



# OIG BULLETIN

*Official Newsletter of the Office of the Inspector General*



Good day:

It is my distinct pleasure and high honor to serve as the Commonwealth's fifth Inspector General. I've held this position for just over six months, and I want to take this opportunity to share some of my initial thoughts about the Office of the Inspector General (Office), my vision for working with municipalities and some of the early changes we've made in the Office under my leadership.

Since my appointment as Inspector General, I've embarked on a "listening tour," meeting with municipal officials across the Commonwealth to learn more about the challenges municipalities face and how the Office can be a resource and truly provide help. I've met with town managers, town administrators, mayors, and other municipal and school leaders as well as with various municipal associations. I know that I have heard only a sampling of voices and plan to continue this important outreach throughout my tenure. I've also had the opportunity to speak at the spring meeting of the Massachusetts chapter of the National Association of Housing and Redevelopment Officials (NAHRO), and I look forward to meeting with the Small Town Administrators of Massachusetts (STAM) in June. I've learned much through these interactions and value the insight and advice that I have received from each of these encounters. Without question, this is the groundwork, outside of Ashburton Place, that will make me a better Inspector General for the public whom I serve. I want this Office to, first and foremost, be thought of as a resource and a partner in good government for municipalities across the Commonwealth.

As the first statewide Inspector General's Office in the nation, the Office was created as an independent oversight agency designed to promote good government by preventing and detecting the misuse of public funds and property. We conduct confidential investigations, improve transparency in government, and educate government employees and the public to help government operate efficiently and use public funds appropriately. Because our mandate is broad and our resources are limited, the Office needs to be thoughtful and deliberate about where we focus our attention. Although our investigatory and compliance work is important, I want the Office to devote more time to education – building partnerships, training employees on proper procedures, and developing and disseminating information about best practices in public procurement, contract administration and governance. In my view, this is really the only way that we can scale to the level of meaningful impact that we need across all of state and municipal government.

To achieve these ends, we have made some changes (and many more are under development) in the Office. We have thoughtfully and deliberately reimagined how we think about our prevention and education work as compared to our investigative and compliance work. We have engaged in conversations about reactive and proactive methods of looking at risk across the Commonwealth and its municipalities. We continue to consider how to provide meaningful and impactful classes, courses and trainings. Beyond our municipally focused work, we have established a Healthcare Oversight Division and created positions for a Director of Veterans' Services Oversight and a Deputy Director for Audit and Oversight. I am actively reviewing our interface with municipalities, our collaboration with entities across government and how we communicate with the public and other stakeholders. All this and we are just getting started! Please join the conversation.

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***Letter from Inspector General Shapiro (continued)***

Early results of our work include assisting a large municipality with complex procurement and contract administration issues; ensuring continued accountability for former State Police troopers who were paid for overtime shifts that they allegedly did not work; publishing reports analyzing two privatization contracts, which revealed problems with procurement and contract management practices at the MBTA; identifying the need for stronger controls at a local housing authority; and issuing annual reports from our Division of State Police Oversight, our Internal Special Audit Unit and our healthcare team as well as our Officewide 2022 Annual Report. Additionally, I testified before the Senate and House Committees on Ways and Means regarding the need for further funding for the Office to tackle its significant and broad statutory mandate and have plans to testify on various topics during this legislative session. Some of this work is described in greater detail in this issue of the *OIG Bulletin*.

As Inspector General, I have a unique perch to see across all the agencies and departments of state government and to look across the 351 municipalities that make up our great Commonwealth. I also have a unique opportunity to serve the people of this Commonwealth, along with each of you, with our shared goal of ensuring that public entities use funds appropriately and effectively. Please do not hesitate to contact me to share your thoughts and ideas.

Thank you for reading the *OIG Bulletin*, and I look forward to our work together.

Sincerely,



Jeffrey S. Shapiro



At the beginning of his term, IG Shapiro adopted the practice of swearing in all OIG employees to emphasize the important mission of the Office and the significant responsibilities placed upon each employee as they carry out its mission to prevent and detect the misuse of public resources.

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## Protect Your Community

If you suspect fraud, waste or abuse of public funds or property, you can confidentially report your concerns



Fill out our [Fraud Reporting Form](#)



Send us an email at [IGO-FightFraud@mass.gov](mailto:IGO-FightFraud@mass.gov)

## Have a Question about Chapter 30B?



Send us an email at [30BHotline@mass.gov](mailto:30BHotline@mass.gov)

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## Recent OIG Investigations, Reviews and Recoveries

### Founder and Former Director of Non-Profit Organization Faces Additional Fraud Charges

A joint federal-state investigation involving the Massachusetts Office of the Inspector General (OIG) led to additional charges against two founders of a local non-profit organization related to pandemic relief funds and state unemployment assistance.

On March 9, 2023, a federal grand jury returned a superseding indictment against Monica Cannon-Grant and Clark Grant, two founders of Violence in Boston (VIB). Clark Grant died on March 29, 2023. The indictment added nine new charges against the remaining defendant, Cannon-Grant, including wire fraud counts alleging that she executed schemes to obtain pandemic relief funds from two Boston pandemic assistance programs and used some of the money for her personal benefit. The 2023 indictment followed an 18-count indictment on March 14, 2022, charging Cannon-Grant with wire fraud, mail fraud and mortgage fraud for allegedly using the non-profit's funds for personal expenses.

The 2023 indictment alleges that the defendant took about \$30,000 in pandemic relief funds from VIB and kept some of those funds for personal use. The indictment also alleges that the defendant used VIB funds to pay a personal car loan and auto insurance. In addition, the defendant allegedly obtained \$12,600 in rental assistance by concealing her true household income. Finally, the indictment alleges that the defendant submitted a forged document to enable a family member to receive \$43,893 in unemployment funds.

These indictments resulted from a joint federal-state investigation involving the Massachusetts OIG, the U.S. Attorney's Office for the District of Massachusetts, the U.S. Postal Inspection Service, the U.S. Department of Labor's Office of Inspector General, the Internal Revenue Service, and the U.S. Housing and Urban Development's Office of Inspector General.

The charges are allegations, and Cannon-Grant is presumed innocent unless and until proven guilty in court.

### OIG Issues Letter to Boston Public Schools Superintendent Regarding Bus Transportation Contract

On February 28, 2023, the OIG sent a [letter](#) to Boston Public Schools (BPS) Superintendent Mary Skipper regarding the school district's plans to enter into a new bus transportation contract with Transdev Services, Inc. (Transdev).

In the letter, Inspector General Jeffrey Shapiro encouraged BPS to draft a single, comprehensive contract document that memorializes and governs the relationship between Transdev and BPS. The contract should spell out the entire agreement between the parties, including the costs, deliverables, performance measures, reporting requirements, approval process for paying invoices and reimbursements, and consequences for non-compliance.

In addition, BPS should follow a comprehensive contract administration plan to guide current and future school bus transportation contract administrators. The contract administration plan should identify the BPS staff members responsible for ensuring Transdev fulfills its contractual obligations.

The OIG expressed concerns about Transdev's ability to transport students to school on time, noting that BPS has encountered challenges in tracking Transdev's on-time performance. The Office emphasized that BPS staff should have real-time access to data from Transdev and must use this data to monitor and evaluate the company's performance.



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*Recent OIG Investigations, Reviews and Recoveries (continued)*

**Protect Your Organization from Cyber Attacks**

For free cybersecurity resources on how to prevent data breaches, identity theft and other types of cyber crime, visit the Massachusetts Office of the Comptroller’s website:

[www.macomptroller.org/ctr-cyber](http://www.macomptroller.org/ctr-cyber)

**OIG Reviews Mashpee Housing Authority’s Consulting Contract with Its Former Executive Director**

On February 10, 2023, the OIG published a [report](#) detailing its review of a 2020 consulting contract between Mashpee Housing Authority (MHA) and its former executive director, Leila Botsford. The OIG found that Botsford engaged in self-dealing and violated state procurement laws as executive director when she arranged for MHA to hire her as an independent contractor upon her retirement. Moreover, the OIG determined that MHA Board members in 2020 failed to review the contract before signing it and did not exercise proper oversight of the procurement.

Additionally, the OIG found that when MHA terminated Botsford’s consulting contract in March 2021, someone accessed MHA’s computer system without authorization, scheduled nearly \$112,000 in direct deposit payments to Botsford, forwarded attorney-client privileged emails to Botsford and changed the email contact information on an MHA bank account to Botsford’s personal email address. MHA was able to cancel the scheduled payments before they went through.

Based on its review, the OIG made recommendations to MHA for corrective actions and preventative measures, including:

- Require all Board members to complete training on their oversight role and contract administration.
- Share information about Botsford’s consulting contract with the State Ethics Commission to de-

termine whether she violated state conflict of interest laws.

- Review and update MHA policies and procedures relating to procurement and contracting.
- Review Department of Housing and Community Development (DHCD) regulations and policies for contracting with executive directors.
- Retain legal counsel to review contracts as needed.
- Ensure that all contracts meet procurement requirements and are financially sound.
- Require that Board members review all contracts and periodically analyze contract costs.
- Comply with state conflict of interest laws.
- Update and maintain security standards and access policies to ensure the safety of housing authority records and IT resources.

**OIG Recovers More Than \$17,500 from Four Former State Troopers for Alleged Overtime Abuse**

The OIG and Office of the Attorney General (AGO) have recovered more than \$263,000 from former Massachusetts State Police (MSP) troopers for alleged unworked overtime, including settlements in December 2022 and January 2023 with four troopers who paid a total of \$17,584. The troopers were members of



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### Recent OIG Investigations, Reviews and Recoveries (continued)

the MSP's now-disbanded Troop E, which patrolled the Massachusetts Turnpike.

In the most recent settlements, the Commonwealth alleged that three former troopers – Todd Glidden, Matthew Sheehan and John Wosny – submitted time cards between 2015 and 2017 for overtime they did not work. Collectively, these three former troopers submitted requests for payment for 385.5 hours of overtime (approximately \$6,750) that they allegedly did not work.

In addition, in January 2023, the Commonwealth reached a settlement with former trooper Mark Augusta to repay \$10,835 for overtime he allegedly did not work. The Commonwealth alleged that in August 2020, Augusta signed an agreement to repay money he received for overtime he claimed to have worked in 2015, 2016 and 2017 but did not. Augusta had agreed to repay the MSP through payroll deductions, but he retired from the MSP without making any payments. Under the settlement reached with the OIG and AGO, Augusta has repaid the full amount he owed under the restitution agreement.

### OIG Issues Letter to EHS Secretary Regarding Chelsea Soldiers' Home

On January 3, 2023, the OIG sent a [letter](#) to then-Executive Office of Health and Human Services (EHS) Secretary Marylou Sudders about the Chelsea Soldiers' Home (Home), now known as the Chelsea Veterans' Home. In the letter, Inspector General Jeffrey Shapiro expressed concerns about leadership at EHS and the Home, based on investigative reports that EHS produced to the OIG on December 22, 2022, which the OIG had requested in October 2022.

The EHS investigative reports, most of which date back to the summer of 2022, document leadership failings at the Home, as well as inadequate conditions for some veterans and a dysfunctional work environment for the employees. The reports also document that the leadership at the Home lacked the capacity and integrity to manage the Home. EHS had been aware of these serious issues for several months but failed to take timely and appropriate action to correct them.

Inspector General Shapiro urged Secretary Sudders to provide her successor with a transparent briefing on these issues. The OIG will continue to monitor the management of the Home, share these concerns with

the new Secretary of Veterans' Services and make further recommendations to promote the quality, integrity and efficiency of the management team and to safeguard the Commonwealth's resources.

### OIG Reviews the MBTA's Police Dispatch Services Contract

On December 23, 2022, the OIG's Internal Special Audit Unit (ISAU) issued a [report](#) detailing its review of the Massachusetts Bay Transportation Authority (MBTA)'s contract with IXP Corporation (IXP) to staff the Transit Police Department's (TPD) dispatch center. The dispatch center answers emergency and non-emergency calls and dispatches police officers to respond to incidents throughout the MBTA transit system. Before the MBTA contracted with IXP in 2017, sworn police officers performed all dispatch functions for TPD.

The ISAU found that IXP performed all the essential functions set out in the contract and met the minimum staffing requirements during 98% of the contract period. TPD employees also reported that IXP generally performed police dispatch services well. However, the company did not meet two of the four performance metrics in the contract, did not track another metric and did not comply with other requirements in the contract.

The ISAU also reviewed whether the contract achieved the MBTA's stated goals for hiring IXP: saving money, curbing overtime, reducing serious crimes throughout the MBTA transit system and returning police officers who had been performing dispatch functions to patrol duties. Due to a lack of records from the MBTA and



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### *Recent OIG Investigations, Reviews and Recoveries (continued)*

TPD, the ISAU could not determine whether the MBTA saved money by privatizing police dispatch services. The ISAU also could not correlate hiring IXP to curbing overtime, reducing crime or returning police officers to patrol duties. Finally, the ISAU found that TPD's dispatch times were faster before hiring IXP.

Additionally, the ISAU found that the actual cost of the contract was \$5,513,712, which was \$688,592 more than the expected cost of the original contract. The actual cost exceeded the expected cost because the MBTA agreed to annual rate increases in the last two years of the contract.

Overall, the ISAU found that the MBTA and TPD did not manage the contract with IXP well. They did not, for example, require IXP to fulfill certain obligations in the contract and did not impose financial penalties when IXP did not meet performance metrics.

In September 2022, the MBTA entered into a second contract with IXP for police dispatch services. The report emphasizes that the MBTA and TPD must actively administer this new contract. This includes enforcing all contract terms, monitoring IXP's performance and holding the company accountable for its performance. The MBTA and TPD also must ensure that each individual responsible for contract administration fully understands the contract terms.

Throughout its review, the ISAU identified general weaknesses in the MBTA's contract development, contract administration and records retention practices. Although

this review focused on one MBTA contract, the report outlines how the MBTA and TPD should enhance their procedures for all contracts to ensure that the authority appropriately uses its funds.

## **Joint Investigation Leads to Indictment for Theft from Hampden County Retirement Board**

On December 20, 2022, as the result of a joint investigation by the OIG, AGO and MSP, a Hampden County grand jury issued an indictment against West Springfield resident Robert Dombek in connection with a scheme to defraud the Hampden County Retirement Board (Board).

The grand jury charged Dombek with one count of perjury and one count of larceny over \$1,200. According to the allegations in the indictment, Dombek committed perjury when he filed an affidavit with the Board falsely claiming that a retired public employee who had died in 2019 was still alive. Dombek also claimed the deceased man, for whom he was a caregiver, had given him power of attorney to collect the man's pension. Between November 2019 and September 2020, Dombek allegedly collected \$27,111 of the deceased man's pension from the Board.

Dombek is presumed innocent unless and until proven guilty in court.

## **The OIG Is Hiring!**

As the OIG expands, we are looking for employees with a commitment to public service and a desire to make government more effective, efficient and transparent. Please view our website for the latest job postings.

The OIG is an Equal Opportunity Employer committed to creating and supporting a diverse and inclusive work and educational community that is free of all forms of discrimination. We actively seek to increase diversity of our workforce and are interested in candidates whose experiences and qualifications support an ongoing commitment to this core quality.

## Beware of Misleading Website Domain Registration or Renewal Notices

Municipalities regularly receive solicitations for services and supplies from companies with whom they have never done business. Being able to distinguish solicitations from valid invoices for services or supplies is essential to protecting your organization from scams and the misuse of public funds. Distinguishing between the two can be tricky; some less-than-scrupulous businesses will send out solicitations that look like invoices.

For instance, some Massachusetts municipalities have received solicitations for website address domain registration or renewal services that appear to be invoices.

Companies mail what appear to be invoices or renewal notices for listing a website domain. Many include the municipality's actual website domain and an account number. They may also list the municipality as a customer, even though the company has done no prior business with the municipality. Like a typical invoice, the mailings often also have an amount due and payment instructions. The senders often use official-sounding names to make them appear to be government agencies or official website domain registrars. They often include urgent payment deadlines.

These solicitations-presented-as-invoices are not actually related to the maintenance of your municipality's website, and your municipality does not have to pay them to maintain its website. Some are solicitations to list your website on a directory that is not related to any search engine or reputable information source. Others may be attempting to trick you into switching to a different website domain registrar.

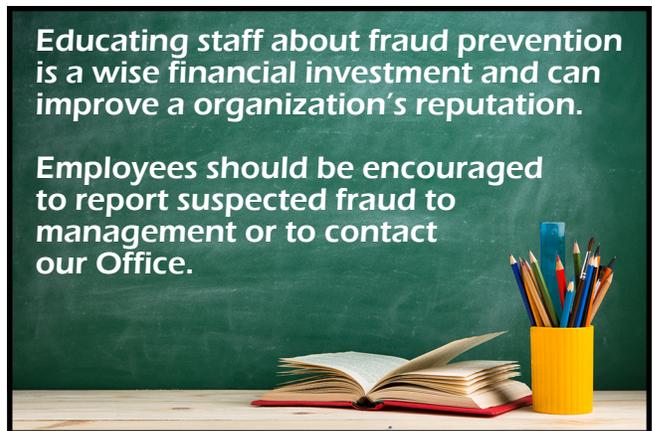
To avoid paying one of these companies for services your municipality does not actually want or need, we recommend that you take these simple precautions:

- Read the small print. The document may state somewhere that it is a solicitation, not a bill, and you have no obligation to pay the amount listed.
- Check with your IT department or established web services provider before paying any invoice for website or domain services.
- Research any company that sends an unexpected invoice. Often, a quick web search can reveal complaints about the same company.
- If the sender provides their contact information, reach out to them. If the sender does not provide their contact information, that is a red flag.
- If you do speak with the sender, beware of unprofessional customer service representatives. They may use high-pressure sales tactics to get you to agree to something you do not want.
- Keep updated and organized records of all current contracts, and do not pay any invoice without a valid contract. Even if the vendor's name is familiar, check it against your records to ensure it is legitimate.
- Never make a payment without first confirming with the right person in your municipality that the services, materials or supplies have been ordered and received.

If you receive an invoice for products or services you did not request or order, contact the Office of the Inspector General's confidential fraud hotline at (800) 322-1323 or [IGO-FightFraud@mass.gov](mailto:IGO-FightFraud@mass.gov).

**Educating staff about fraud prevention is a wise financial investment and can improve a organization's reputation.**

**Employees should be encouraged to report suspected fraud to management or to contact our Office.**



## 2022 OIG Divisional Annual Reports

The Legislature requires the Office of the Inspector General (Office) to publish certain reports each year. On March 1, 2023, the Office published a report summarizing the work undertaken by its Division of State Police Oversight (DSPO) in 2022. See [M.G.L. c. 22C, § 72\(e\)](#). Similarly, on March 15, 2023, the Office published a report describing the work completed in 2022 by its Internal Special Audit Unit (ISAU), which monitors the Massachusetts Department of Transportation (MassDOT) and the MBTA. See [M.G.L. c. 6C, § 9\(e\)](#). Most recently, on March 31, 2023, the Office published its annual review of the Massachusetts Medicaid (MassHealth) and Health Safety Net programs, as required by [Section 161 of Chapter 126 of the Acts of 2022](#). This article briefly summarizes each report, with links to the full text.

### DSPO Annual Report

In 2022, the DSPO reviewed state troopers' use of leave time to work optional overtime shifts. The DSPO found that, while the MSP requires troopers to use vacation or personal time to account for any overlap between their scheduled shift and an optional overtime shift, it does not have a written policy regarding this issue. The DSPO further found that this practice could increase MSP overtime costs. The DSPO recommended that the MSP develop a written policy regarding overtime shifts that overlap with troopers' regularly scheduled shifts, including a requirement that MSP supervisors consider minimum staffing levels before approving troopers' requests to use leave time to work an optional overtime assignment.

This report also included updates on the Office's efforts to recover unearned pay from former troopers (see page [5](#) for more information) and information



about the MSP's efforts to achieve accreditation from a state or national accrediting agency. The MSP achieved full accreditation through the Massachusetts Police Accreditation Commission in December 2022.

The full version of the 2022 DSPO Annual Report is available on our [website](#).

Based on ISAU reviews, MassDOT and the MBTA recovered nearly \$490,000 from two vendors in 2022.



### ISAU Annual Report

In 2022, the ISAU completed reviews of two MBTA contracts for privatized services: one for absence management services and one for police dispatch services. In general, these reviews found that the MBTA is a poor steward of public dollars with weak approaches to procurement, contract development and contract administration. To address these problems, the ISAU recommended that the MBTA: (1) create standalone contracts with clear provisions regarding costs and performance metrics; (2) improve contract administration by designating employees responsible for contract deliverables, performance and cost; (3) require that all employees who approve invoices be familiar with contract terms and validate all charges; and (4) strengthen records retention efforts.

In addition, the ISAU reviewed the MBTA's use of federal pandemic funds and found that the MBTA appropriately used grant funds to cover labor costs.

The ISAU also reviewed leases of MassDOT properties to determine whether MassDOT had collected all rents and other payments due. The ISAU identified several companies that had failed to pay rent they owed to MassDOT. MassDOT has since recovered the full amount from one company. The ISAU recommended that MassDOT exercise its rights under the leases and

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## 2022 OIG Divisional Annual Reports (continued)

collect another \$750,000 in unpaid rent, fees and other costs.

Finally, based on a hotline tip, the ISAU conducted a review to determine whether a steel supplier, Atlantic Bridge & Engineering, qualified for the state's Disadvantaged Business Enterprise (DBE) program, which gives businesses owned by socially and economically disadvantaged individuals a fair opportunity to compete for transportation contracts. The ISAU determined that the company no longer qualified for the DBE program because the owner had accumulated substantial wealth and reported its findings to MassDOT. After an independent review, MassDOT agreed with the ISAU's findings and moved to rescind the company's DBE status.

The full version of the 2022 ISAU Annual Report is available on our [website](#).

### MassHealth and Health Safety Net Annual Report

In 2022, the Office's healthcare team conducted focused reviews of the following issues: (1) coordination between MassHealth and the Massachusetts Department of Developmental Services (DDS) concerning eligibility processes and claims data for MassHealth members who are also DDS service recipients; (2) MassHealth's administration of COVID-19 vaccine claims for payment; (3) MassHealth's management of claims related to personal emergency response systems; and (4) MassHealth's oversight of a new contract with a single fiscal intermediary for its personal care attendant program.

The Office examined MassHealth's procedures for determining whether DDS service recipients qualify for Medicaid and found that MassHealth does not tailor its processes to facilitate continuous Medicaid coverage for eligible DDS service recipients. The Office recommended that MassHealth and DDS improve communication and information-sharing by developing automated connections between their systems and conducting regular joint reviews to ensure that the correct agency pays for services.

The Office also reviewed MassHealth's administration of more than 500,000 COVID-19 vaccine claims from healthcare providers and pharmacies. Overall, the claims data demonstrated that MassHealth implemented vaccine payments efficiently, with very few indicators of fraud in billed charges or errors in payments made to providers.

In addition, the Office reviewed Medicaid claims for monthly rental costs associated with emergency response system (A personal emergency response system is an electronic device connected to a subscriber's landline telephone that can be used to summon assistance during an emergency.) The review revealed instances in which the service provider continued to bill MassHealth after the MassHealth member died, and MassHealth paid the bills, resulting in overpayments. The Office recommended that MassHealth audit claims for emergency response systems and provide greater oversight to managed care organizations that pay these bills.

Finally, the Office evaluated MassHealth's implementation of a new contract to help members manage the financial aspects of their relationships with personal care attendants (PCAs). (PCAs help members with permanent or chronic disabilities maintain their independence, reside in the community and manage their own personal care.) In 2022, MassHealth contracted with a single fiscal intermediary, Tempus Unlimited, Inc. (Tempus), to assist members with PCA services. Because Tempus could not effectively process payroll or deliver timely customer service, MassHealth had to contract with a second vendor at a cost of \$3 million. MassHealth imposed a corrective action plan and assessed a \$509,000 penalty against Tempus. The Office recommended that MassHealth evaluate whether Tempus is dedicating an appropriate level of staffing to manage the contract and further advised the agency to determine whether to hold Tempus responsible for the cost of the additional vendor.

The full version of the 2022 MassHealth and Health Safety Net Annual Report is available on our [website](#).



**MassHealth**

# Statewide Contract Vendors: What Municipalities Need to Know

Contracts negotiated by the Commonwealth's Operational Services Division (OSD) and available to governmental bodies, often called "statewide contracts," can be a convenient, time-saving option for local jurisdictions seeking supplies or services. A local jurisdiction is deemed to have complied with Chapter 30B when it obtains supplies or services through a statewide contract. See [M.G.L. c. 30B, § 1\(c\)](#). However, it is important for jurisdictions to know how to use statewide contracts and to understand what it means for a vendor to be on a statewide contract.

## 1. Jurisdictions may use a statewide contract only to procure supplies or services from a vendor listed on that specific contract.

OSD competitively procures all statewide contracts. Each statewide contract includes a user guide with instructions that a governmental body must follow to procure supplies or services under that contract. Some statewide contracts list only one vendor, while others list multiple vendors and require local jurisdictions to seek written quotes from a certain number of those vendors. The requirements differ from contract to contract. However, a jurisdiction cannot "add" a vendor not listed on the contract, even if that vendor appears on another OSD contract. In other words, if a vendor is not listed on a particular contract, then a jurisdiction cannot purchase supplies or engage services from that vendor under that statewide contract.

## 2. Registering on COMMBUYS does not give a vendor special status.

[COMMBUYS](#) is the Commonwealth's official procurement record system and lists all statewide contracts. Governmental bodies subject to Chapter 30B must advertise any procurements costing more than \$50,000 (or \$100,000 if a regional or municipal school district) on COMMBUYS. [M.G.L. c. 30B, § 5\(c\)](#). In addition, vendors interested in conducting business with public entities in Massachusetts can register on COMMBUYS to receive notifications about solicitations in their areas of interest, submit quotes and transact business with the Commonwealth.

Although a vendor may register on COMMBUYS, doing so does not give them special status. There is no such thing as an "official" or "approved" vendor for the Commonwealth, only vendors that have been awarded specific contracts by the Commonwealth.

Furthermore, registering on COMMBUYS does not mean that a vendor is exempt from Chapter 30B or otherwise has any special privileges. Registering on COMMBUYS simply provides a vendor with access to the information described above; it is not required for vendors interested in doing business with the Commonwealth.

## 3. There is no "statewide vendor list," official or otherwise.

If a vendor claims to be on the "statewide vendor list," they are not providing accurate information. A vendor may be listed on one or more OSD contracts, but that does not grant them special privileges. The fact that a vendor is listed on a statewide contract, or has been listed on a statewide contract in the past, does not allow a local jurisdiction to give that vendor preference when conducting a Chapter 30B procurement or to award a contract to that vendor without following Chapter 30B's procurement requirements.

Most vendors who provide goods and services to governmental bodies in the Commonwealth do so in good faith and follow the appropriate procurement statutes, including Chapter 30B. Unfortunately, however, there are some less scrupulous vendors out there. If a vendor claims to have favored status or to be exempt from Chapter 30B, please contact the Office's Chapter 30B Technical Assistance Hotline. We can be reached by phone at (617) 722-8838, by email at [30BHotline@mass.gov](mailto:30BHotline@mass.gov) or by using our [online form](#). If you have questions about statewide contracts, you can contact the OSD Help Desk by phone at (888) 627-8283 or by email at [OSDHelpDesk@mass.gov](mailto:OSDHelpDesk@mass.gov).



# Upcoming MCPPO Classes



Throughout the year, the OIG's Massachusetts Certified Public Purchasing Official (MCPPO) program teaches classes about procurement, contracting, fraud awareness, ethics and governance, providing information about legal requirements and best practices to public employees and officials, private vendors and others who conduct business with the Commonwealth and its local jurisdictions. All MCPPO classes are currently held online. Most classes meet live online on a specific date and time, but some are self-paced, meaning that students can complete the class modules on their own schedule.

The MCPPO program's spring session runs through June. Classes are filling quickly, and some are completely full. However, the classes listed below, offered in May and June, still have some open spots. Please visit our website to view class descriptions and information about fees and credits. Feel free to contact the MCPPO program with any questions or concerns at [MA-IGO-Training@mass.gov](mailto:MA-IGO-Training@mass.gov) or (617) 722-8884. We hope to see you in class soon!

## Open Core Classes

- **Public Contracting Overview**
  - June 6-8, 8:30 a.m. – 3:00 p.m.
  - Register by May 23
- **MCPPO Designation Renewal**
  - Part 1 (self-paced): May 22 – June 11
  - Part 2 (live online): June 15, 8:30 a.m. – 3:30 p.m.
  - Must complete both parts
  - Register by May 8

## Open Electives

- **Chapter 30B Exceptions and Exemptions**
  - May 16, 8:30 a.m. – 3:30 p.m.
  - Register by May 2
- **Procurement Fraud**
  - June 14, 8:30 a.m. – 3:30 p.m.
  - Register by May 31

## Open Webinars

- **ARPA Training**
  - June 1, 10:00 – 11:30 a.m.
  - Register by May 18
- **Promoting Procurement Diversity Using Chapter 30B**
  - May 23, 10:30 a.m. – 12:00 p.m.
  - Register by May 9
- **Preventing Common Frauds and Scams**
  - June 20, 11:00 a.m. – 12:00 p.m.
  - Register by June 6

To learn more or to register for an MCPPO class, visit our [website](#).

## MCPPO Summer Schedule



Please note that the MCPPO program will not offer any classes this summer (July – August 2023). We apologize for any inconvenience this may cause. We will spend this summer developing new curriculum for future classes, updating current curriculum and working hard to improve our online registration, payment and learning management platform.

We will back for fall 2023 with a full training schedule. The fall 2023 and winter/spring 2024 schedule will be posted by early June. Watch for our emails.

## Frequently Asked Questions about Chapter 30B



**Q1: Our school district plans to lease school buses rather than purchase the buses outright. We found the type of buses we want listed on a cooperative purchasing agreement. However, the agreement's language only refers to purchasing buses, not leasing. Can we use the agreement to procure the leases? If not, can we contact the vendor listed and negotiate a lease contract instead?**

**A1:** No to both questions. A cooperative purchasing agreement is a contract that has already been procured by an in-state or out-of-state political subdivision, or unit of a political subdivision, or a federal or state agency. See [M.G.L. c. 30B, § 22](#). The agreement must be open to local jurisdictions and procured in a manner that constitutes full and open competition. *Id.* Under Chapter 30B, a governmental body can use a cooperative purchasing agreement for supplies if the governmental body follows the agreement's terms and conditions. *Id.*

Even if the cooperative purchasing agreement you identified here complies with these statutory requirements, the agreement is solely for the purchase of school buses and does not include an option to lease. Therefore, your school district cannot lease school buses under this agreement.

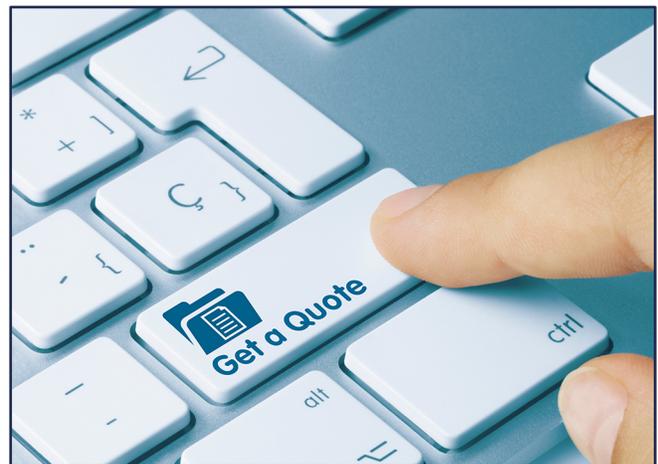
Contacting the listed vendor directly to negotiate a lease is a violation of Chapter 30B. You cannot purchase or lease supplies without conducting an open

and competitive procurement. See [M.G.L. c. 30B, §§ 4-6](#). For supplies or services estimated to cost less than \$10,000, you must use sound business practices. *Id.* at [§ 4\(c\)](#). As a municipal school district, for supplies or services estimated to cost at least \$10,000 but not more than \$100,000, you can satisfy the requirements of Chapter 30B by soliciting written price quotations from at least three vendors. *Id.* at [§ 4\(a\)](#). For supplies or services estimated to cost more than \$100,000, you must use either an invitation for bids or request for proposals process. *Id.* at [§§ 5-6](#).

Your school district will need to determine how many buses you need to lease and for how long you plan to lease them, and you will need to conduct a competitive procurement that complies with the requirements of Chapter 30B. Remember that under Chapter 30B, a lease of more than three years requires a majority vote from your governing body. *Id.* at [§ 12\(b\)](#).

**Q2. We understand that the threshold for price quotations for municipal or regional school districts recently changed from not more than \$50,000 to not more than \$100,000. As a municipal school district, may we solicit written quotes for a three-year contract estimated to cost \$40,000 annually?**

**A2.** No. Effective November 24, 2022, municipal and regional school districts may satisfy the requirements of Chapter 30B by soliciting written price quotations from at least three vendors to procure supplies and services estimated to cost at least \$10,000 but not more than \$100,000. [M.G.L. c. 30B, § 4\(a\)](#). The pro-



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### Frequently Asked Questions (continued)

curement threshold is based on the total contract value. Because the total value of this contract (\$120,000) is over the \$100,000 quote threshold for municipal school districts, you must use either an invitation for bids or request for proposals process. *Id.* at §§ 5-6.

**Q3: Our town and two other towns are interested in conducting a collective procurement for a phone referral program for mental health services. Because this procurement involves mental health services, would it fall under the Chapter 30B exemption for contracts with healthcare providers?**



A3: It depends. Contracts with healthcare providers are exempt from Chapter 30B's procurement requirements. [M.G.L. c. 30B, § 1\(b\)\(16\)](#). However, a phone referral program generally does not provide direct mental health services and would be subject to the requirements of Chapter 30B.

Alternatively, if the phone referral program is part of an existing healthcare organization or a provider's office, or if healthcare providers staff the phone referral service and offer counseling to callers, then the procurement may fall under the Chapter 30B exemption.

If you decide to solicit this service through a collective contract, be aware that your jurisdiction must be a member of the group conducting the procurement before the solicitation goes out; you cannot "piggyback" onto an existing collective procurement. See [M.G.L. c. 30B, § 1\(c\)](#). Chapter 30B allows for one "lead" jurisdiction, acting on behalf of the other jurisdictions, to solicit and award a contract for the benefit of the group. *Id.* In doing so, the lead jurisdiction must comply fully with Chapter 30B. *Id.* Once the contract is procured, each participating jurisdiction must accept sole responsibility for their purchase payments and for compliance with all the contract terms.

**Q4: Our municipality wants to hire an animal control officer. The officer would not be a permanent employee of the municipality but would work under contract. Would this position be subject to Chapter 30B?**

A4: Probably not. Chapter 30B would not apply if your municipality is entering into an employment agreement with the animal control officer. Chapter 30B generally does not apply to employment agreements. See [M.G.L. c. 30B, § 2](#) (excluding employment agreements from the definition of services). The statute defines "employment agreement" as "any agreement between a governmental body and an individual" under which "the governmental body withholds or is required to withhold taxes on the individual's wages" or the governmental body and the individual have a common law employer-employee relationship. *Id.* Therefore, regardless of whether an employment agreement involves full-time or part-time work or regular or contract employees, Chapter 30B would not apply.

On the other hand, Chapter 30B may apply when a governmental body obtains the services of an independent contractor. See [M.G.L. c. 149, § 148B](#) (providing a three-part test to determine when to classify someone as an independent contractor as opposed to an employee).

Please note: animal control officers fall under the purview of the state's Department of Agricultural Resources. See [M.G.L. c. 140, § 4, Section 151\(a\) of Chapter 140](#) outlines the appointment process for municipal animal control officers.



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