

February 27, 2026

Via Electronic Mail

Philip Eng
Interim Transportation Secretary
Chair of the MassDOT Board of Directors
Massachusetts Department of Transportation
10 Park Plaza
Boston, MA 02116
peng@mbta.com

Re: Investigatory Review of Failed 2025 Service Plaza Procurement

Dear Secretary Eng:

The Office of the Inspector General's (OIG) Internal Special Audit Unit (ISAU) reviewed the Massachusetts Department of Transportation's (MassDOT) procurement process for a new operator for the state's 18 service plazas on the Massachusetts Turnpike and other state highways. MassDOT sought an operator to revitalize, operate, and maintain the service plazas for at least the next 35 years. The procurement process produced a selected bidder but no agreement, forcing MassDOT to negotiate lease extensions with the current operators through June 30, 2027. MassDOT now will need to conduct a new procurement process. The OIG provides these findings and recommendations to improve MassDOT's future process for a fair and transparent procurement.

For this investigatory review, the OIG examined how MassDOT executed the procurement process, including its adherence to its procedures and rules for the procurement. The OIG examined MassDOT's procurement procedures, solicitation documents, internal communications, and evaluation documents. The OIG interviewed MassDOT staff involved in, and with knowledge of, the procurement.

The OIG did not review whether MassDOT was required to follow a different procurement procedure for the service plazas, like that used for public construction contracts, nor did the OIG review MassDOT's decision-making in amending the solicitation or request for proposals after issuing it. The OIG did not evaluate the underlying proposals and does not offer an opinion on the merits of MassDOT's selection, which was ultimately unsuccessful.

MassDOT created a procurement process and established a framework for conducting the procurement that likely could have resulted in a consistent and fair basis to evaluate proposals. But MassDOT did not follow all of its own procedures and in some instances could have had more robust procedures, including for presenting the proposal for approval to the Capital Programs subcommittee of the MassDOT Board of Directors.

The OIG found that the combined effect of the flaws undermined the integrity of the procurement process. The OIG cannot say that the flaws in MassDOT's execution of the process were ultimately fatal to reaching a signed agreement with the apparent successful bidder. Nonetheless, the OIG firmly posits that no procurement of this size, scope, and significance should rest on a weakened foundation. While no one finding was likely the fatal blow to this procurement, the OIG's eight findings in what would have been a 35-year lease should give pause. The findings demonstrate that this was not a model procurement.

MassDOT is now in the position of reissuing a solicitation for the service plazas. Its first attempt has given it the benefit of hindsight and lessons learned. The OIG expects MassDOT to incorporate the OIG's recommendations into its next process, as well as ensuring that all of its procurements adhere to policies, procedures, and best practices. MassDOT now has an opportunity to build a firm foundation for the service plazas for the next 35 years, as well as for a number of megaproject procurements to follow.

KEY FINDINGS

1. MassDOT's Conflict of Interest Disclosure Statement was inadequate for the evaluation organization members to disclose relationships that could pose a real or apparent conflict of interest.
2. Scott Bosworth's regular communication with individuals associated with the eventual winning proposer, Applegreen, and its affiliates created the appearance of a conflict of interest that diminished the integrity of the process.
3. Affiliates of Applegreen violated the Rules of Contact when they communicated with a selection committee member to discuss the procurement during the period of no-contact.
4. Because MassDOT did not weight the subfactors in the evaluative criteria, the selection committee did not have a common understanding of whether to give some subfactors greater or less weight than others.
5. Three of the seven selection committee members did not follow the instructions to record their scoring justifications on the evaluation worksheets.
6. The evaluation procedures did not address adequately whether and when it is appropriate for an individual selection committee member to reach out to other divisions within MassDOT and subject matter experts for information to assess a proposal.
7. MassDOT's use of a live, in-person scoring method increased the risk of perceived bias in the procurement process.

8. The MassDOT Board of Directors subcommittee, the Capital Programs Committee, did not feel that it had enough information and time to approve the procurement.

The OIG offers several recommendations later in this letter for MassDOT to implement during its next procurement for a new service plaza operator.

Background

MassDOT Highway Service Plazas

MassDOT owns land along the Massachusetts Turnpike and state highways where it provides service plazas with amenities and travel resources for Massachusetts’s traveling public, including regular commuters, visiting tourists, and commercial and freight transporters. These 18 plazas are located along 5 state highways: Interstate 90, Interstate 95/Route 128, Route 3, Route 6, and Route 24. The service plazas offer fuel,¹ food and beverage services, restrooms, electronic vehicle charging, and parking. MassDOT also operates EZ Pass Customer Service Centers at three of the service plazas, and a Registry of Motor Vehicles Service Center at one plaza.

The service plazas are part of MassDOT’s portfolio of revenue-generating real estate assets. McDonald’s Corporation, Gulf Oil, and Global Partners have been operating the service plazas under long-term agreements, which were due to expire between December 31, 2025, and June 30, 2027. Under these agreements, MassDOT has collected a base rent along with a percentage rent based on sales. MassDOT has received substantial revenue from these agreements. In April 2024, MassDOT reported that its existing operators’ payments totaled approximately \$31.2 million in revenue for Fiscal Year 2023.

Most of the service plaza structures are more than 20 years old and the current physical conditions vary. With the current operating agreements nearing their end, MassDOT sought a partner to bring best-in-class services and safe, clean facilities to the Commonwealth. As MassDOT wrote in its request for information (RFI) for the project, it was seeking a partner to “deliver the highest quality facilities and services for travelers while ensuring the best value for taxpayers and toll payers.” MassDOT planned to engage a single operator to meet its major priorities for the service plazas. These priorities included electric vehicle charging; green, sustainable buildings and operations; renewable and clean energy resources and battery energy storage systems; marketing of the Commonwealth and its communities; diversity goals; revenue sustainability; and property improvements and maintenance.

¹ Seventeen of the eighteen service plazas provide fuel. The Plymouth service plaza does not.

Overview of the Planned Procurement

On April 8, 2024, MassDOT issued an RFI to begin the procurement process.² In the RFI, MassDOT sought feedback from potential service plaza operators to identify a best-in-class operating model. According to a related press release, “[t]hrough this RFI process, MassDOT will collaborate with potential operators and other interested stakeholders to establish an understanding of each travel plaza’s full potential to support the traveling public’s needs. The RFI process will also help define a Request for Proposals for the long-term lease and operation of the 18 service plazas.”³

On September 30, 2024, MassDOT issued the Request for Proposals – Instructions to Proposers (RFP).⁴ MassDOT stated its goals for potential proposers:

The overarching goals for MassDOT for this initiative are to provide a clean, safe, friendly, future-proofed, and re-imagined Service Plaza network across the Commonwealth. This means that motorists, professional commercial drivers, and host communities will have exciting food and beverage choices including local and national brands (with healthy options and options for pre-ordering/on-site pick-up capability); sparkling new restrooms; and innovative traveler service offerings. The Operator must bring to this relationship significant capital investment capacity and the ability to revitalize the statewide Service Plaza network.⁵

To achieve these goals, MassDOT required the new operator to significantly revamp or rebuild each of the 18 service plazas and coordinate on-site vendors. The new operator would take over operation of each service plaza as the existing leases expired, while concurrently preparing and implementing plans for revitalized operations and redesigning facilities (called the “transition period”).

² Requests for information (RFIs) are used by a procuring party to gather information in furtherance of developing a potential procurement. RFIs invite interested parties to provide advice and information about industry standards, general cost and price structures, and any other technical or business information which would be helpful for the procuring party to know. Requests for proposals (RFPs) contain the procuring party’s requirements and are used to solicit proposals from vendors. The procuring party may use information obtained in the RFI to help develop their RFP, such as potential performance measures and price structures, and to gauge the level of interest from potential bidders. See *MassDOT Seeks Feedback from Industry Leaders for Creation of Service Plaza Operating Model*, MASS. DEP’T OF TRANSP. (Apr. 17, 2024), available at <https://www.mass.gov/news/massdot-seeks-feedback-from-industry-leaders-for-creation-of-service-plaza-operating-model>; *RFP, RFI, and RFQ: Understanding the difference*, U.S. GEN. SERV. ORG. (Apr. 23, 2025), available at <https://www.gsa.gov/small-business/small-business-resources/training-resources/rfp-rfi-and-rfq>; *Conducting Best Value Procurements*, OPERATIONAL SERV. DIV., (Aug. 2023), available at <https://www.mass.gov/doc/conducting-best-value-procurements-handbook/download>.

³ See *MassDOT Seeks Feedback from Industry Leaders for Creation of Service Plaza Operating Model*, MASS. DEP’T OF TRANSP. (Apr. 17, 2024), available at <https://www.mass.gov/news/massdot-seeks-feedback-from-industry-leaders-for-creation-of-service-plaza-operating-model>.

⁴ MassDOT posted the RFP on COMMBUYS, available at [Bid No. BD-25-1030-CPO1-CPO1-107836](#).

⁵ *Id.* at 4.

MassDOT anticipated the total duration of the new agreement would not exceed 35 and 1/3 years plus a 10-year option to renew. MassDOT and the new operator would enter a transition agreement, and then a lease and concessions agreement (collectively, referred to as “agreement” in this report).

MassDOT stated in its RFP that it would not commit public funds to the service plazas.⁶ The new operator would be responsible for all capital investments. Per the RFP, MassDOT intended to award the lease to the “responsible and eligible proposer offering a proposal that is determined by MassDOT, through evaluation based upon the criteria set forth in this RFP, to be the most advantageous to MassDOT.”

Summary of the Procurement Process

MassDOT hired outside legal counsel to develop and oversee the procurement in conjunction with MassDOT staff.

MassDOT’s procurement process started with the RFI, then moved to the RFP, then the evaluation and selection process, and was to conclude with a signed agreement. The evaluation stage had two phases: (1) the initial phase, to select a short-list of proposers based on six evaluative criteria, and (2) the final phase, to select the winning proposer from the short-list based on nine evaluative criteria.

MassDOT created an “evaluation organization” for the procurement process. This organization was a large team comprised of a selection committee, subject matter experts, facilitators, and observers.

The selection committee was made up of seven experienced MassDOT employees with diverse areas of expertise from across MassDOT. Members were appointed to the committee by the secretary of transportation. Each member held a senior, high-level position, and was responsible for managing their existing priorities and responsibilities while serving on the selection committee. The selection committee was responsible for evaluating the initial and final proposals and determining a winning proposal for approval by the MassDOT Board of Directors.

The selection committee was assisted by facilitators – attorneys from the law firm Nossaman LLP and two MassDOT employees – who guided the process and “facilitated” communications between the selection committee and the bidders and subject matter experts available to help the selection committee. The facilitators were responsible for maintaining the integrity of the evaluation process. The subject matter experts were internal and external experts who advised the selection committee on specific criteria but did not rate or provide recommendations to the selection committee. Nossaman LLP, Greenberg Traurig, KPMG, and the real estate and finance firm Greystone were external experts. MassDOT’s lead senior counsel for

⁶ In the RFP, MassDOT noted that “over the course of the Lease term Commonwealth and/or federal funds may be committed to the Program for discreet activities or services.”

the department's real estate division and the senior lead counsel for capital projects served as internal experts.⁷

During the procurement process, the evaluation organization was subject to conflict of interest, confidentiality, and non-disclosure rules that restricted their communication with bidders and sub-bidders or affiliates (a term referring to all subcontractors, guarantors, and related entities). Proposers were subject to Rules of Contact that prohibited communication between proposers, between proposers and MassDOT staff, and between proposers and any of the professional services firms identified in the RFP.

MassDOT produced two procedures manuals for the evaluation process: one for the initial proposals evaluation and one for the final proposals evaluation. The procedures manuals detailed the steps that the evaluation organization would take to evaluate the initial and final proposals. MassDOT also conducted an orientation session for the evaluation organization. The orientation included:

1. The importance of integrity in the procurement process;
2. Conflict of interest, confidentiality, and non-disclosure rules;
3. Rules of contact with proposers and their affiliates;
4. An overview of the service plaza program;
5. Roles and responsibilities of the evaluation organization and selection committee;
6. Proposal and evaluation selection process; and
7. Procurement and evaluation schedule.

After the selection committee completed its final evaluation, MassDOT needed to submit its proposed agreement to the MassDOT Board of Directors for approval. Once the MassDOT Board of Directors approved the selection, MassDOT and the selected proposer would finalize the agreement.

The Evaluation and Approval Process and Timeline

Six proposers met MassDOT's November 19, 2024 deadline for the initial proposal. The selection committee then evaluated the proposals on the six criteria provided in the RFP, briefly summarized as:

1. Legal/Administrative (pass/fail): Is the proposer legally constituted and qualified and if selected will they enter an agreement to operate and maintain the service plazas, complete revitalization work, and obtain required registrations?
2. Relevant Experience (qualitative): Is the proposer capable of effectively managing the program based on demonstrated experience, expertise, and capacity with a record of producing quality work on similar programs?

⁷ Observers did not have a defined role in the procedures manuals.

3. Financial Capacity (qualitative): Does the proposer have the demonstrated financial capacity and capability needed for the program?
4. Key Personnel Experience (qualitative): Does the proposer have the right personnel with experience and expertise on similar programs?
5. Past Performance (qualitative): Does the proposer have a history of legal or financial issues that could negatively impact the program?
6. Financial Experience (qualitative): Does the proposer have successful financial experience on programs of similar size, scope, and complexity, and what is the proposer's experience in structuring finances and debt for a program of this size and complexity?

On December 23, 2024, MassDOT announced its short list of four proposers: Applegreen, LLC (Applegreen), Global Partners (Global), 7-Eleven, Inc., and Bay State Operators, Inc. Their final proposals were due to MassDOT on February 18, 2025.

On January 10, 2025, MassDOT extended the deadline for final proposals to March 25, 2025, in an addendum to the RFP. On February 21, 2025, in another addendum, MassDOT further extended the deadline for proposers to submit final proposals to April 15, 2025.

In addition to extending the deadlines for proposals in the addendums, MassDOT amended the rules of contact by updating the list it was using of professional service firms proposers were not allowed to contact during the procurement process. MassDOT removed some firms from this list and added other firms that it had brought in during the RFP phase.

MassDOT also amended the RFP to request additional information for the final proposals, which changed some of the evaluative criteria. MassDOT made these updates across the five addendums to the RFP. MassDOT asked for more information about financial commitments and required an initial deposit. MassDOT also requested additional financial information including debt-to-equity ratio, post-tax base case return on equity, preliminary estimates of annual revenue generated from additional services/revenues, overall minimum monthly guaranteed rent and gross retail sales, estimated minimum monthly and annual guaranteed rent, and percentage of gross retail sales, fuel rent, and end date for post-revitalization rent. These were a few of the RFP modifications.

On April 7, 2025, the facilitators conducted the orientation for the final evaluation process with the selection committee.

Per the RFP, the final proposals were due on April 15, 2025. Of the four short-listed proposers, three submitted final proposals. 7-Eleven, Inc. did not submit a final proposal and elected to withdraw from consideration. Bay State Operators, Inc. submitted a final proposal that did not conform with the RFP and subsequently elected to withdraw from consideration.

Applegreen and Global were the two final proposers that moved forward to the final proposal evaluation phase.

Between the orientation and the selection committee's group deliberation meetings in mid-May, the following steps occurred: (1) the facilitators reviewed the final proposal to ensure they were responsive to the RFP's requirements; (2) the subject matter experts reviewed the final proposals for the specific criteria for which they were responsible; (3) selection committee members conducted their individual, independent reviews of each final proposal; and (4) the subject matter experts presented their reviews to the selection committee.

On May 13, 2025, and May 14, 2025, the two final proposers provided their oral presentations to the evaluation committee.

On May 16, 2025, and May 23, 2025, the selection committee met to deliberate and score Applegreen's and Global's submissions on nine criteria in order to arrive at the "most advantageous" proposal:

1. Legal/Administrative Update (pass/fail): Is the proposer legally constituted and qualified, and if selected will they enter an agreement to operate and maintain the service plazas, complete revitalization work, and obtain required registrations?
2. Financial Capacity Update (pass/fail): Does the proposer have the demonstrated financial capacity and capability to undertake the program?
3. Program Understanding (qualitative): Which proposer (a) demonstrates a clear understanding of the program scope of work; (b) shows overall understanding of the program and how the proposer's plans and concepts will meet MassDOT's goals; and (c) has the best understanding of the delivery process set forth for the program and the potential risks.
4. Transition Plan (qualitative): Which proposer demonstrates the ability to take over from the existing operators with the least amount of disruption to any service for the public?
5. Operations and Maintenance Plan (qualitative): Has the proposer demonstrated an efficient and effective approach to operating and maintaining the service plazas, considering the minimum operation and performance standards in the lease and over the lifecycle of the program?
6. Master Revitalization Plan (qualitative): Which proposer has a plan to improve and revitalize the service plazas that minimizes disruption to the public, recognizes the unique location of each service plaza, and optimizes revenue for the Commonwealth?

7. Additional Services/Revenue Sources (qualitative): Which proposer will offer additional services or revenue sources at the service plazas that will enhance the experience for both individual and commercial drivers and improve and enrich the local areas where the service plazas are located?
8. Supplier Diversity Program Plan (qualitative): Does the proposer's plan include a comprehensive and thorough supplier diversity program that aligns with the program schedule and conforms to Supplier Diversity Office requirements?
9. Revenue Terms (qualitative): Which proposer offers the most advantageous minimum annual guaranteed rent and percentage of gross sales during the operating period?

During the first deliberation meeting on May 16, 2025, the selection committee reviewed and scored the first eight criteria. During the second deliberation meeting on May 23, the selection committee focused on the criteria concerning revenue terms.

After the selection committee submitted their scores on the last of the criteria, the Nossaman facilitator compiled the individual scores to calculate the final proposal score on all criteria: Applegreen scored 81.98, and Global scored 76.81.

During May and June, MassDOT counsel held individual briefings with 8 of the 11 MassDOT Board members to provide background on the service plaza procurement. On June 11, 2025, MassDOT presented the selection to the MassDOT Board of Directors' subcommittee, the Capital Programs Committee (CPC). The CPC declined to vote an approval, referring the matter to the full Board. On June 18, 2025, MassDOT presented the selection for approval by the MassDOT Board of Directors, which the Board granted.

Following the Board's approval, the six-month transition period began on July 1, 2025, and MassDOT and Applegreen began developing the agreement.⁸

After months of negotiations between Applegreen and MassDOT to finalize the agreement, Applegreen unexpectedly terminated ongoing agreement discussions and withdrew around the third week of September 2025. Thereafter, MassDOT made the decision to (1) cancel the procurement, and (2) extend the operations and maintenance agreements for all existing service plaza operators to June 30, 2027.

⁸ During this period, existing service plaza operators would transition operations to the winning proposer so that all access to food, beverage, convenience, fuel, and electric vehicle charging services would be uninterrupted.

Findings

Conflict of Interest – Disclosures in General

Before reviewing the initial proposals, the evaluation organization members had to sign a Conflict of Interest Disclosure Statement attesting that they did not have a real or apparent conflict of interest:⁹

I hereby certify that to the best of my knowledge, I do not have a conflict of interest either real or apparent, as a result of (i) a business or personal relationship between myself or any member of my immediate family (and/or my employer, if applicable) and any firm under consideration for the Program, or (ii) a direct or indirect financial interest on my part or that of any member of my immediate family, or, if applicable, that of my employer, partner(s), or joint venturers, in any firm under consideration for the Program. I agree not to solicit or accept gifts, benefits, gratuities, unwarranted privileges or exemptions, favors, or anything of value from any firm under consideration for the Program, and I recognize that doing so may be contrary to statutes, ordinances, and rules governing or applicable to MassDOT or may otherwise be a violation of the law.¹⁰

The Conflict of Interest Disclosure Statement did not provide space for a written disclosure of a conflict. Members were responsible for disclosing any actual or potential conflicts of interest to the chair and counsel, who would then decide if the member could participate.

The RFP instructions required each of the initial proposers to provide a list of affiliates that would be involved in any future engagement, should the proposer win the award. The facilitators attached the list of names of the affiliates as an attachment to the Conflict of Interest Disclosure Statement provided to the evaluation organization.

Members completed their forms between November 20, 2024, and November 24, 2024.

The procedures required that they complete the process again before the final evaluation. Because the short-list proposers did not disclose new affiliates for their final proposals, MassDOT did not require the evaluation organization to sign conflict of interest forms again.

Three selection committee members told the OIG that they raised potential conflicts of interest to facilitators. One member knew the owner of a business at two of the existing service plazas. One member had “casual connections” with individuals at an affiliate of Applegreen and at Global. The third member knew employees at both Global and at an affiliate of Applegreen.

⁹ The Conflict of Interest Disclosure Statement.

¹⁰ *Id.*

These three members recalled having discussions with the facilitators and each recalled that the facilitators determined that the relationships did not rise to the level either of disclosure or a conflict. MassDOT confirmed that one member raised a potential conflict and MassDOT determined that the relationship did not rise to the level of a conflict.

During the April 7, 2025 orientation for the final evaluation, the facilitator reviewed the conflict of interest rules, reminding the organization that each person with access to the proposals must disclose any conflicts or appearance of conflicts.

Finding 1: MassDOT's Conflict of Interest Disclosure Statement did not contain space for members to disclose relationships that could pose a real or apparent conflict of interest. The form only contained a certification that the member did not have a conflict. The form instructed members to disclose real or apparent conflicts to the Deputy General Counsel for Operations and Maintenance in writing. This instruction was not consistent with the instruction in the procedures manual that the member disclose a potential conflict to the chair of the selection committee and facilitators, who would make a determination.

Requiring members to disclose relationships that pose a real or apparent conflict of interest on the form is a best practice for conflict of interest disclosure forms. Written disclosure of all potential conflicts ensures that potential conflicts are documented and reviewed. In this case, the OIG was unable to determine whether and to what extent the disclosed potential conflicts were considered and reviewed even where members conscientiously made disclosures. The lack of clear documentation as to what was disclosed, to whom, and when, opens the issue up rather than closes it down if any questions on disclosures arise late in the process or by an oversight agency.

In addition, if the form contained space for disclosures and required the approval and signature by the chair and facilitators, MassDOT likely would have been alerted to the conflict between the form and the procedures manual instructions for review of potential disclosures.

Recommendation 1: Include space on the Conflict of Interest Disclosure Form for (1) members to disclose the names and their relationship with individuals or entities that pose real or apparent conflicts of interest and (2) authorized individuals to sign that they have reviewed the disclosure and either the relationship does or does not create a real or apparent conflict of interest.

Conflicts of Interest – Scott Bosworth

Scott Bosworth, then-MassDOT's Chief Strategic Officer, was designated by the Secretary of MassDOT as the lead for the service plaza procurement. The OIG did not find a record that he was formally designated chair of the selection committee, but did find that he was perceived by some members of the selection committee to be the chair. Bosworth certified on the Conflict of Interest Disclosure Statement that he did not have any real or apparent conflicts of interest. He was not one of three members who informed the OIG that they had disclosed a potential conflict of interest.

Bosworth had a pre-existing relationship with individuals affiliated with Applegreen, including individuals at Suffolk Construction and a board member of Applegreen. Before MassDOT announced the short list of proposers and through the final evaluation period, Bosworth exchanged calls and text messages of a personal nature with these individuals. His communication with them continued throughout the procurement process.

Examples of Bosworth’s text message exchanges include the following:

Texts exchanged between Bosworth and the chairman of Suffolk Construction

• 12/10/2024

- [6:16 AM] []: “Scott, good morning. I received a panic phone call yesterday at 830 from a builder at Oyster Harbors regarding the bridge. It has gotten worse, not better. Do you have time to touch base this morning?”
- [8:44 AM] Bosworth: “Hi! I just tried the District Highway, Director again but got her voicemail. I will stay on it this morning.”
- []: “Thank you, Scott!”
- [5:52 PM] []: “Scott I can’t thank you enough for your support today. You are a true friend.”
- Bosworth: “Hopeful that we made progress!”
- []: “👍”

Texts exchanged between Bosworth and a senior director at Suffolk Construction

• 2/25/2025

- [10:55 AM] [] invites Bosworth to a March 6, 2025 Boston City Councilor’s St. Patrick’s Day event
- []: “.... no donation necessary, but I hope you can join me next Thursday for a drink. A good group of people, ... You’ll know the entire room. Hope you can make it.”
- [3:20 PM] Bosworth: “Thanks for thinking of me. It’s on my calendar and I will do my best to be there.”
- []: “No pressure. Just an opportunity to have a local beer w friends”
- [4:39 PM] []: “If /when you get a chance, can you pls give me a call?”
- [6:31 PM] Bosworth: “Time sensitive?”

• 3/11/2025

- [8:00 PM] []: “Don’t want to interrupt your night, but if we could connect tomorrow am, that would be amazing” “Pls & Ty. Just a quick gut check”
- [9:18 PM] []: “I would call but I’m at an overnight conference and the program just wrapped up. We finish at 11 tomorrow. I will try you after that.”

Texts exchanged between Bosworth and an Applegreen board member¹¹

- 3/26/2025
 - [11:48 AM] []: “Hi Scott! As I briefly mentioned, I will be in Boston on Monday 3/31. Would love to grab a cup of coffee if you're around. Just let me know. Thanks!”
 - Bosworth: “Hey []. I would enjoy that. I am available between 12-2 and after 3:30. Does either option work? Thanks! Scott”
 - []: “Great! I think 12:30 works. Can we hold that for now and I can confirm later today or tomorrow?”
 - Bosworth: “Sure thing.”
 - []: “Checking on 4:30/5 as well if that still works.”
 - Bosworth: [Likes text]
- 3/28/2025
 - [3:08 PM] – []: “1pm? Lunch maybe?”
- 3/30/2025
 - [4:47 PM] – []: “Hey scott. Let me know if lunchtime still works for tomorrow? Could actually do 12:30 as well if that works for you.”
 - Bosworth: “Hi []! 12:30 works great. Is there a place you would like to go? Thanks! Scott”
 - []: “Great! I'll be at prudential center so can meet anywhere you like.”
- 3/10/2025
 - [10:14 AM] – []: “Let me know where works. Happy to go anywhere convenient for you. All good.”
 - Bosworth: [Bosworth sends location for Piattini (Boston)]: “How’s this? Never been but looks good. 12:30. Thanks.”
 - []: “Sounds good. See you there!”
- 5/30/2025
 - [4:20 PM] – []: “Hey my friend. I now have a bit more clarity on my Vineyard schedule for August. Any chance we can catch up later today or this weekend to try and coordinate? Would be great to se[e] you while I’m out there.”
 - Bosworth: “Hi! That is good news. What is a good time to call tomorrow?”
 - []: “Free most of the day. Whatever works for you.”
- 5/31/2025
 - [2:40 PM] – Bosworth: “Hi. I just tried you. Call when convenient.”
 - []: “Sure thing. On a call but will call you when I'm off. Thanks!”

Finding 2: By communicating with individuals affiliated with a proposer throughout the service plaza procurement process on matters not related to ongoing MassDOT business, Bosworth certainly created the appearance of a conflict of interest arising from his personal relationships. These communications undermined the integrity of the procurement process.

¹¹ The text messages reviewed did not notate exact timestamps for every message sent and received.

Bosworth's and the affiliates' communications between December 2024 and the day of the MassDOT Board of Directors vote that the OIG has reviewed do not appear to relate to the procurement, the lease, or the RFP. Therefore, the OIG found that these communications during the procurement period were not in direct violation of the procurement rules related to confidentiality or rules of contact. However, the communications reveal personal relationships that had the effect of compromising the procurement, especially since Bosworth did not disclose the real or apparent conflict of interest. The OIG also believes that even if the contacts did not involve the procurement – which is hard to fully determine – the sheer number of contacts is concerning.

If he had disclosed the relationships in writing at the outset of the procurement process in the manner recommended by the OIG above in Recommendation 1, such disclosure would have mitigated the appearance of a conflict of interest.

Recommendation 2: Address the specific risks, including personal relationships with proposers, financial interests, and how to mitigate reputational risks during the evaluation process in conflict of interest training.

The training for selection committee members and facilitators should describe apparent, as well as real, conflicts of interest.

Rules of Contact

MassDOT established no-contact communications rules for proposers responding to the RFP. The communications rules, formally called the Rules of Contact, prohibited proposers and their representatives (or affiliates) from any *ex parte* communications about the RFP, the lease, or the procurement with any member of the MassDOT Board of Directors or with any MassDOT staff, advisors, contractors, or consultants involved with the procurement, except for communications expressly permitted by the RFP or except as approved in advance by MassDOT's Designated Program Representative.¹²

The Rules of Contact established that proposers must have no direct contact with the MassDOT parties listed above between the time MassDOT issued the RFP on September 30, 2024, through the execution of the agreement. The Rules of Contact only prohibited communication related to the procurement for the service plazas. The rules did not prohibit communication on unrelated matters.

Where the proposers were subject to the RFP's Rules of Contact, the evaluation organization was subject to confidentiality and non-disclosure rules. The organization members were instructed on these rules by the procedures manuals and in the April 7 orientation. In addition, everyone had signed a Confidentiality and Non-Disclosure Agreement. By signing this form, they certified that they “[have] not discussed and will not discuss any information pertaining to, among other things, the evaluation, procurement, and development of the Program with unauthorized personnel.”

¹² See RFP, at 18.

During the April 7 orientation, the facilitator told the orientation attendees that they should not discuss the procurement with anyone outside of the evaluation organization, and they should be mindful of verbal and written communications that are subject to Public Records Law and discoverable in the event of a challenge. She also told them that that verbal communications include face-to-face interactions, telephone calls, and casual conversations over a meal or coffee and that written communications include letters, electronic mail, and text messages.

On June 18, 2025, the day of the full MassDOT Board of Directors' vote, an employee of Applegreen affiliate Suffolk Construction contacted Scott Bosworth via text message about the procurement. The outreach occurred before Bosworth made his presentation to the MassDOT Board of Directors where he recommended Applegreen for selection.

On June 25, 2025, after the Board of Directors' vote and following the signing of the transition agreement, a registered lobbyist for Applegreen (Smith, Costello, & Crawford) exchanged text messages with Scott Bosworth. The pair discussed jointly planning and administering legislative strategy for the procurement.

Finding 3: The *ex parte* communications from the two affiliates of Applegreen to Bosworth violated the Rules of Contact. The communications directly related to the procurement, the lease, or the RFP, which the Rules of Contact prohibited. The language of the rules clearly stated that the prohibition on contact remained in effect until a final agreement was signed.

At the time of the June 2025 outreach, Bosworth was transitioning from his position as MassDOT Chief Strategic Officer into a new senior role with the Massachusetts Bay Transportation Authority (MBTA). Bosworth's communications with the winning proposer's affiliates after the final evaluation process concluded blurs the role of the selection committee and its members and calls into question the group's objectivity. The OIG found that the communications had been approved in advance by MassDOT's Designated Program Representative.

Bosworth was also bound at the time by the confidentiality and non-disclosure requirements. The evaluation organization was instructed on April 7 about the rules and given specific examples of communications. His changing role from MassDOT to MBTA did not excuse him from these requirements. In fact, he was still bound by the rules, as the procurement had not concluded and he had not withdrawn from the selection committee.

There were other members of the selection committee who attended meetings with Applegreen post-award. The OIG views these communications differently from Bosworth's communications. The selection committee members were not acting *ex parte* and were within their roles in attending the meetings.

Recommendation 3: Remind both proposers and evaluation organization members of their continuing duty to abide by the rules of the RFP and procedures throughout the process. Train employees how to respond to proposers who violate the rules.

Strengthen the controls by including in the Rules of Contact that evaluation organization members must disclose necessary communication with proposers and their affiliates, such as for ongoing projects or pre-existing matters.

Evaluation Procedures

MassDOT developed two procedures manuals: the first for the initial proposal evaluation phase and the second for the final proposal evaluation phase. The manuals prescribed the evaluation processes and the roles and responsibilities of evaluation organization members, and stated that the procedures set forth were intended to ensure that the evaluation of each proposal was consistent and fair.

The OIG reviewed how MassDOT complied with the procedures to conduct the evaluation of the final proposals. The OIG found multiple instances where the evaluation organization deviated from the prescribed procedures. In isolation, any of the deviations may have had a moderate to low impact on the overall procurement process, but collectively, the deviations had a high impact on the quality of the procurement and the perception of whether the evaluation process was consistent and fair.

Qualitative Criteria

For the initial and final evaluations, the selection committee was to evaluate the strengths and weaknesses of the proposals against the two sets of criteria included in the RFP. The final proposal evaluations had two pass/fail criteria and seven weighted qualitative criteria to be scored on a 100-point scale.

After issuing the RFP, MassDOT made amendments that revised qualitative criteria and requested additional information for the final proposals. One of the criteria that MassDOT revised was Revenue Terms. In the final version of the qualitative criteria Revenue Terms, MassDOT required the proposer to submit new financial information, which created multiple subfactors for evaluating the criteria:¹³

1. Pre-revitalization and post-revitalization revenue terms;
2. Minimum annual guaranteed rent;
3. Percentage of gross sales; and
4. Fuel rent.

¹³ Specifically, in addendum four, MassDOT (1) changed the Pre-Revitalization Revenue Terms Form (Form L) and requested percentage of gross retail sales, fuel rent, and estimated end date for pre-revitalization rent, and (2) added an Estimated Post-Revitalization Revenue Terms Form (Form M) and requested estimated minimum monthly guaranteed rent, percentage of gross retail sales, fuel rent, and end date for post-revitalization rent. In addendum five, MassDOT changed Form L and Form M to request minimum annual (not monthly) guaranteed rent.

After the final proposal evaluations, the selection committee's scoring of the Revenue Terms criteria saw the greatest variance in composite scores across all seven qualitative criteria: 72.86 for Global, and 84.29 for Applegreen.

During its review, the OIG found that selection committee members gave different weight to the subfactors for this criteria.

Some members assessed (and critiqued) estimated future fuel sales and the goal to increase use of electronic vehicles heavily, while others did not focus on this when scoring. Some selection committee members considered each proposer's capital expenditures and investments in their decision-making and scoring. However, the proposer's capital investments were not a subfactor for this criterion. Another member gave greater weight to one of the proposals estimated retail sales based on the aesthetics of the plazas.

Finding 4: The service plaza procurement was complex and contained multiple detailed evaluation criteria, each with significant subfactors. When MassDOT updated the Revenue Terms criteria, it created multiple subfactors related to revenue that selection committee members would use in their evaluations. The selection committee had the input and assistance of subject matter experts as they reviewed the proposals and they deliberated together. Neither of these steps was sufficient to ensure that the selection committee had a common understanding of whether to give some subfactors greater or less weight than others.

Weighting the subfactors to show how important MassDOT considered each to achieving its goals would have provided clarity to both the proposers and the selection committee. The American Bar Association's (ABA) Model Procurement Code for best practices related to RFPs and proposal evaluations recommends weighting subfactors.¹⁴ The ABA Model Procurement Code states "A statement in the RFP of the specific weighting to be used by the jurisdiction for each factor and subfactor, while not required, is recommended so that all offerors will have sufficient guidance to prepare their proposals."

Without weighted subfactors for the criteria, and without full selection committee notes and comments to support its scoring, see Finding 5, MassDOT cannot know why the committee members scored the criteria differently.

Recommendation 4: Assign specific weighting to subfactors within qualitative criteria in an RFP, as recommended by the ABA. The subfactor weighting should outline the importance of each subfactor and provide clarity to the proposers and selection committee on the relative weight of each subfactor.

A well-balanced and knowledgeable selection committee brings their diverse expertise and background from varied transportation areas to the proposal evaluation process. That same diversity of expertise and background creates a risk that members' subjectivity will impede

¹⁴ See *The 2000 Model Procurement Code*, A.B.A. (2000), <https://publicprocurementinternational.com/wp-content/uploads/2019/04/2000-ABA-Model-Procurement-Code.pdf>.

achieving the underlying procurement goal. MassDOT can mitigate this risk by assigning weight to subfactors.

Documentation and Scoring Worksheets

The evaluation procedures for the final proposals required each member to “independently review the proposals in their entirety” and record their “impressions and observations,” questions, comments and ultimately justification for their scoring on designated worksheets. MassDOT provided the worksheets to each selection committee member.

As laid out in the procedures, selection committee members were expected to take notes during their independent reviews and after the proposer and subject matter expert presentations and record justification for scoring. The procedures manual instructed that “[selection committee] members’ written comments and scoring justifications must . . . be specific” and “include significant advantages, disadvantages, and risks supporting the scores” and “include citations to the page(s) and section(s) of the Proposals being evaluated.”

The OIG requested individual notes, worksheets, and other relevant documentation relating to the selection committee’s review of proposals and support for their final proposal scores.

The OIG received the seven selection committee members’ final proposal scoring worksheets. Three of the seven selection committee members did not write any comments or scoring justification on their worksheets. MassDOT did not have separate notes from any members from the final proposal evaluation. MassDOT did produce three separate sets of notes with comments, two of which related to the initial proposal evaluation, one of which related to the proposer oral presentations rather than to the final proposal evaluation.

Finding 5: Three of the seven selection committee members did not follow the instructions to record their scoring justifications on the worksheets. MassDOT did not obtain notes that the members may have recorded in some other manner for the final scoring. The three sets of notes that MassDOT received and produced were from different times in the evaluation process.

Two of the three who did not write comments or provide scoring justification on their worksheets told the OIG that they kept separate notes and uploaded them directly to the facilitator’s ShareFile site.¹⁵ The OIG concludes that these notes were the ones produced by MassDOT from the initial proposal evaluation and proposer oral presentations.

MassDOT’s procedure for selection committee members to keep notes at key times during the process supports MassDOT’s goal for a consistent and fair process. By not ensuring that members kept and produced notes, MassDOT did not adhere to the procedures to meet its goal.

¹⁵ The third selection committee member who did not document notes on their scoring worksheet did not document or maintain any separate notes.

This failure to adhere to the procedures combined with the lack of consensus among selection committee members on the weight to give subfactors of the evaluative criteria undermines MassDOT's ability to demonstrate a consistent and fair process.

Recommendation 5: Adhere to the procedures manual and requirements related to documentation. Require that all selection committee members document their reasonings and justifications behind their decisions. Such documentation should be completed prior to accepting scores from selection committee members to promote a consistent and fair procurement process.

Reinforce the documentation procedures and the importance of keeping adequate documentation. Facilitators must enforce documentation requirements by requesting members' notes, checking that worksheets include both scores and justifications, and ensuring that all required documents are maintained in the procurement file.

Communication with Subject Matter Experts

The procedures anticipated all requests for clarification from any of the individuals in the evaluation process to be in writing and to flow through the facilitators. The facilitators were responsible for obtaining the clarification from the necessary party, routing it back to the requestor and documenting the request in the procurement file.

Between May 12, 2025, and May 13, 2025, Bosworth requested financial information from MassDOT's Real Estate division about Global, which was both a proposer and an operator under the current leases. Bosworth forwarded the information from the Real Estate Division to one of the subject matter experts. Bosworth asked the expert questions about Global's pre-revitalization fuel revenue projections to determine how realistic the modeling was. The expert provided Bosworth with additional information in response and agreed that a portion of the modeling "seems optimistic."

Bosworth sent the information by email to one other selection committee member. The OIG was unable to ascertain whether Bosworth shared the information with the entire selection committee in some other manner, for example during the deliberations.

Finding 6: The procedures manual does not address whether and when it is appropriate for a selection committee member to reach out to other divisions within MassDOT for information to assess a proposal. The procedures include diagrams that show requests to subject matter experts going through the facilitators; the written instructions addressed requests for clarification to and from the proposers. For this reason, the OIG has not found that Bosworth's communications violated the procedures. However, the purpose of the procedures was to ensure a consistent and fair process. To that end, MassDOT designed a process that dictated a flow of information through the facilitators, expected the information to be shared with the necessary parties, and required that the requests and responses be documented in the official record of the procurement.

Bosworth, as chair, was authorized by the procedures manual to send requests for clarification to the subject matter experts. Having done so, Bosworth was required to document

the request in writing and make the writing part of the official record. He should also have ensured that the subject matter expert presented the information to the entire selection committee consistent with the process. With a detailed descriptive process, the OIG would have expected an easy resolution to the matter if the question and answer were shared with all selection committee members. This was not the case.

Recommendation 6: Clarify procedures for selection committee members’ outreach and engagement with subject matter experts and other divisions within MassDOT. Ensure selection committee members understand the processes for engaging subject matter experts, as well as how to handle any information gathered from subject matter experts.

Hold employees accountable for deviating from the procedures.

Live Scoring by Selection Committee

The final evaluation procedures manual did not provide a prescribed method for the selection committee’s final scoring. A fair and impartial process to evaluate RFP proposals promotes confidence in the ultimate selection and limits the risk of potential future protests from losing bidders.

At the end of the final proposal stage, the selection committee participated in a final scoring of the evaluation criteria. The facilitator conducted a “live scoring” or “roll call” process in which each of the selection committee members announced their score, one by one, for each evaluation criteria.

Finding 7: At least one selection committee member told the OIG that they were influenced in part by how other members scored the proposals. MassDOT’s use of a live, in-person scoring method, in combination with the other weaknesses identified in this section, increased the risk of perceived bias in the procurement process. A secret scoring method would have prevented such influences and would have ensured that each selection committee member scored based on their own analysis.

Although the procurement manual did not provide a prescribed method for the selection committee’s final scoring, it is apparent that this public scoring process elevates the risk of collective thinking, where one selection committee member may steer others’ individual scoring based on their biases. The selection committee should make scoring determinations independent of one another to foster an unbiased selection process.

Recommendation 7: Use a closed or sealed scoring environment, as compared to the live scoring used during this procurement. After the selection committee independently evaluates the proposals, hears from experts, and deliberates together, they should score independently. This is consistent with MassDOT’s intent to conduct a consistent and fair process.

MassDOT Board of Directors' Approval

As the governing authority of MassDOT, its Board of Directors provides oversight and approves major procurements. The service plaza procurement is a major procurement both in terms of long-term strategic planning and in the value of the procurement.¹⁶

The MassDOT Board of Directors has a subcommittee, the Capital Programs Committee (CPC), that routinely reviews major procurements for approval before MassDOT presents the procurement to the full Board. For the service plaza procurement, MassDOT presented its request for approval to enter a new agreement for the services plazas to the CPC on June 11, 2025, in advance of presenting its request to the full Board on June 18, 2025.

At the June 11, 2025 CPC meeting, Bosworth presented the results of the procurement and evaluation process for approval. The OIG reviewed the recording of the meeting. Members of the subcommittee expressed dismay at the lack of previous communication regarding this procurement, considering that the project began more than a year earlier, and noted that this turn of events implied disrespect and distrust towards the Board. They expressed concern that they were asked to approve the award on short notice with limited information in order to meet a procurement deadline.

The CPC declined to vote on whether to approve MassDOT moving forward with a new agreement for the service plazas. Instead, the CPC voted to allow the procurement team to present to the full Board at its meeting the following week, on the condition that sufficient information about the procurement was made available to Board members prior to the meeting.

MassDOT had started briefing Board members in May but had not briefed all CPC members by June 11. By the June 18 meeting MassDOT had briefed eight of the ten Board members on the background of the procurement.

On June 18, 2025, Bosworth delivered a presentation and requested approval from the full Board to enter into the agreement with Applegreen. After discussion, eight board members voted to authorize the secretary “to award and execute the Transition Agreement and Lease and Concessions Agreement with Applegreen MA Investments LLC.”¹⁷

Finding 8: The CPC did not feel that it had been given enough information and time to approve the procurement. Although MassDOT had been providing briefings to directors starting in May, it was clear from the June 11 meeting that the members did not feel informed about the size, scope, and duration of the project.

The OIG does not know what MassDOT covered in the briefings with the Board members. It only knows that, at a high-level, the briefings covered the background of the procurement, but

¹⁶ Pursuant to M.G.L. c. 6C, § 2(k), the Board of Directors approves contracts valued at over \$15,000,000.

¹⁷ One Board member abstained from voting. Following the Board’s approval, the six-month transition period would begin on July 1, 2025.

did not specifically discuss the backgrounds of the final proposers, Applegreen and Global. Had MassDOT provided information to the CPC during a public meeting, MassDOT could have provided additional information about the procurement – information that was not confidential nor related to the specifics of the proposals – prior to the June 11 meeting. The CPC would have been better informed to take a vote. The idea that the CPC was not comfortable voting to approve an agreement but merely to advance the proposal to the full Board seems inconsistent with the purpose of the subcommittee and at a minimum creates a reason for pause.

Recommendation 8: Present information about major procurements early and regularly to the CPC and the full Board at public meetings to ensure that members have the information they need to fulfill their duty and responsibility.

MassDOT should not rely on private briefings in lieu of public meetings, particularly on significant and complex procurements. Board members can benefit from hearing questions from their fellow members and having time to ask MassDOT for additional information to make an informed vote. Additionally, if the structure of the organization is based on Board oversight, the idea should be to maximize opportunities for public discussion.

Other Observations and Recommendations

The OIG has two additional observations, which did not rise to the level of formal findings, for MassDOT as it proceeds with this and other procurements.

1. Create a formal RFP change log.

MassDOT issued five addendums to the RFP over the course of the procurement. The content changes included, for example, extensions to the proposal deadline, changes in proposer instructions, and updates to the evaluative criteria.

The OIG recommends, especially for RFPs of this size, that MassDOT maintain a formal change log to track all RFP amendment updates and changes. A change log lives within the RFP and is a critical document to track all revisions to the RFP to ensure proposers remain compliant and aware of any updated scope changes or proposal requirements. Change logs also maintain version control of the RFP and provide a valuable audit trail of all revisions to the RFP. MassDOT should also document in change logs the reasoning and justification for the amendment changes, including whether a proposer requested the changes.

2. Review meeting minute practices.

MassDOT publicly posts the minutes from the Board of Director meetings consistent with the Open Meeting Law. The OIG found that the written minutes from the June 11, 2025 CPC meeting and the June 18, 2025 MassDOT Board of Directors meeting did not fully and completely reflect what occurred. In particular, the June 18, 2025 minutes did not reflect the level and number of questions from the Board before it voted.

The OIG also recommends that MassDOT review its practices for meeting minutes. Under Massachusetts’s Open Meeting Law, public bodies must “create and maintain accurate minutes of all meetings, setting forth . . . a summary of discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.”¹⁸ Although the minutes do not need to amount to a transcript, “minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred.”¹⁹

The OIG recommends that MassDOT review its current practices for drafting meeting minutes. Imprecise or incomplete minutes lead to an inaccurate record of proceedings, risking a violation of the Open Meeting Law.

Conclusion and Recommendations

After the initial procurement process was unsuccessful, MassDOT announced on October 15, 2025, that it would prepare a new procurement to identify a vendor to rehabilitate, operate, and maintain the 18 service plazas across the state.²⁰ The OIG met with MassDOT senior management after the procurement failed as MassDOT weighed its options. One of the OIG’s concerns was the impact that starting a new process would have on the existing operations. MassDOT has reported that it has remodeled its oversight of the current operators to ensure services remain at an acceptable level for the traveling public. Oversight has shifted from a centralized focus to the Highway Division, which has employees dispatched across the state who can monitor services more regularly.

The OIG is aware that MassDOT is revising its process for the next procurement. As it does so, MassDOT must not lose sight of the lessons from the 2024-2025 process. Key among the OIG’s findings is that although MassDOT developed procedures for a consistent and fair process, it did not adhere to the procedures.

Based on its findings, the OIG recommends that MassDOT implement the following measures prior to the procurement and consider these recommendations on all future MassDOT procurements:

1. Include space on the Conflict of Interest Disclosure Form for (1) members to disclose the names and their relationship with individuals or entities that pose real or apparent conflicts of interest and (2) authorized individuals to sign that they have reviewed the disclosure and either the relationship does or does not create a real or apparent conflict of interest.

¹⁸ M.G.L. c. 30A, § 22.

¹⁹ Open Meeting Law Guide and Educational Materials, Mass. Off. of the Att’y Gen. 1, 19 (June 2025), <https://www.mass.gov/doc/open-meeting-law-guide-2025/download>.

²⁰ See *MassDOT Announces Reprocurement for Service Plazas Contract*, MASS. DEP’T OF TRANSP. (Oct. 15, 2025), <https://www.mass.gov/news/massdot-announces-reprocurement-for-service-plazas-contract>.

2. Address the specific risks, including personal relationships with proposers, financial interests, and how to mitigate reputational risks during the evaluation process in conflict of interest training.
3. Remind both proposers and evaluation organization members of their continuing duty to abide by the rules of the RFP and procedures throughout the process. Train employees how to respond to proposers who violate the rules. Strengthen the controls by including in the Rules of Contact that evaluation organization members must disclose necessary communication with proposers and their affiliates, such as for ongoing projects or pre-existing matters.
4. Assign specific weighting to subfactors within qualitative criteria in an RFP, as recommended by the American Bar Association. The subfactor weighting should outline the importance of each subfactor and provide clarity to the proposers and selection committee on the relative weight of each subfactor.
5. Adhere to the procedures manual and requirements related to documentation. Require that all selection committee members document their reasonings and justifications behind their decisions. Reinforce the documentation procedures and the importance of keeping adequate documentation.
6. Clarify procedures for selection committee members' outreach and engagement with subject matter experts and other divisions within MassDOT. Ensure selection committee members understand the processes for engaging subject matter experts, as well as how to handle any information gathered from subject matter experts.
7. Use a closed or sealed scoring environment, as compared to the live scoring used during this procurement. This is consistent with MassDOT's intent to conduct a consistent and fair process.
8. Present information about major procurements early and regularly to the Capital Programs Committee and the full Board at public meetings to ensure that members have the information they need to fulfill their duty and responsibility. Do not rely on private briefings in lieu of public meetings, particularly on significant and complex procurements.

MassDOT – and each of its employees – has an obligation to uphold the highest standards in all of its procurements. The OIG found too many flaws in this procurement to say with confidence that the procurement, had it been fully executed, was based on a solid foundation.

When evaluating which proposal is subjectively the most advantageous, it is critically important to remain objective. MassDOT recognized this with its goal of a fair and consistent procurement. Unfortunately, it did not meet its own goal. It has the opportunity, and the obligation, to do so now.

Thank you for your attention to this matter. If you have any questions, please contact me.

Sincerely,



Jeffrey S. Shapiro, Esq., CIG
Inspector General

cc (by email):

OIG statutory recipients

Inspector General Council

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