



The Commonwealth of Massachusetts

Office of the Inspector General

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August 19, 2022

Via Email

His Excellency Charles D. Baker
Governor of Massachusetts
State House, Room 360
Boston, MA 02133
Charlie.Baker@mass.gov

Re: House 596, An Act Relative to School Operational Efficiency

Dear Governor Baker:

I write to urge you to veto House 596, *An Act Relative to School Operational Efficiency*. The bill creates a special and unnecessary exception for school districts in the Uniform Procurement Act, Chapter 30B of the Massachusetts General Laws (Chapter 30B). House 596 also is contrary to the central principle of Chapter 30B that open, fair and robust competition for public procurements saves money and promotes integrity and public confidence in government. Further, House 596 will create confusion and inefficiencies in jurisdictions that conduct procurements jointly between municipalities and school districts. The confusion, reduction in transparency and accountability, and the potential for undermining integrity outweigh the perceived benefits of House 596.

Sections 1 through 6 of the bill amend Chapter 30B, which governs the procurement methods cities, towns, school districts and other local jurisdictions must use to obtain supplies, services and real property. While sections 7 through 12 of the bill have merit, they do not override the consequences of sections 1 through 6.

Specifically, House 596 creates separate procurement standards for municipal and regional school districts. Stated differently, a school district would be subject to different procurement standards than the city or town where the school district is located. Moreover, House 596 doubles the price threshold – from \$50,000 to \$100,000 – for using written solicitations, with no public notice requirements. Therefore, passage of this bill would allow school districts to use limited competition for purchases costing up to \$100,000.

If signed into law, House 596 would permit a school district to contact three vendors of their choosing and request a price quote for supplies and services costing up to \$100,000. The

school district would not have to advertise or give any other public notice of the purchase. Moreover, the school district could award the contract after receiving just one price quote. This is because school districts would only need to request three quotes; they would not be required to receive quotes from all three vendors. In short, purchases for supplies and services costing as much as \$100,000 would have little competition, transparency or accountability.

Furthermore, sections 1 through 6 of House 596 are unnecessary. Chapter 30B currently has ample flexibility to conduct different types of procurements and already contains several exceptions for school districts, including for purchasing textbooks and educational materials. Additionally, utilizing existing statewide contracts and creating new cooperative purchasing agreements would address many of the perceived concerns behind House 596.

Our Office has met with supporters of House 596, and we continuously engage with all stakeholders to ensure that Chapter 30B works for all types of purchases. For example, we routinely advise school districts about the efficiency of using existing Massachusetts state contracts and other cooperative contracts. Our Office would be happy to continue working with school districts and municipalities to improve Chapter 30B for all jurisdictions without compromising competition or the accountability and transparency protections that currently exist in Chapter 30B.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink that reads "Natalie S. Monroe". The signature is written in a cursive style with a long, sweeping tail on the letter "e".

Natalie S. Monroe
Acting Inspector General