



The Commonwealth of Massachusetts
Office of the Inspector General

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September 21, 2021

Via Email

The Honorable Marc R. Pacheco, Chair
Joint Committee on State Administration and Regulatory Oversight
State House, Room 312-B
Boston, MA 02133
Marc.Pacheco@masenate.gov

The Honorable Antonio F.D. Cabral, Chair
Joint Committee on State Administration and Regulatory Oversight
State House, Room 22
Boston, MA 02133
Antonio.Cabral@mahouse.gov

Re: House 6, An Act Relative to Chapter 30B

Dear Chair Pacheco and Chair Cabral:

I write in support of House 6, *An Act Relative to Chapter 30B*. The bill primarily makes technical corrections to Chapter 30B of the Massachusetts General Laws (Chapter 30B), the Uniform Procurement Act. Additionally, the bill increases the civil fine imposed by Chapter 30B on individuals who violate its procedures. The Office continues to file this bill each session because an updated Chapter 30B will help eliminate potential confusion caused by inaccurate citations to other laws.

The technical changes update Chapter 30B to include correct references to recently enacted amendments to other statutes. Sections 1, 5 and 7 of the bill make changes to reflect the creation of Chapter 7C of the Massachusetts General Laws, relating to capital asset management and maintenance. Previously, Chapter 7 covered capital asset management and maintenance. Section 2 of the bill updates Chapter 30B to recognize the reorganization of the Massachusetts Department of Transportation under transportation reform in 2009. Section 3 of the bill corrects an inaccurate citation to a subclause in another statute. Section 4 updates Chapter 30B to correctly reference the Open Meeting Law codified at Chapter 30A of the Massachusetts General Laws.

Section 6 of the bill amends Chapter 30B to increase the fine for each violation. Currently, "a person who causes or conspires with another to cause a contract to be solicited or awarded in

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violation of Chapter 30B can be fined not more than \$2,000 for each violation. This has been in place since enactment of Chapter 30B in 1989. My proposal is to increase this fine to \$10,000 for each violation. As it stands, the \$2,000 fine is a minor deterrent that does little to prevent a contractor or vendor from conspiring or colluding to be solicited or awarded a contract in violation of Chapter 30B. The small fine undermines the careful procedures that support open, fair competition among vendors seeking to conduct business with local jurisdictions. The increased fine aims to deter individuals who circumvent open, fair competition and commit fraud against the taxpayers.

Currently, due to a previous drafting error, sections 22 and 23 of Chapter 30B are identical. Section 8 of this bill strikes section 23 since it is duplicative.

I strongly urge the committee to report this bill out favorably. For your reference, I have attached a redline version of the changes the bill makes. As always, if you have questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Glenn A. Cunha".

Glenn A. Cunha
Inspector General

Enclosure: House 6 redline