

Procurement Bulletin

A publication of the Massachusetts Office of the Inspector General

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September 1999 Newsletter is Available On-line

Due to a problem with our mailing services contractor, some of our September 1999 newsletters were not properly mailed. You may download the September 1999 newsletter from our website at www.state.ma.us/ig. If you would like a copy mailed to you, please contact Elizabeth Hayward at 617-727-9140.

Congratulations to New MCPPOs

Inspector General Robert A. Cerasoli extends his congratulations to the most recent recipients of Massachusetts Certified Public Purchasing Official designations based on applications reviewed between December 1, 1999 and December 31, 1999.

MCPPOs

John P. Bandini, Town of Bedford
Edward J. Brady, Lynn Water & Sewer Comm.
Timothy P. Bragan, Town of Sterling
Dennis J. Coughlin, City of Boston Auditing Dept.
Rebecca L. Curran, Town of Marblehead
Roland J. Dupont, Town of Bourne
Marc L. Jaffee, Town of Barnstable
James J. Leitch, Town of Adams
Deborah M. McClory, Raynham Housing Authority
Joseph F. Murphy, Jr., Town of Wareham
Paul J. Pasterczyk, Town of Longmeadow
Christine N. Tague, Town of Canton

Associate MCPPOs

Colleen F. Hunter, City of Pittsfield
John A. Tavares, Acushnet Public Schools

Associate MCPPOs for Supplies and Services

Lincoln A. DeMoura, Ed.D., Norton Public Schools
Martha-Jo Fritz, Rockport Public Schools
Mary L. Hunt, Ashland Public Schools
Mark G. Roy, Canton Housing Authority



Helen Flaherty, an OIG attorney, converses with a seminar participant.

Recent OIG Publications are Available On-line

Recently issued publications by the Office of the Inspector General are now available on-line. The Office recently issued a 1998 Annual Report and a report entitled A Management Review of Commonwealth Charter Schools.

The 1998 Annual Report contains summaries about all office activities during calendar year 1998, including progress in procurement official certification, megaproject monitoring, and the Office's operational reviews

and investigations.

A Management Review of Commonwealth Charter Schools is a review of the business operations of 24 Commonwealth charter schools. This report makes recommendations concerning contracting practices, procurement policies, and financial management of some charter schools.

To obtain a copy of these publications, visit our website at www.state.ma.us/ig.

Handling Exempt Supplies and Services Procurements



As you may know, there are several categories of supplies and services which are exempt from the procurement procedures set forth in M.G.L. c. 30B. These exemptions are listed in section one of M.G.L. c. 30B and include specific types of supplies and services, such as contracts with lawyers, physicians, certified public accountants, garbage collection and snow plowing.

This Office is frequently asked how to procure contracts which are exempt from M.G.L. c. 30B. We recommend that you first check your local by-laws, ordinances, or procurement procedures to determine whether your local jurisdiction has set up requirements to procure contracts which are not subject to M.G.L. c. 30B. If there are no local guidelines

to handle exempt contracts, you may determine the best method to handle the procurement.

Many procurement officials will still use M.G.L. c. 30B to procure exempt contracts, rather than introducing a new procurement method. This Office advises that if you state in your IFB that you will follow M.G.L. c. 30B for an exempt contract, that you stick by your IFB and follow M.G.L. c. 30B throughout the whole process. On the other hand, if you are using an alternative method, we recommend that you make sure that your IFB does not specifically reference M.G.L. c. 30B, thereby eliminating the possibility that bidders will rely upon its procedures.

Environmentally Friendly Specifications Available on EPA Website

The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy have posted energy efficient specifications, drafted in partnership with ENERGY STAR®, on its website.

Included are sample specifications for various items including office equipment, computers, appliances, and electronics. You may browse this website for examples of energy saving specifications to include in the quality requirements section of your IFB or RFP.

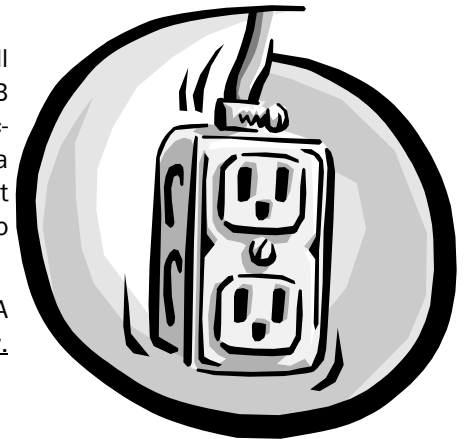
For example, you may require, as part of your quality requirements for a computer hardware purchase that “a computer whose power supply has a maximum continuous output power rating less than or equal to 200 watts shall automatically enter a low power “sleep” mode of 30 watts or less

within 30 minutes of inactivity.”

This website also contains interactive calculators that you may use to compare the life cycle costs of energy efficient products to conventional products.

Of course, your specifications still must comply with M.G.L. c. 30B and be appropriate for your jurisdiction’s needs. This EPA website is a helpful source for energy efficient specifications that you may add to your basic quality requirements.

There is no cost to visit the EPA website. The web address is www.energystar.gov.



Ideas for Large Multi-Item Bids Wanted

Have you ever struggled with how to structure a very large bid for hundreds of items such as office supplies, auto parts, or cleaning supplies? The law requires awarding authorities to specify the quantity and quality of supplies and services with as much definiteness as may be practicable. These types of contracts present challenges to procurement officials because of the volume and variety of items purchased.

The Chapter 30B team would like to solicit your ideas about how to structure these types of bids. Please call us at (617) 727-9140 (ask to speak with Lisa), or fax us at (617) 723-2334, if you have any ideas to share. If we receive enough responses, we will try to draft a model IFB for others to use.



Periodic Prevailing Wage Rate Sheets for Minor Isolated Work

This Office recently received the following notice from Benjamin Tymann, Program Manager for the Department of Labor and Workforce Development's Division of Occupational Safety:

The Massachusetts Division of Occupational Safety (DOS) administers M.G.L. c. 149, §§26-27H, the prevailing wage law, which applies to public works and public building construction in the Commonwealth.

DOS weighs several factors in making its applicability determinations for projects in which state agencies or municipalities engage. Among the factors not considered, however, are the total cost or the emergency nature of the project. As such, many small and/or emergency repair projects are subject to the payment of prevailing wage.

DOS recognizes, however, that it may not be entirely practical for state agencies or municipalities to submit prevailing wage requests in advance of each and every one of these separate incidental projects. For example, a city or town should be able to quickly attend to a broken window or a down boiler without running afoul of the prevailing wage law. For this reason, DOS will issue periodic prevailing

wage rate sheets for minor work not associated with a larger project.

These sheets are issued as a convenience and a means of easing compliance but do not absolve state agencies or municipalities from the obligation to submit separate timely rate requests for other planned projects. For example, the periodic rate sheets must not be included in bid packages prepared by awarding authorities. In addition, the rates will be effective only for the period specified (either six or twelve months).

To receive a periodic rate sheet for the minor isolated work you may encounter over the next six to twelve months, please submit a prevailing wage request form indicating such to:

Division of Occupational Safety
Prevailing Wage Program
399 Washington Street, 5th Floor
Boston, MA 02108

For questions about this policy, general questions about the prevailing wage law, or inquiries about your specific upcoming project, please call Benjamin Tymann at (617) 727-3492.

"...DOS will issue periodic prevailing rate sheets for minor work not associated with a larger project."

Help Support Legislation to Update and Reform M.G.L. c. 30B!

*Show your
support for
legislation
to reform
and update
M.G.L. c.
30B!*

House Bill 83 is currently in the Joint Committee on State Administration. House Bill 83, if enacted, will increase the current dollar thresholds set forth in M.G.L. c. 30B.

House Bill 83, if enacted, will also permit a governmental body and the apparent lowest responsible and responsive bidder or the responsive and responsible proposer offering the most advantageous proposal to extend the time for acceptance of a bid or proposal by up to 45 days by mutual agreement.

Other proposed changes in the bill include allowing the amount of supplies and services purchased under a contract to be increased by up to 25 percent of the contract price and exempting transactions between Massachusetts governmental bodies and public entities in other states from competition.

You may view the full text of this bill by visiting our website at www.state.ma.us/ig.

If enough support for this bill is voiced, the legislature may be more likely to move this bill through the legislative process. Since the legislative year ends July 31, we have

provided forms below which you can mail to the House Speaker and to the Senate President to request that they move House Bill 83 out of committee and onto the House floor.

You may copy the form addressed to the House Speaker below and mail it to:

The Honorable Thomas M. Finneran
Speaker of the House
Room 356
State House
Boston, MA 02133

You may copy the form addressed to the Senate President below and mail it to:

The Honorable Thomas F. Birmingham
Senate President
Room 332
State House
Boston, MA 02133

Dear Mr. Speaker,

I am writing to express my strong support for House Bill 83. House Bill 83, if enacted, will increase the current dollar thresholds and update the statutory procedures set forth in M.G.L. c. 30B for the acquisition and disposition of supplies, services, and real property by local governmental bodies. The thresholds set forth in M.G.L. c. 30B for the acquisition and disposition of supplies and services have remained the same since the law was enacted in 1990. An increase in these thresholds will help reduce the administrative costs of local purchasing departments by reserving formal bids and proposals to larger purchases and permitting a simplified quote solicitation process for purchases costing \$5,000 or more, but less than \$25,000.

House Bill 83 is currently being held in the Joint Committee on State Administration. Please help move this bill through the legislative process before the current legislation session expires. I appreciate any assistance you can offer.

Sincerely,

(Name)

(Jurisdiction)

Dear Mr. President,

I am writing to express my strong support for House Bill 83. House Bill 83, if enacted, will increase the current dollar thresholds and update the statutory procedures set forth in M.G.L. c. 30B for the acquisition and disposition of supplies, services, and real property by local governmental bodies. The thresholds set forth in M.G.L. c. 30B for the acquisition and disposition of supplies and services have remained the same since the law was enacted in 1990. An increase in these thresholds will help reduce the administrative costs of local purchasing departments by reserving formal bids and proposals to larger purchases and permitting a simplified quote solicitation process for purchases costing \$5,000 or more, but less than \$25,000.

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Sincerely,

(Name)

(Jurisdiction)

MAPPO

MASSACHUSETTS ASSOCIATION OF
PUBLIC PURCHASING OFFICIALS

Annual Conference

Purchasing Principles Seminar

April 4th or April 5th

at Northeastern University, Dedham Campus

COURSE TOPICS INCLUDE:

- How to manage the purchase of construction projects
- Key steps to improve the development of RFPs
- Laws and regulations for Massachusetts purchasing officials
- How to develop and use cost and price analysis to improve negotiations
- Four keys to successful negotiations

Who should attend this one-day seminar?

Public purchasing officials committed to excellence in the profession
Public purchasing officials involved in the purchasing process on the state, federal, municipal, or quasi-public level
Professionals holding MCPPO (Massachusetts Certified Public Purchasing Official), CPM (certified Purchasing Manager), or any other applicable professional designation requiring continuing education credits

CONTINUING EDUCATION CREDIT

This one-day seminar qualifies for 7 credit hours toward MCPPO re-certification and CPM re-certification

WHEN AND WHERE

This MAPPO-sponsored seminar will be held on April 4th and on April 5th. The same one-day seminar will be given on both days. The seminar begins at 8:30 and will conclude at 4:30. The seminar will be held at Northeastern University's Dedham campus. The seminar is limited to fifty participants each day, so early registration is recommended.

COST

- MAPPO Members—\$70
- MAPPO Associate Members—\$100
- Non-members—\$125

The registration fee includes all course materials, continental breakfast, buffet lunch, and an afternoon snack.

For information and a registration form call Ted Otis at (617) 788-2531
Registration deadline is March 28, 2000

Ask about MAPPO's monthly educational meetings!



Massachusetts Certified Public Purchasing Official
Massachusetts Office of the Inspector General

State House Station
 P.O. Box 270
 Boston, MA 02133
 (617) 727-9140
 (617) 523-1205

Who Should Attend

Local government officials and others interested in local government contracts for supplies, services, real property, and construction

Earn Professional Certification

Courses Offered for 1999-2000

All seminars include comprehensive text materials and qualify for continuing education units (CEUs) and continuing professional education points (CPEs). Undergraduate and graduate college credit may also be earned through taking MCPPO seminars.

Public Contracting Overview

Tuition \$200

An overview of legal requirements and best practices for public contracting by local governmental bodies with hands-on workshops that apply contracting knowledge and skills to practical problems faced by the procurement official. A prerequisite for Supplies and Services Procurement and Design and Construction Contracting, this three-day seminar is invaluable both for experienced public officials and those who have recently entered the field or are working in a support capacity. This seminar concludes with a written examination.

Supplies and Services

Tuition \$200

Prerequisite: Public Contracting Overview

Comprehensive and challenging, this three-day seminar focuses on procurements under the Uniform Procurement Act, M.G.L. c. 30B. Presented in an easy to follow, hands-on workshop format, participants are guided through practical applications of this law. Participants will learn about writing effective specifications, obtaining best value using an invitation for bids, making the request for proposals process work, common bidding problems and how to resolve them, effective contract administration, and more. This seminar concludes with a written examination.

Design and Construction Contracting

Tuition \$300

Prerequisite: Public Contracting Overview

This in-depth, three-day seminar is tailored to professionals facing the complex issues of today's contracts, focusing on design, public building construction, and public works construction. You will learn practical applications and effective strategies to guide you through procurement and administration of design and construction contracts. This seminar concludes with a written examination.

Local Government Real Property Transactions Under the Uniform Procurement Act

Tuition \$75

This one-day seminar covers the request for proposals process set forth under M.G.L. c. 30B for the acquisition and disposition of land and buildings by purchase and sale or lease by local governmental bodies. This seminar qualifies for five continuing education credits for MCPPO certification, .5 CEUs, and 5 CPEs.

*Purchasing officials who possess the requisite qualifications and experience are eligible to apply for a MCPPO Designation upon the successful completion of the Public Contracting Overview seminar and either the *Supplies and Services* or *Design and Construction Contracting* seminar. Purchasing officials will be required to continue education in public procurement to maintain the MCPPO Designation. For more information contact Ane Tierney, Director or Genesi Dorsey, Coordinator at (617) 523-1205.



Commonwealth of Massachusetts
Office of the Inspector General
P.O. Box 270- State House Station
Boston, MA 02133
(617) 727-9140
Fax: (617) 723-2334



**MASSACHUSETTS CERTIFIED PUBLIC
PURCHASING OFFICIAL PROGRAM
MCPPO REGISTRATION 2000**

REGISTRATION: Registration and payment must be received 10 days prior to course date in order to process a confirmation.

OFF-SITE REGISTRATION AND PAYMENT MUST BE RECEIVED 30 DAYS PRIOR TO SEMINAR DATE IN ORDER FOR THIS OFFICE TO CONFIRM SEMINAR. Off-site seminars will be confirmed based on a minimum of 50 registrants. In the event of cancellation of an OFF-SITE location, an alternate date will be offered. Confirmation letters, with directions, will be mailed 10 days prior to seminar.

FAX REGISTRATION & P.O. TO RE-SERVE SEATING (617-723-2334)
MAIL ORIGINAL TO address above.
ATTN: MCPPO
MAKE CHECK PAYABLE TO: OIG

SUBSTITUTIONS/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. Alternate course dates may be substituted in the event of an emergency, upon notification. Change in seminar date and/or cancellations received (FAX) less than 2 business days prior to the seminar date are subject to a \$25 transfer fee – NO SHOWS WILL BE INVOICED A \$50 SERVICE CHARGE.

PUBLIC CONTRACTING OVERVIEW 3-Day Seminar
(prerequisite for ALL specialized seminars) Tuition is \$200.
EARN 20 CPE and 2 CEU CREDITS QUALIFY FOR 20 PDP'S

SELECT 1ST AND 2ND CHOICE

- MARCH 2000 28-30 TAUNTON
- MAY 2000 23-25 BOSTON
- JULY 2000 18-20 BOSTON

SUPPLIES & SERVICES 3-Day Seminar
EARN 20 CPE and 2 CEU CREDITS QUALIFY FOR 20 PDP'S Tuition is \$200.

SELECT 1ST AND 2ND CHOICE

- MAY 2000 17-19 WESTERN MA
- JUNE 2000 27-29 TAUNTON

DESIGN & CONSTRUCTION CONTRACTING 3-Day Seminar
EARN 20 CPE and 2 CEU CREDITS QUALIFY FOR 20 PDP'S Tuition is \$300.

SELECT 1ST AND 2ND CHOICE

- MARCH 2000 14-16 BOSTON
- MAY 2000 2-4 TAUNTON
- JUNE 2000 12-14 BOSTON

LOCAL GOVERNMENT REAL PROPERTY TRANSACTIONS
Under the Uniform Procurement Act: 1-Day Seminar
EARN 5 CPE and .5 CEU CREDITS QUALIFY FOR 5 PDP'S Tuition is \$75.

- MAY 16, 2000 WESTERN MA
- JUNE 1, 2000 BOSTON MA

STATE CONTRACTING OVERVIEW 4-Day Seminar
(prerequisite for ALL specialized seminars) Tuition is \$375.
EARN 26 CPE and 2.6 CEU CREDITS QUALIFY FOR 26 PDP'S

- JULY 25 & 26 AUG 1 & 2 2000 BOSTON

FOR MORE INFORMATION: Please contact Anne Tierney, Director or Genesi Dorsey, Program Coordinator at (617) 523-1205. **THIS FORM MAY BE DUPLICATED**

PAYMENT: CHECK/M.O. PURCHASE ORDER # I E/V



The Massachusetts Office of the Inspector General has been reviewed and approved as an Authorized Provider of continuing education and training programs by the International Association for Continuing Education and Training. Authorized Provider #101811



Registered with the National Association of State Boards of Accountancy 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. Complaints regarding sponsors may be addressed to NASBA, 150 Fourth Ave. North, Suite 700, Nashville, TN 37219-2417, (615) 880-4200. Membership #103866



Based on the 1995-1996 State Plan for Professional Development.



The American Council on Education's College Credit Recommendation Program.

NAME: _____ PHONE: _____

SIGNATURE OF APPLICANT: _____

ORGANIZATION/JURISDICTION: _____

TITLE: _____ FAX: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

HOW LONG HAVE YOU BEEN EMPLOYED AS A PURCHASING OFFICIAL? _____

IN THE EVENT OF CANCELLATION, PLEASE PROVIDE HOME PHONE NUMBER: _____

Commonwealth of Massachusetts
Office of the Inspector General
One Ashburton Place, Room 1311
Boston, MA 02108

Attention Architects and Engineers

If you are an architect, engineer, or other professional who has been to any of our MCPPO seminars and you are a member of the American Institute of Architects (AIA), we need your help to obtain approval to provide continuing education credits to AIA members.

In order for the AIA to approve credit to members for attending MCPPO seminars, we must provide the names, addresses, and phone numbers of members who have participated.

Please contact Elizabeth Hayward at (617) 727-9140 if you are an AIA member and have attended any of our MCPPO seminars.

