



PROPOSED CHANGES TO M.G.L. PROCUREMENT STATUTES

SUMMARY:

For years, the municipal purchasing professional has been the victim of legislation proposed by well-intentioned legislators, groups or entities in the Commonwealth, without the benefit of providing input on the effect such legislation has on our work. The result of such legislative initiatives has often created administrative and procedural burdens to cities and towns struggling to comply with the laws while attempting to get work done in a timely and efficient manner. Purchasing professionals now find ourselves dealing with many thresholds, procedures and requirements, depending on whether the procurement is for goods and services, vertical construction or horizontal construction (see attached charts courtesy of the Office of the Inspector General).

One such example is the “dollar one” issue, a result of the Construction Reform Act of 2007 which contained a Scribner’s error. The threshold for quotations in Chapter 149 procurements was inadvertently amended to include procurements less than \$10,000, rather than \$5000 to \$10,000. The resulting chaos was manifested in quoting out simple jobs like fixing a leaking faucet, replacing a window, or changing an electrical outlet. It took a consolidated effort of MAPPO, MMA and eventually legislation authored by the Inspector General’s Office to correct this item, in emergency legislation passed in 2010.

Over the past two (2) years MAPPO’s legislative committee members participated in the Construction Law Working Group (CLWG) convened by the Commissioner of DCAMM. The results of these meetings, discussions and negotiations were consensus on a number of recommended changes to public construction laws in the Commonwealth. The CLWG completed its work in 2014 and the consensus items reflect the deliberation and endorsement of a diverse range of state and local government stakeholders involved in repair and construction. However, there hasn’t been any proposed modification submitted to the internal champions in the MA Legislature to date. We are looking to change that in the next upcoming voting session.

Currently, local government contracts professionals conduct procurements for both public works and building construction using two different methods of acquisition within the \$10,000 - \$35,000 range. Projects within the \$10,000 - \$35,000 range are procured every day throughout the Commonwealth, and the differences in the statutes create unnecessary administrative burden and increased risk for errors. MAPPO proposes uniformity in the method of acquisition, public advertising requirements and required contractor submissions.

MAPPO believes strongly that the proposals listed below would deliver a tangible and meaningful benefit in managing the process of completing small construction and repair projects, with resultant cost savings through administrative efficiencies, for the largest number of stakeholders at the state and local level.

OVERVIEW OF PROPOSAL 1:

Proposed statute modification aims to:

- Provide uniformity under M.G.L. c. 30, §39M (A) and c. 149, §44A (2) (B) method of procurement, advertising requirements and contactor submission requirements for contracts estimated \$10,000 - \$25,000.
- Increase threshold from \$10,000 - \$25,000 to \$10,000 - \$35,000.

OVERVIEW OF PROPOSAL 2:

Proposed statute modification aims to:

- Provide uniformity under M.G.L. c. 30B, M.G.L. c. 30, §39M (A) and c. 149, §44A (2) (B) method of procurement, advertising requirements.
- Eliminate local newspaper advertising requirement.
- Amend advertising requirements as follows: “public notification” shall include, but need not be limited to, posting at least 2 weeks before the time specified in the notification on COMMBUYS, in the Central Register, and in a conspicuous place in or near the primary office of the public agency.

WHAT THIS MEANS:

- Reduced administrative burden
- Reduced risk of errors due to application of procurement requirements
- Reduced expenses associated with public notices
- More timely turnaround time for small construction projects

MAPPO is willing to educate and collaborate with any party or parties willing to work with us on these important initiatives. We understand the Commonwealth Operational Services Division, headed by the Assistant Secretary for Operational Services, Gary Lambert, is also working on legislation that closely resembles our initiatives.

We look forward to continued efforts to increase efficiencies and establish best practices for our communities.

Regards,

Mary Delaney, President, MAPPO

I

www.mappo.org