



Charles D. Baker, Governor  
Karyn E. Polito, Lieutenant Governor  
Jamey Tesler, Secretary & CEO  
Jonathan L. Gulliver, Highway Administrator



August 6, 2021

To: Massachusetts Cities/Towns & Other Awarding Authorities (OAA)

**Re: Massachusetts Horizontal Construction Prequalification Process, per 720 CMR 5.00**

Dear Colleagues:

The Massachusetts Department of Transportation through its Office of Construction Prequalification / Records & Procedures is providing this reminder of Horizontal Construction Prequalification requirements for publically bid projects in Massachusetts:

- (1) That involves the use of State funds where the cost exceeds \$50,000;**
- (2) That involves work on State numbered roads & highways; or**
- (3) That includes MassDOT Prequalification, as a requirement of the Advertisement and or bid documents, regardless of funding sources.**
- (4) Requires MassDOT Prequalification as a condition for State Funding Reimbursement.**

To eliminate confusion on future projects, we are providing this information so that all Awarding Authorities are aware of MassDOT's Horizontal Construction Prequalification process and the potential reasons for MassDOT to inquire into a City/Town or Other Awarding Authority (OAA) project advertised in the Central Register or other legal advertisement and either 100% or partially Funded by "OTHER" state funds such as the Chapter 90 Program, Complete Streets Program, Shared Streets Program, Local Bottle Neck Reduction Program, Mass-Works Program, Utility Grants Program, Municipal Small Bridge Program, and Municipal Paving Program.

The following criteria are routinely checked when performing project Prequalification reviews:

1. **Project Advertised (Central Register or other legal advertisement) requiring MassDOT Prequal.** If, regardless of funding sources, a City/Town or OAA elects to make MassDOT Prequalification a requirement of its procurement, then the MassDOT Prequalification Unit will apply its same process as any other project requiring MassDOT prequalification. This includes review of documentation to determine class of work, determination of the "Total Project Value (including any added Alternates & Extension Option costs)", and issuance of approved prequalified Contractor lists after the City/Town or OAA emails the Prequalification Unit a copy of the project's legal advertisement. When City/Town or OAA projects are advertised as requiring MassDOT Prequalification, please be aware that contractors seeking waivers to bid on such projects must be allowed to submit their waiver request to MassDOT's Prequalification Committee at least 2 weeks prior to the bid date to afford them the opportunity to appeal such decisions.
2. **Work on State Roads**- We confirm whether the work is being performed on state roads. Work on state roads triggers the Prequalification requirement, regardless of funding source; moreover, a District Access Permit to perform the work should be available with the bid documents. (see IG web-site reference below)
3. **State Funded Projects** – If 100% or partially funded by "OTHER" state funds such as, but not limited to, the 1. Chapter 90 Program (need approved copy of Ch. 90 Form), 2. Complete Streets Program (need copy of approval letter), 3. Shared Streets Program (need copy of approval letter), 4. Local Bottle Neck Reduction Program (need copy of approval letter) 5. Mass-Works Program (need copy of approval letter), 6. Utility Grants Program (need copy of approval letter), 7. Municipal Small Bridge Program (need copy of approval letter); and 8. Municipal Paving Program (need copy of approval).

Note that the Office of the Inspector General has released a useful guide on public procurement. The full guide can be found at the following link, [Open PDF file, 413.69 KB, for Charts on Procurement Procedures Effective June 15, 2018](#), which also includes discussion of the prequalification requirements:

7. Although M.G.L. c. 30, § 39M, does not mandate a contractor prequalification process, prequalification of bidders by the Massachusetts Department of Transportation is required for contracts of \$50,000 or more (1) if the awarding authority receives State Aid funds under M.G.L. c. 90, § 34; or (2) the work is on a state road, regardless of whether the awarding authority receives State Aid funds under M.G.L. c. 90, § 34.

Many Cities/Towns and OAA's presently utilize MassDOT's prequalification process. There have been instances where consultants have requested "**un-official**" prequalification contractor lists, without submitting the required documentation prior to bids, which should never be used for awards. In other instances consultants have requested prequalified lists after bid opening, which are not advisable and problematic as it may result in a potential bid protest; furthermore, it may identify Prequalification violations. **Note that all qualified bidders must have a fair opportunity to bid on such projects.**

In order for MassDOT to issue a list of prequalified bidders prior to bid, the following forms or approvals are required to be submitted to the Prequalification Unit:

- City/Town or OAA Prequal Form
- Detailed Scope of work
- Engineers Bid Estimate items with quantity & value / duration of project to arrive at Total Project Cost
- Approved State Funding Source document (if applicable)

Forward all documentation to [prequal.r109@dot.state.ma.us](mailto:prequal.r109@dot.state.ma.us). Below is the link to our website, where you can download required forms:

<https://www.mass.gov/how-to/citytown-and-other-awarding-authorities-prequalification-process>

Once the Prequalification Form is signed by the SAE or Prequalification Director and is sent back to the City/Town or OAA, then and only then can the legal advertisement be posted.

The City/Town or OAA is required to email a copy of the legal advertisement to the Prequalification Unit. Email the legal advertisement to [prequal.r109@dot.state.ma.us](mailto:prequal.r109@dot.state.ma.us). Once the Prequalification Unit receives the legal advertisement we will email you the list of eligible bidders.

We hope this provides more clarification to your process; what is required and by when.

Should you have any questions or concerns please do not hesitate to contact the Prequalification Program at [prequal.r109@dot.state.ma.us](mailto:prequal.r109@dot.state.ma.us) or contact me directly at 617-835-9747.

Sincerely,

PREQUALIFICATION COMMITTEE

Isidoro Dejesus  
Perez

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Dejesus Perez  
Date: 2021.08.10 10:51:08 -04'00'

Isidoro DeJesus Perez

Director - Office of Construction Prequalification / Records & Procedures  
Prequalification Committee Chairperson, MassDOT Construction Engineering

Cc: Prequal Committee, M. McGrath, R109, T. Ward