Volume 12, Issue 1

January 2006

### Massachusetts Office of the Inspector General

# Procurement Bulletin

### **Letter from the Inspector General**

Dear Public Official:

As we start the new year, I'd like to highlight some of last year's achievements.

During 2005 my office was part of a statewide effort to educate state and local officials and the Commonwealth's public construction community on the new reforms in public construction in Massachusetts. My staff was invited on numerous occasions to speak to municipal governments, architects and contractors' associations regarding the sweeping changes in the public construction bidding process.

In March, we added a new one-day course to the variety of classes offered through the Massachusetts Certified Public Purchasing Official (MCPPO) program. The new class, Construction Management at Risk, explains the new alternative procedure for public building construction in Massachusetts. There are no prerequisites to attending this class. We recommend it for anyone interested in learning more about this alternative to the traditional design, bid, build construction process.

In August, I implemented a procurement training program that offers to bring procurement training to your community. The office will now provide 2, 3, or 4 hours of training in your area on the basics of public bidding for supplies, services and construction. We estimate through the above outreach efforts this past year that we have educated nearly 2000 people in the Commonwealth about the bidding laws. This is all in addition to certifying and recertifying 75 local officials and training approximately 410 people in our MCPPO program. For more information on the programs available or how to obtain training in your area, please visit our website at <a href="http://">http://</a> www.mass.gov/ig/mcppo/igmcppo.htm.

In December, the office issued a second letter to the Operational Services Division regarding a statewide contract with School Specialty, Inc. for art and instructional school supplies. We had previously found that the state's vendor would offer lower prices than established through the contract to certain jurisdictions, thereby violating terms of the statewide contract. A corrective plan of action called for the contractor to provide merchandise credits to jurisdictions that had bought supplies from the contract. These merchandise credits may only be applied to future purchases at the request of the jurisdiction. Since the corrective plan was signed, prices on the statewide contract have increased and thus the value of the credits has diminished. This office recommends that if you are entitled to a credit you use it before any further de-valuation. Copies of both letters are available from our website.

Another component of the office's efforts to advise local officials on procurement practices is providing technical assistance over the telephone. One topic we are frequently asked about is bid-

#### **Inside this issue:**

OIG Articles	
<ul> <li>Procurement Fraud in the City of Everett</li> <li>When is the use of a trade-in provision for</li> </ul>	Page 2
supplies permissible in the quote process?	Page 2
Questions and Answers	Page 3
Recent Publications	Page 5
Important Information from the OIG	Page 6
мсрро	
MCPPO Help-line and FAQ's	Page 7
MCPPO Designations	Page 8
Registration Form	Page 9

ding for school bus contractors. To assist jurisdictions further, the office put together sample school bus bid pricing forms and a sample fuel escalation/deescalation clause. The link to the packet is available on our website at <a href="http://www.mass.gov/ig/mcppo/">http://www.mass.gov/ig/mcppo/</a> schbidfs.pdf.

Last year we issued the sixth edition of Designing and Constructing Public Facilities. According to state website statistics, over 30,000 online requests were made to view the manual since it was issued in September 2005. The manual may be downloaded from our website at <a href="http://">http://</a> www.mass.gov/ig/publ/dcmanual.pdf. The manual provides information and guidance to public officials undertaking construction projects and incorporates the changes to the design and construction laws and state regulations that resulted from the passage of Chapter 193 of the Acts of 2004, entitled "An Act Further Regulating Public Construction in the Commonwealth." If your jurisdiction is planning a construction project and you haven't already obtained a copy, you may download a copy from our website or purchase a copy from the State Bookstore.

Finally, I'd like to congratulate the ten newly designated Massachusetts Certified Public Purchasing Officers.

Happy New Year!

Gregory W. Sullivan

Gregory W. Sullivan Inspector General

### **OIG Articles**

# PROCUREMENT FRAUD IN THE CITY OF EVERETT

In March 2004, the office of the Inspector General, the Massachusetts Attorney General and the Massachusetts State Police announced a 41 count indictment against 11 individuals and five companies charged with defrauding the Everett Public School System.

The indictments alleged that at least 63 contracts worth more than \$552,000 were obtained by fraudulent means including conspiracy, procurement fraud, bid rigging, bid splitting, presentation of false claims, larceny, receiving stolen property and kickbacks between local businessmen and Everett Public School employees from 1998 to 2003. The indictment specifically alleged that Everett Public School maintenance manager, Lona DeFeo, and Superintendent of Schools Fredrick Foresteire's ex-brother-in-law, Louis Grande, stole two Everett Public School air conditioners worth \$1,850 and had them installed at the home of the superintendent.

Grande allegedly participated in and was the contractor who benefited the most from the bid rigging. In total, the investigation found that Grande was fraudulently awarded 23 contracts worth \$250,124. Grande was indicted on one count each of procurement fraud, conspiracy to commit procurement fraud, bid splitting, conspiracy to commit bid splitting and presentation of false claims. Grande passed away in July of 2005.

In the fall of 2004, three individuals and two companies pleaded guilty to charges arising from the Inspector General's investigation and agreed to pay restitution to the city of Everett for the benefit of the schools and fines to the state. Anthony Fabrizio pleaded guilty to procurement fraud, Roy Merenda, individually and as the owner of Roy Merenda and Sons, pleaded guilty to procurement fraud and conspiracy to commit procurement fraud, and Victor Silva, individually and as owner of United Building Services, pleaded guilty to procurement fraud and conspiracy to commit procurement fraud. Robert Mastrocola pleaded guilty in December of 2005 to procurement fraud and conspiracy, agreed to pay the City of Everett \$4,451 in restitution, and received one year of probation. Thomas O'Connor pleaded guilty in January, 2006 to one count of conspiracy to commit procurement fraud, and his business, Thomas O'Connor Painting pleaded

guilty to procurement fraud. Mr. O'Connor agreed to pay restitution to the city and a fine to the state.

In December of 2005, Lona DeFeo pleaded guilty to multiple charges including one count to commit procurement fraud by bid-splitting and two counts of conspiracy to present false claims. DeFeo was sentenced to two years in the house of correction for each count, suspended for 5 years, five years probation and 100 hours of community service. Because the sentence to the house of correction was suspended, she will not serve any time in jail.

Former Everett Mayor David Ragucci twice asked the Everett School Committee to either suspend or fire De-Feo, however, one week after the indictments were announced, the School Committee voted unanimously to keep both DeFeo and Foresteire.

Foresteire, as well as four other people and their companies, are scheduled to go to trial this spring.

# WHEN IS USE OF A TRADE-IN PROVISION FOR SUPPLIES PERMISSIBLE IN A QUOTE PROCESS?

Massachusetts General Law Chapter 30B, §15 governs the disposal of surplus supplies. M.G.L. c.30B, §15(e) states that a procurement officer may trade-in a supply that has been identified for trade-in in an invitation for bids or requests for proposals. This office receives many calls asking whether it is permissible to trade-in a supply using the quote process. An awarding authority may not use a quote process to trade-in a supply because M.G.L. c.30B, §15(e) specifically limits the use of trade-ins to an invitation for bids or request for proposals process. However, there is one exception to this rule. M.G.L. c.30B, §15(f) states that "for a supply with an estimated net value of less than \$5,000, the procurement officer shall dispose of such supply using written procedures approved by the governmental body." Therefore, your governmental body may adopt written procedures that include a quote process for trading-in supplies with an estimated net value of less than \$5,000 when the new supply that you are procuring costs less than \$25,000 (that is, when the estimated cost of the new supply meets the dollar value threshold of the quote process).

- continued on following page -

### **OIG Articles cont.**

- continued from previous page -

The following are examples of common trade-in procurements:

**Example 1.** The chief procurement officer (CPO) of a town wants to purchase a new vehicle. The vehicle is estimated to cost \$28,000. The town has a vehicle with an estimated net trade-in value of \$8,000 toward the purchase of the new vehicle. The CPO cannot use a quote process to procure the new vehicle because the new vehicle is estimated to cost more than \$25,000. Although the final cost of the vehicle may be \$20,000 (\$28,000 minus the \$8.000 trade-in = \$20.000), the CPO must use an invitation for bids procurement process to purchase the new vehicle. The CPO cannot deduct the estimated net value of the trade-in from the cost of the new supply to enable use of a quote process because the procurement dollar thresholds are based upon the cost of the new supply.

**Example 2.** The procurement officer of a school department is planning on purchasing 10 new computers. The estimated cost of the computers is \$20,000. The school department wants to trade-in the 10 existing computers that have an estimated net value of \$4,000. The \$4,000 received for the trade-in would be used to offset the cost of the 10 new computers. The school department has written procedures that were approved by the school committee permiting trade-ins for surplus supplies with an estimated net value of less than \$5,000. The procurement officer may use a quote process to procure the 10 new computers and include a trade-in provision pursuant to M.G.L. c.30B, §15(f) because the school department has written procedures (approved by its governing body) that permit the use of trade-ins in a quote process when the estimated net value of the trade-in is less than \$5,000 and the estimated cost of the new supplies is less than \$25,000 (the dollar threshold for use of the quote process).

For more information on vehicle trade-ins, please see this office's report on *Vehicle Trade-ins under M.G.L. c. 30B*, which may be accessed at <a href="http://www.mass.gov/ig/publ/vehrpt.pdf">http://www.mass.gov/ig/publ/vehrpt.pdf</a>.

### Questions and Answers—M.G.L. c.30B

- Q. 1: I am the finance director for a public school. A local business wants to purchase two scoreboards and donate them to the school for use in the gymnasium. The scoreboards will each have a name plate advertising the local business' information. May we accept the scoreboards without having to procure them through a public bidding process and allow the local business to put its name plate on them?
- **A. 1:** Yes. First, because the local business is purchasing the scoreboards with its own funds and then donating the scoreboards to the school there is no procurement that is subject to M.G.L. c.30B and the school may accept the scoreboards as a gift. Second, advertising and naming rights are not supplies or services subject to M.G.L. c.30B. However, you should consult your local rules before entering into an agreement that includes advertising and/or naming rights to ensure compliance with any policies or requirements of your jurisdiction. Lastly, if the scoreboards require installation then such may require compliance with the public building construction or public works bid laws and the prevailing wage law.
- Q. 2: I am the purchasing agent for a city. My jurisdiction requested proposals to lease one of our vacant municipal buildings for five years. I did not include the certificate of good faith (i.e., non-collusion form) with the specifications. One of the losing proposers is protesting the award of the lease because my city did not require submission of a signed non-collusion form from proposers. Is the non-collusion form a bidding requirement that local awarding authorities must require for land and building acquisitions and dispositions?
- **A. 2:** No. M.G.L. c.30B, §10 requires *only* that a person submitting a bid or proposal for the procurement or disposal of *supplies or services* to a governmental body sign and submit the non-collusion form with their bid or proposal. Therefore, the submission of the non-collusion form is not required for real property transactions like the leasing of a municipal building. This office would recommend that local awarding authorities elect to require the non-collusion form to be signed and submitted with proposals for real property transactions as the jurisdictions' own bidding requirement. In such a situation, failure of a proposer to submit a signed non-collusion form with its proposal could result in the proposal being rejected by your city as non-responsive to its specifications or

- continued on next page -

### **Questions & Answers, cont.**

- continued from previous page -

you may accept the proposal and permit the proposer to submit a signed non-collusion form within 24 hours of the proposal opening.

- Q.3: My housing authority is purchasing auditing services. The contract is for one guaranteed year with two, one-year options to renew. The estimated cost of the guaranteed first year is \$10,000 and option years two and three are estimated respectively at \$11,000 and \$12,000. May the housing authority procure the consulting services using a quote process under M.G.L. c.30B, §4?
- A.3: No. The contract has a guaranteed term of one year. Although the first year is estimated to cost less than \$25,000, the contract provides for two optional one-year terms. Thus, the procurement has the potential of being a three-year contract for \$33,000 and, therefore, requires procurement through an invitation for bids or a request for proposals process. If the housing authority had used a quote process to procure the auditing services it could not have exercised its option to renew for the third year because the total cost of the contract would be over \$25,000. Furthermore, if the housing authority had exercised its option to renew the third-year of the contract, it would have had an invalid and illegal contract upon which no payment could be made, even if the auditing services had already been rendered.
- Q.4: My county is subject to M.G.L. c.30B and invited bids for tax billing services for one-year with a one-year option to renew. Two bids were received and both companies are arguing that they are the best priced, responsive and responsible bidder. Which vendor is the contract to be awarded to when there is an option to renew?

The bids respectively contained the following price sheets:

Company ABC

Year One / Guaranteed Year: \$20,000 Year Two / Option Year: \$25,000

Total: \$45,000

Company XYZ

Year One / Guaranteed Year: \$18,000 Year Two / Option Year: \$28,000

Total: \$46,000

- A.4: When an awarding authority is purchasing supplies or services, the best price is the lowest price for the guaranteed term of the contract. Accordingly, your county is paying for tax billing services and the best price is the lowest price for the one-year guaranteed term and would therefore, award the contract to the XYZ Company. Your county should not take into consideration the price for the option year and then choose the lowest price in the aggregate because your county may decide not to exercise its option to renew the contract. Consequently if your county awarded the contract to the ABC Company because the aggregate price was lower, and at the end of the guaranteed year decided not to exercise its option to renew the contract for another year, your county would have paid \$2,000 more for the contract than if it had selected Company XYZ. Although, Company XYZ's contract, if renewed for a second year, costs \$1,000 more than Company ABC's contract, your county may negotiate a reduction in the option year price with Company XYZ before it exercises its option.
- 0.5: My city participates in collaborative purchasing for fire and police equipment and supplies. As required, there is one local awarding authority that takes the lead and does the collaborative bidding on behalf of all of the member cities and towns. The specifications for the police equipment and supplies were vague and did not provide for actual or estimated quantities. I received a list of vendors who have been awarded contracts for equipment and supplies. The vendors' names are listed, however, all that is noted on the contract award sheet is the vendors' discounted percentage off of the items in its catalogues. I do not know what the unit prices are for the equipment and supplies because the award list does not reflect such information. When I inquired with some of the winning vendors about their unit prices they told me that their prices fluctuate, but that their discounted percentage remains the same. Does M.G.L. c.30B allow for vague specifications and no definitive unit pricing?

- continued on following page -

### **Questions and Answers, cont.**

- continued from previous page -

- A. 5: No. M.G.L. c.30B requires that an invitation for bids include a purchase description and that your specifications state an actual or estimated amount of supplies with unit pricing that remains constant throughout the contract period, unless the contract provides for price adjustments. Under M.G.L. c.7, §22B, two or more local authorities may join together to procure equipment, supplies, materials and services from vendors. As is the case at hand, one of the local authorities assumes the lead role as the purchasing agent for the group and conducts the bidding process and notifies the other members of the contract award(s). Because the specifications do not provide a clear description of the supplies and equipment, do not give actual or estimated quantities and do not provide unit pricing, the contract awards are invalid. A new procurement process that complies with M.G.L. c.30B is necessary before you or the other local authorities may purchase such supplies and equipment legally.
- Q. 6: An adjoining town is a member of a collaborative procurement for sand and has a contract with a vendor to provide sand throughout the winter season. I learned of this collaborative purchase for sand after the contract was executed. Although my local awarding authority is not listed as one of the member communities to the collaborative bid, may I use the collaborative price for sand and purchase from that contract without having to solicit quotes or bids?
- A. 6: No. Local awarding authorities that were not originally part of a collaborative purchasing agreement, as they were not listed in the specifications and did not provide actual or estimated quantities for supplies and/or services to the lead purchasing agent for the collaborative purchase, may not purchase from the executed contract. M.G.L. c.30B, § 1(c) permits local awarding authorities to join together and purchase supplies and services collaboratively through a collaborative purchasing agreement. M.G.L. c.7, §§ 22A and 22B allow one local awarding authority to act on behalf of other local authorities for procurements subject to M.G.L. c.30B so long as all of the local awarding authorities that are members of the collaborative procurement are stated in the specifications. You will need to conduct your own procurement for sand. Depending on the amount of sand needed for the duration of your contract and its estimated cost, you will either need to use a quote or an invitation for bids process under M.G.L. c.30B.

### **Recent Publications**

Letter to Massachusetts Water Resources Authority: Change Orders on a Massachusetts Water Resources Authority Deer Island Contract, letter to General Counsel Steven Remsberg

In June, 2005, the MWRA provided the Office of the Inspector General with change order and proposed change order documents. After a review of the documents, the Inspector General identified more than \$269,000 in potential cost recovery items against the design firm, Metcalf & Eddy, that the MWRA had not determined to pursue. The Inspector General recommended that the MWRA pursue the items. These items include failure to account for existing conditions and improper specifications of materials. A complete copy of this letter can be obtained by visiting <a href="http://www.mass.gov/ig/publ/mwraltr.pdf">http://www.mass.gov/ig/publ/mwraltr.pdf</a>.

### Follow up: An Investigation of Certain Wachusett Regional School District Expenses

In March 2005, the Office of the Inspector General issued a report entitled An Investigation of Certain Wachusett Regional School District Expenses. In conducting the investigation this office found that weak internal controls led to questionable expenditures by the school district. In response to this office's report. the school committee developed additional internal controls and contract policies and provided this office with draft copies. In December 2005, this office issued a letter to the school district providing comments on the draft policies. Recommendations include providing greater clarification on certain policies, including limits on reimbursable expenses for travel, meals, and mileage, and school committee review of certain employment contracts. A complete copy of this letter and the March 2005 report can be obtained by visiting www.mass.gov/ig/igpubl.htm.

Ongoing Review of the Uncompensated Care Pool Pursuant to Chapter 240 of the Acts of 2004: Second Report to the House and Senate Ways and Means Committees

Chapter 240 of the Acts of 2004 charged the Office of the Inspector General with the task of reviewing the Uncompensated Care Pool, specifically the task of examining the practices in emergency rooms of all Massachusetts' Hospitals. A report of the preliminary review of the Uncompensated Care Pool was published by the Inspector General in June of 2005 and

- continued on previous page -

### **Recent Publications, cont.**

continued from previous page can be obtained by visiting <a href="http://www.mass.gov/ig/publ/ucpempan.pdf">http://www.mass.gov/ig/publ/ucpempan.pdf</a>.

This second report on the ongoing review of the Uncompensated Care Pool found that there are many factors affecting the performance of the pool. The pool lacks reasonable management systems to control costs, ensure appropriate levels of treatment, and safeguard against improper billing. Among other things, the Inspector General found that low Medicaid reimbursement rates have encouraged hospitals to turn to the pool to offset shortfalls. A complete copy of the Inspector General's findings and recommendations can be obtained by visiting <a href="http://www.mass.gov/ig/publ/poolrpt.pdf">http://www.mass.gov/ig/publ/poolrpt.pdf</a>.

### Letter to a Town Administrator: Plowing of Private Ways

This letter addresses the Town of Wellfleet's appropriation money for the plowing of private ways without complying with the requirements of M.G.L. c.40. Massachusetts General Laws, chapter 40 requires that a city or town appropriating funds for the plowing of private ways receive an affirmative vote by registered voters, prior to such appropriation. A complete copy of this letter can be obtained by visiting <a href="http://www.mass.gov/ig/publ/privplow.pdf">http://www.mass.gov/ig/publ/privplow.pdf</a>.

### Report: An Investigation of the Use of Certain Bond Funds by the North Attleborough Electric Department

The Office of the Inspector General issued this report regarding the misuse of bond funds by the management of the North Attleborough Electric Department (NAED). The Inspector General's investigation revealed that bond funds were improperly used by NAED management for a start-up internet service provider business. This Office estimated that this misapplication of funds will cost the electric ratepayers of the Town of North Attleborough more than \$8 million. These costs include the repayment of bond principal, interest on the bonds, capital write-offs and cumulative business losses.

A complete copy of this report can be obtained by visiting <a href="http://www.mass.gov/ig/publ/naedrpt.pdf">http://www.mass.gov/ig/publ/naedrpt.pdf</a>.

### An Analysis of Construction Projects within the Commonwealth: January 2000 to July 2004

In December 2005, the Office of the Inspector General issued a report based on its analysis of construction projects within the commonwealth during the time period of

January 2000 to July 2004. In light of the legislature's enactment of construction reform legislation, this office anticipates that this data will be useful to state agencies, municipalities, and others to identify what types of projects account for capital expenditures. This is intended to be a reference tool.

This report presents the construction project data in several ways. First, the report gives information on the frequency and value of types of work and structures by presenting the top five categories of work and providing a brief description of the projects in each category. This report then presents information on the most frequent and highest value type and structure categories for state and municipal contracts. Finally, this report contains data tables with complete information for each category in Appendix B. A complete copy of this report can be obtained by visiting <a href="https://www.mass.gov/ig/igpubl.htm">www.mass.gov/ig/igpubl.htm</a>.

# **Important Information from the Office of the Inspector General**

### Sample School Bus Bid Pricing Forms and Fuel Adjustment Clauses

Our office has recently updated its sample school bus bid forms and fuel adjustment forms. These forms can be viewed and downloaded from our website at <a href="http://www.mass.gov/ig/igch30b.htm">http://www.mass.gov/ig/igch30b.htm</a>. If you have any questions about these forms, you may contact our Chapter 30B hotline at 617.722.8838.

### Art and Instructional School Supply Vendors Underbidding Statewide Contract Prices

Our office is aware of several cases in which vendors on the statewide contracts, OFF13 and OFF 13A, underbid statewide contract prices. If your jurisdiction receives a bid in which a vendor on the statewide contract had underbid the statewide contract price for that particular item, please notify Robert Guerard, Operational Services Division, 617.720.3321 and Kate Rudeen, Office of the Inspector General, 617.727.9140. For more information, a copy of the letter to OSD can be obtained by visiting <a href="http://www.mass.gov/ig/publ/osdssi.pdf">http://www.mass.gov/ig/publ/osdssi.pdf</a>.

- continued on page 8 -



### Massachusetts Certified Public Purchasing Official Program Massachusetts Office of the Inspector General

One Ashburton Place, Room 1311 Boston, MA 02108 (617) 727-9140

ANSWER: Seminars are normally scheduled and posted on our website in July and December. Our new schedule and registration form is currently available online at <a href="https://www.mass.gov/ig/mcppo/regmcppo.pdf">www.mass.gov/ig/mcppo/regmcppo.pdf</a>.

### The MCPPO HELP-Line

Happy New Year 2006! The MCPPO program would like to introduce the new MCPPO Help-line, 617.523.1205. The MCPPO Help-line will guide you through general information about the MCPPO program and the MCPPO seminars that are offered.

Also new is an addition to the Office of the Inspector General's website, MCPPO FAQs – Frequently Asked Questions – including questions relating to registrations, waitlists, confirmations, and recertification. A sampling of the questions and answers is included here.

If you need more information, please send your questions to the new MCPPO email address, mcppo@maoig.net.

# Frequently Asked Questions Regarding the MCPPO Program

The Massachusetts Certified Public Purchasing Official (MCPPO) program enhances the capacity of public purchasing officials to operate effectively and achieve excellence in public procurement. The MCPPO program is targeted to the needs of state and local jurisdictions and authorities.

Each participant who successfully completes a seminar receives a certificate. Public purchasing officials who complete requisite seminars and meet the educational and experience requirements become eligible to apply for various MCPPO designations. MCPPOs must maintain their knowledge and skills and document continuing professional education to achieve recertification every three years. The seminars have been designed to meet national and state standards for recognition.

PLEASE BE ADVISED THAT THE INFORMATION PROVIDED HEREIN WILL BE UPDATED REGULARLY. THEREFORE, PLEASE BE SURE TO CHECK OUR WEBSITE FREQUENTLY FOR ADDITIONAL UPDATES.

### **GENERAL INFORMATION**

1. When will you have a new class schedule?

### 2. Why should I obtain MCPPO certification?

ANSWER: The MCPPO designation is widely recognized by local jurisdictions in Massachusetts as indication that you are familiar with Massachusetts procurement practices. Recipients of an MCPPO designation have successfully completed multiple choice examinations and have met experience and education requirements. Municipal job postings will often require MCPPO certification.

### 3. I am new to public procurement. Which class should I take?

ANSWER: Public Contracting Overview is the prerequisite class for the certification program. You must successfully complete Public Contracting Overview before taking Supplies and Services Contracting, and Design and Construction Contracting. Although Public Contracting Overview is not required before Advanced Topics Update, it is recommended.

### **REGISTRATION**

### 4. How do I register for a seminar?

ANSWER: To register for a class, visit our website <a href="https://www.mass.gov/ig">www.mass.gov/ig</a>. There you will find a seminar schedule and registration form. Your completed registration form should be faxed to 617.723.2334. Please register early as space is limited. You will receive written confirmation of your registration within 3-4 weeks of the seminar date. If you do not receive a written confirmation, your name is automatically placed on the waiting list for the next scheduled date the class is offered.

### 5. If I have faxed in my registration form, can I assume I am registered in the class?

ANSWER: No. You must receive written confirmation.

### 6. How do I know if I have been admitted to a class?

- continued on following page -



- continued from previous page -

**ANSWER:** You will receive written confirmation of your registration within 3-4 weeks of the seminar date.

7. If I am on the waiting list for a class how will I be notified of an opening?

**ANSWER:** You will receive written confirmation 3-4 weeks prior to the class start date.

#### MCPPO RECERTIFICATION

8. How many credits are required for recertification?

**ANSWER:** Twenty-five (25) credits are required for recertification.

### **Congratulations New MCPPOs**

The Office of the Inspector General extends congratulations to the most recent recipients of MCPPO designations based on applications **reviewed** between September 2005 and December 2005.

#### **MCPPO**

**Wayne E. Bates**, Town Engineer, Town of Blackstone **Pamela J. Berglund**, Administrative Secretary, Town of Easton Fire Department

**Donna E. Cesan**, Community Development Director, Town of Adams

**Ryan Ferrara**, Senior Finance and Policy Analyst, MWRA Advisory Board

**Sandra Fife**, Assistant Town Manager, Town of Dennis **Kevin M. Flynn**, Town Accountant, Town of Braintree **Barbara A. McNeil**, Procurement Administrator/Grants Coordinator, Town of Winthrop

**Rex E. Peterson**, Assistant Town Administrator, Town of Wellfleet

#### **MCPPO for Supplies and Services Contracting**

**Leon A. Gaumond, Jr.**, Town Administrator, Town of West Boylston

#### **Associate MCPP0**

**Elaine Davis**, Chief Procurement Officer, Barnstable County

- continued from page 6 -

## Important Information from the Office of the Inspector General, cont.

### **Tradespersons Contract FAC29**

The Tradespersons Contract for Repair and Maintenance Services (FAC29) has now been in place for two years. New construction laws that were passed in July 2004 have greatly impacted the contract and how it may be used. Under this law, any project between \$0 - \$10,000 requires that a municipality seek three quotes and award to the lowest responsible bidder.

The value of the Tradespersons Contract now lies with having a list to go to for three eligible bidders and the fact that these bidders are bound by prevailing wage rates, which have already been assigned.

For more information on the Tradespersons Contract please see <a href="https://www.comm-pass.com/">https://www.comm-pass.com/</a>.

### **Qualifications-Based Selection**

As many of you know, procurements of construction design services are exempt transactions under M.G.L. c. 30B, §1(b)(2), and are covered by the designer selection law, M.G.L. c. 7, §§38A½-0 ("DSL"). It is important to remember that the DSL is a qualificationsbased selection statute, which means that price cannot be a factor in selecting the best qualified designer. The DSL gives municipalities two pricing options: (1) set a fixed fee and advertise it, select the best qualified designer, and then sign a contract for that fixed fee; or (2) set a not-to-exceed fee limit, select the best qualified designer, and then negotiate a fixed fee with that designer and sign a contract for the negotiated fee. Further information on designer selection is available through the MCPPO program and at Chapter II (pp. 9-33) of our construction manual, Designing and Constructing Public Facilities (6th ed. 2005), which is available on line at www.mass.gov/ig.

Questions or requests for interpretation of the DSL should be addressed to the Office of the Attorney General, Fair Labor & Business Practices Division, 617.727.2200 x2340 or the Designer Selection Board at 617.727.4050.



### MASSACHUSETTS CERTIFIED PUBLIC PURCHASING OFFICIAL PROGRAM

**REGISTRATION FORM** 

Jan.-June 2006

### Office of the Inspector General

Gregory W. Sullivan, Inspector General
Phone: (617) 523-1205 Fax: (617) 723-2334

#### **REGISTRATION INFORMATION:**

All seminars will be confirmed based on a minimum of 20 participants.

### GOVERNMENT/NON-PROFIT COURSE PRICE:

Government employees shall include all employees of the commonwealth, employees of the commonwealth's political subdivisions, employees of other state governments, employees of the federal government and employees of any other municipality, county, or local district. Non-Profit employees include any employee of a 501 (c)(3) corporation. Proof of non-profit status must be provided with registration.

#### **RESERVE SEATING:**

To reserve seating, fax registration and purchase order to (617-723-2334).

MAIL ORIGINAL TO:

Commonwealth of Massachusetts
Office of the Inspector General
One Ashburton Place,Rm. 1311
Boston, MA 02108
ATTN: MCPPO Program

**MAKE CHECK PAYABLE TO: OIG** 

### <u>S U B S T I T U T I O N S /</u> 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. Terms and conditions may change without notice. Alternate course dates may be substituted in the event of an emergency, upon NO-SHOWS notification.

### WILL BE INVOICED A \$75.00 SERVICE CHARGE.

For more information regarding administrative policies, such as complaint and refund resolution, please contact Joyce McEntee Emmett, Director of the MCPPO Program at mcppo@maoig.net or go to our website at www.mass.gov/ig.

No Prerequisite    January 25, 26, 27–2006   BOSTON     March 28, 29, 30–2006   BOSTON     SUPPLIES & SERVICES CONTRACTING   Prerequisite: Public Contracting Overview   February 14, 15, 16–2006   BOSTON     April 25, 26, 27–2006   BOSTON     DESIGN & CONSTRUCTION CONTRACTING   Prerequisite: Public Contracting Overview   Secondary   Secondar				
□ January 25, 26, 27–2006 BOSTON □ March 28, 29, 30–2006 BOSTON  SUPPLIES & SERVICES CONTRACTING Prerequisite: Public Contracting Overview □ February 14, 15, 16–2006 BOSTON □ April 25, 26, 27–2006 BOSTON  DESIGN & CONSTRUCTION CONTRACTING Prerequisite: Public Contracting Overview □ March 8, 9, 10–2006 BOSTON □ May 16, 17, 18–2006 BOSTON □ May 16, 17, 18–2006 BOSTON □ May 16, 17, 18–2006 BOSTON □ February 1 & 2–2006 BOSTON BOSTON BOSTON BOSTON BOSTON BOSTON BOSTON BOSTON		3-day seminar	Tuition:	\$400 for government/non-profit employees
SUPPLIES & SERVICES CONTRACTING Prerequisite: Public Contracting Overview February 14, 15, 16—2006 April 25, 26, 27—2006 BOSTON  DESIGN & CONSTRUCTION CONTRACTING March 8, 9, 10—2006 May 16, 17, 18—2006 BOSTON  ADVANCED TOPICS UPDATE February 1 & 2—2006 BOSTON  ADVANCED TOPICS UPDATE February 1 & 2—2006 BOSTON  ADVANCED TOPICS UPDATE February 1 & 2—2006 BOSTON  CONSTRUCTION MANAGEMENT AT RISK UNDER M.G.L. c. 149A: LEGAL REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts  DRAFTING A MODEL IFB DISK program requiring Microsoft Word 7.0 or higher  Tuition: \$400 for government/non-profit employee \$600 for all others  Tuition: \$300 for government/non-profit employee \$500 for all others  Tuition: \$225 for government/non-profit employee \$500 for all others  Tuition: \$60 ea. for govt./non-profit employees Soul for all others	•			\$600 for all others
SUPPLIES & SERVICES CONTRACTING   3-day seminar   Tuition: \$400 for government/non-profit employed   \$600 for all others   \$600 for government/non-profit employed   \$800 for all others   \$800 for al				
Prerequisite: Public Contracting Overview    February 14, 15, 16–2006   BOSTON     April 25, 26, 27–2006   BOSTON     DESIGN & CONSTRUCTION CONTRACTING   3-day seminar   Tuition: \$600 for government/non-profit employee \$800 for all others    March 8, 9, 10–2006   BOSTON     May 16, 17, 18–2006   BOSTON     ADVANCED TOPICS UPDATE   2-day seminar   Tuition: \$300 for government/non-profit employee \$500 for all others    February 1 & 2–2006   BOSTON   Cancelled   BOSTON     April 12 & 13–2006   BOSTON     CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employee \$500 for all others    CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employee \$500 for all others    CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employee \$500 for all others    March 15–2006   BOSTON   BOSTON     May 10–2006   BOSTON     DRAFTING A MODEL IFB   Self-paced   Disk program requiring Microsoft Word 7.0 or higher   \$200 for all others	□ March 28, 29, 30—2006	BOSTON		
February 14, 15, 16–2006   BOSTON     April 25, 26, 27–2006   BOSTON     DESIGN & CONSTRUCTION CONTRACTING   3-day seminar   Tuition: \$600 for government/non-profit employed   \$800 for all others     Prerequisite: Public Contracting Overview   \$800 for all others     March 8, 9, 10–2006   BOSTON     May 16, 17, 18–2006   BOSTON     ADVANCED TOPICS UPDATE   2-day seminar   Tuition: \$300 for government/non-profit employed   \$500 for all others     February 1 & 2–2006   BOSTON   Cancelled   BOSTON     April 12 & 13–2006   BOSTON     CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employed   \$500 for all others     CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employed   \$500 for all others     CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tuition: \$225 for government/non-profit employed   \$500 for all others     March 15–2006   BOSTON   BOSTON     May 10–2006   BOSTON     DRAFTING A MODEL IFB   Self-paced   Tuition: \$60 ea. for govt./non-profit employees   \$200 for all others     DRAFTING A MODEL IFB   Self-paced   Sel	SUPPLIES & SERVICES CONTRACTING	3-day seminar	Tuition:	\$400 for government/non-profit employees
DESIGN & CONSTRUCTION CONTRACTING Prerequisite: Public Contracting Overview  March 8, 9, 10–2006 May 16, 17, 18–2006 BOSTON  ADVANCED TOPICS UPDATE  February 1 & 2–2006 April 12 & 13–2006 BOSTON  CONSTRUCTION MANAGEMENT AT RISK UNDER M.G.L. c. 149A: LEGAL REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts  DRAFTING A MODEL IFB DISK program requiring Microsoft Word 7.0 or higher  Tuition: \$600 for government/non-profit employee \$8500 for all others  \$500 for all others  Tuition: \$225 for government/non-profit employee \$500 for all others  Tuition: \$225 for government/non-profit employee \$500 for all others  Tuition: \$200 for all others  Tuition: \$200 for all others	Prerequisite: Public Contracting Overview			\$600 for all others
DESIGN & CONSTRUCTION CONTRACTING Prerequisite: Public Contracting Overview  March 8, 9, 10—2006 May 16, 17, 18—2006 BOSTON  ADVANCED TOPICS UPDATE Pebruary 1 & 2—2006 April 12 & 13—2006 BOSTON  CONSTRUCTION MANAGEMENT AT RISK UNDER M.G.L. c. 149A: LEGAL REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts  May 10—2006 BOSTON  Tuition: \$300 for government/non-profit employee \$500 for all others  **South Free Transport Construction**  **Supplies** **Suppli	□ February 14, 15, 16—2006	BOSTON		
Prerequisite: Public Contracting Overview    March 8, 9, 10–2006   BOSTON     May 16, 17, 18–2006   BOSTON     ADVANCED TOPICS UPDATE   2-day seminar   Tultion: \$300 for government/non-profit employee \$500 for all others    February 1 & 2–2006   BOSTON   Cancelled     April 12 & 13–2006   BOSTON     CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tultion: \$225 for government/non-profit employee \$500 for all others    CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tultion: \$225 for government/non-profit employee \$500 for all others    CONSTRUCTION MANAGEMENT AT RISK   1-day seminar   Tultion: \$500 for all others    Source	□ April 25, 26, 27—2006	BOSTON		
□ March 8, 9, 10−2006 BOSTON □ May 16, 17, 18−2006 BOSTON  ADVANCED TOPICS UPDATE 2-day seminar Tultion: \$300 for government/non-profit employee \$500 for all others □ February 1 & 2−2006 BOSTON Cancelled □ April 12 & 13−2006 BOSTON  CONSTRUCTION MANAGEMENT AT RISK 1-day seminar Tultion: \$225 for government/non-profit employee \$500 for all others  REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts □ March 15−2006 BOSTON □ May 10−2006 BOSTON  DRAFTING A MODEL IFB □ Self-paced Disk program requiring Microsoft Word 7.0 or higher \$200 for all others	DESIGN & CONSTRUCTION CONTRACTING	3-day seminar	Tuition:	\$600 for government/non-profit employees
ADVANCED TOPICS UPDATE  2-day seminar  Tuition: \$300 for government/non-profit employee \$500 for all others    February 1 & 2-2006   BOSTON   Cancelled	Prerequisite: Public Contracting Overview			\$800 for all others
ADVANCED TOPICS UPDATE  2-day seminar  Tuition: \$300 for government/non-profit employee \$500 for all others    February 1 & 2-2006   BOSTON   Cancelled	□ March 8, 9, 10—2006	BOSTON		
Self-paced   Sel	□ May 16, 17, 18—2006	BOSTON		
CONSTRUCTION MANAGEMENT AT RISK  1-day seminar  UNDER M.G.L. c. 149A: LEGAL  REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts  March 15—2006  May 10—2006  BOSTON  DRAFTING A MODEL IFB  Self-paced  Disk program requiring Microsoft Word 7.0 or higher  Tuition: \$60 ea. for govt./non-profit employees \$200 for all others	ADVANCED TOPICS UPDATE	2-day seminar	Tuition:	\$300 for government/non-profit employees \$500 for all others
CONSTRUCTION MANAGEMENT AT RISK  1-day seminar  UNDER M.G.L. c. 149A: LEGAL  REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts  March 15—2006  May 10—2006  BOSTON  DRAFTING A MODEL IFB  Self-paced  Disk program requiring Microsoft Word 7.0 or higher  Tuition: \$60 ea. for govt./non-profit employees \$200 for all others	□ February 1 & 2-2006	<b>BOSTON</b> Cancel	lled	
UNDER M.G.L. c. 149A: LEGAL \$500 for all others  REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts    March 15—2006 BOSTON BOSTON   May 10—2006 BOSTON  DRAFTING A MODEL IFB   Self-paced Tuition: \$60 ea. for govt./non-profit employees Disk program requiring Microsoft Word 7.0 or higher \$200 for all others	□ April 12 & 13—2006	BOSTON		
REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts    March 15–2006   BOSTON     May 10–2006   BOSTON     DRAFTING A MODEL IFB   Self-paced   Tuition: \$60 ea. for govt./non-profit employees	CONSTRUCTION MANAGEMENT AT RISK	1-day seminar	Tuition:	\$225 for government/non-profit employees
REQUIREMENTS & PRACTICAL ISSUES Introductory material geared to procurement officials who are not construction experts    March 15–2006   BOSTON     May 10–2006   BOSTON    DRAFTING A MODEL IFB   Self-paced   Tuition: \$60 ea. for govt./non-profit employees   Disk program requiring Microsoft Word 7.0 or higher   \$200 for all others	UNDER M.G.L. c. 149A: LEGAL	•		\$500 for all others
□ March 15—2006 BOSTON □ May 10—2006 BOSTON  DRAFTING A MODEL IFB □ Self-paced Disk program requiring Microsoft Word 7.0 or higher \$60 ea. for govt./non-profit employees \$200 for all others	REQUIREMENTS & PRACTICAL ISSUES			
DRAFTING A MODEL IFB Self-paced Disk program requiring Microsoft Word 7.0 or higher Self-paced \$200 for all others	Introductory material geared to procurement office	cials who are not cons	truction exp	erts
DRAFTING A MODEL IFB □ Self-paced Tuition: \$60 ea. for govt./non-profit employees  Disk program requiring Microsoft Word 7.0 or higher \$200 for all others	□ March 15—2006	BOSTON		
Disk program requiring Microsoft Word 7.0 or higher \$200 for all others	□ May 10—2006	BOSTON		
	DRAFTING A MODEL IFB	□Self-paced	Tuition:	\$60 <i>ea.</i> for govt./non-profit employees
	Disk program requiring Microsoft Word 7.0 o	r higher		\$200 for all others
	<u></u>	, a		

#### POLICY OF NON-DISCRIMINATION:

The Commonwealth of Massachusetts Office of the Inspector General does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, age, disability, sexual orientation, political affiliation, or Vietnam-era or disabled veteran status in its employment, admission policies, or in the administration or operation of, or access to its programs and policies. The Office of the Inspector General does not discriminate on the basis of disability in violation of Section 504 of the Rehabilitation Act of 1973. Inquiries pertaining to the Office's non-discrimination policy for MCPPO programs may be addressed to Joyce McEntee Emmett, Program Director, at mcppo@maoig.net.



The Commonwealth of Massachusetts Office of the Inspector General is registered with the National Association of State Boards of Accountancy (NASBA) 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 for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors, 150 Fourth Avenue North, Suite 700, Nashville, TN 37219-2417, www.nasba.org.



The Commonwealth of Massachusetts Office of the Inspector General is registered with the Department of Education to award professional development points (PDP).

NAME:				
PHONE:FAX				
DRGANIZATION/JURISDICTION:		TITLE:		
DDRESS:	CITY:	STATE:	ZIP CODE:	
o you need special accommodations?				

Payment Method: CHECK/M.O.\_\_\_\_\_ PURCHASE ORDER # \_\_\_\_\_ I E/IV \_\_\_\_\_

# **Procurement Bulletin Subscription Information**

The *Procurement Bulletin* is published on a quarterly basis by the Massachusetts Office of the Inspector General. There is no charge to subscribe. To receive the *Procurement Bulletin* via e-mail, please send an e-mail containing your first and last name, along with your e-mail address, to Eva Benoit at benoitev@maoig.net. To receive a paper copy via mail, please fax your mailing address to Eva Benoit at 617-723-2334.

If you previously subscribed to the *Procurement Bulletin* and have not received a copy, please contact Eva Benoit by phone at 617-727-9140.

Massachusetts Office of the Inspector General One Ashburton Place, Room 1311 Boston, MA 02108 (617)727-9140 www.mass.gov/ig