



Office of the Inspector General Commonwealth of Massachusetts

Inspector General Investigation of Attempted Bid-Rigging Allegations Results in Attorney General Settlement with Former Plymouth County Commissioner and a Pest Control Company, April 2012

In December 2010 the Office concluded an investigation into a complaint concerning the quote process for the pest control contract that was to be awarded by the Plymouth County Commissioners. The pest control contract involved pest control services for seven Plymouth County buildings, including the Plymouth County District Attorney's Office, the Brockton Superior Court, three District Courts, the Plymouth County Registry of Deeds, and the Plymouth County Commissioners' Office. The Office found that collusion and bid rigging occurred in the procurement of the contract.

The Office wrote: Collusion among competing vendors has been declared illegal under both Federal and Massachusetts law. Collusion among competing vendors is also commonly referred to as bid rigging. Bid rigging involves an illegal agreement among competing vendors regarding which one will submit the low bid in a particular matter. The Plymouth County pest control contract matter is even more egregious than bid rigging per se because it involves collusion between a vendor and a public official. In this case, an elected County Commissioner [Timothy McMullen] is the person who provided confidential inside information to a vendor bidding on a public contract. This inside information resulted in [Edward Burgess's Capeway Pest Management Company's] second and substantially lower price quote.

The report found that: The conduct of the County Commissioner in this matter is inappropriate and without justification for several reasons. First, collusion by a public official with a vendor in a public bidding process violates the fiduciary duty that a public official owes to the citizens that he was elected to represent. ... This conduct flies in the face of the concept of open and fair competition and turns on its head the notion of a level playing field in the awarding of public contracts. ... Third, Commissioner McMullen's admitted conduct in this matter promotes public cynicism regarding the inner workings of governmental entities in the Commonwealth.

The Office referred the case to the Attorney General's Office.

On April 27, 2012, Attorney General Martha Coakley reached a settlement with Former Commissioner Timothy McMullen and Edward Burgess the owner of Capeway Pest Management to pay \$7,500 each in penalties and costs.

[Former Plymouth County Commissioner and Pest Control Company Settle Attempted Bid-Rigging Allegations](#)

[Plymouth County Commissioners- 2010 Pest Control Contract, December 2010](#)