continuing education credits for MCPPO certification, .5 CEUs, and 5 CPEs.

*Purchasing officials who possess the requisite qualifications and experience are eligible to apply for a MCPPO Designation upon the successful completion of the Public Contracting Overview seminar and either the *Supplies and Services* or *Design and Construction Contracting* seminar. Purchasing officials will be required to continue education in public procurement to maintain the MCPPO Designation. For more information contact Anne Tierney, Director or Genesi Dorsey, Coordinator at (617) 523-1205.

Commonwealth of Massachusetts
 Office of the Inspector General
 P.O. Box 270- State House Station
 Boston, MA 02133
 (617) 727-9140



Excellence in Public Procurement

REGISTRATION: Registration and payment must be received 10 days prior to course date in order to process a confirmation.

OFF-SITE REGISTRATION AND PAYMENT MUST BE RECEIVED 30 DAYS PRIOR TO SEMINAR DATE IN ORDER FOR THIS OFFICE TO CONFIRM SEMINAR. Off-site seminars will be confirmed based on a minimum of 50 registrants. In the event of cancellation of an OFF-SITE location, the seminar will revert back to the BOSTON location or an alternate date will be offered. Confirmation letters, with directions, will be mailed 10 days prior to seminar.

FAX REGISTRATION & P.O. TO RESERVE SEATING (617-723-2334)
MAIL ORIGINAL TO address above.
ATTN: MCPPO
MAKE CHECK PAYABLE TO: OIG

SUBSTITUTIONS/CANCELLATIONS: Each seminar is limited and filled on a space available basis. No refunds for cancellations. Registration transfer to someone in your organization is possible with prior notice. The OIG reserves the right to cancel/reschedule any seminar and is not responsible for any costs incurred by registrants. Alternate course dates may be substituted in the event of an emergency, upon notification. Change in seminar date and/or cancellations received (FAX) less than 2 business days prior to the seminar date are subject to a \$25 transfer fee – NO SHOWS WILL BE INVOICED A \$50 SERVICE CHARGE.



The Office of the Inspector General is an Authorized CEU Sponsor member of the International Association for Continuing Education and Training. Membership #107852.



Registered with the National Association of State Boards of Accountancy as a sponsor of continuing professional education on the National Registry of CPE Sponsors. State Boards of Accountancy have final authority on the acceptance of individual courses. Complaints regarding sponsors may be addressed to NASBA, 150 Fourth Ave. North, Suite 700, Nashville, TN 37219-2417, (615) 880-4200. Membership #103866



Based on the 1995-1996 State Plan for Professional Development.



The American Council on Education's College Credit Recommendation Program.

Massachusetts Certified Public Purchasing Official Program REGISTRATION

PUBLIC CONTRACTING OVERVIEW

(prerequisite for *Supplies and Services* and *Design and Construction Contracting* seminars)

Tuition is \$200.

EARN 20 CPE and 2 CEU CREDITS
 SELECT 1ST AND 2ND CHOICE

QUALIFY FOR 20 PDP'S

- | | | | | |
|--------------------------|--------------------------|------------|-------|---------|
| <input type="checkbox"/> | <input type="checkbox"/> | FEB 2000 | 15-17 | BOSTON |
| <input type="checkbox"/> | <input type="checkbox"/> | MARCH 2000 | 28-30 | TAUNTON |
| <input type="checkbox"/> | <input type="checkbox"/> | MAY 2000 | 23-25 | BOSTON |

SUPPLIES AND SERVICES

Tuition is \$200.

EARN 20 CPE and 2 CEU CREDITS
 SELECT 1ST AND 2ND CHOICE

QUALIFY FOR 20 PDP'S

- | | | | | |
|--------------------------|--------------------------|-----------|-------|------------|
| <input type="checkbox"/> | <input type="checkbox"/> | FEB 2000 | 7-9 | BOSTON |
| <input type="checkbox"/> | <input type="checkbox"/> | MAY 2000 | 17-19 | WESTERN MA |
| <input type="checkbox"/> | <input type="checkbox"/> | JUNE 2000 | 27-29 | TAUNTON |

LOCAL GOVERNMENT REAL PROPERTY TRANSACTIONS UNDER THE UNIFORM PROCUREMENT ACT: 1-day seminar

Tuition is \$75

EARN 5 CPE and .5 CEU CREDITS

QUALIFY FOR 5 PDP'S

- | | | | |
|--------------------------|--------------------------|--------------|------------|
| <input type="checkbox"/> | <input type="checkbox"/> | MAY 16, 2000 | WESTERN MA |
| <input type="checkbox"/> | <input type="checkbox"/> | JUNE 1, 2000 | BOSTON |

DESIGN AND CONSTRUCTION CONTRACTING

Tuition is \$300.

EARN 20 CPE and 2 CEU CREDITS
 SELECT 1ST AND 2ND CHOICE

QUALIFY FOR 20 PDP'S

- | | | | | |
|--------------------------|--------------------------|------------|-------|---------|
| <input type="checkbox"/> | <input type="checkbox"/> | MARCH 2000 | 14-16 | BOSTON |
| <input type="checkbox"/> | <input type="checkbox"/> | MAY 2000 | 2-4 | TAUNTON |
| <input type="checkbox"/> | <input type="checkbox"/> | JUNE 2000 | 12-14 | BOSTON |

FOR MORE INFORMATION: Please contact Anne Tierney, Director or Genesi Dorsey, Program Coordinator at (617) 523-1205.

PAYMENT: CHECK/M.O. PURCHASE ORDER #

NAME: _____

PHONE: _____ FAX: _____

SIGNATURE OF APPLICANT: _____

ORGANIZATION/JURISDICTION: _____

TITLE: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

HOW LONG HAVE YOU BEEN EMPLOYED AS A PURCHASING OFFICIAL?

IN THE EVENT OF CANCELLATION, PLEASE PROVIDE HOME PHONE NUMBER:

Commonwealth of Massachusetts
Office of the Inspector General
One Ashburton Place, Room 1311
Boston, MA 02108
