



# OIG BULLETIN

*Official Newsletter of the Office of the Inspector General*

Greetings,

Welcome to the first *OIG Bulletin* of 2021. Over the last twelve months, cities, towns, school districts and other public entities have pulled together during the COVID-19 pandemic to carry out their missions. I want to thank the public employees who have risen to the occasion and continued to serve the public. Your work is essential to preventing and detecting fraud, waste and abuse in the expenditure of public funds.

As you continue this work into the new year, remember that the OIG is here to help. This spring, through our Massachusetts Certified Public Purchasing Official (MCPPO) program, we will offer online classes such as [Running a Successful Procurement Office](#), [Cybersecurity 101](#) and [Diversity and Inclusion in Procurement](#). We also operate a hotline to answer your questions about how to procure supplies and services under M.G.L. c. 30B (Chapter 30B). We operate a second hotline dedicated to your complaints about fraud, waste and abuse in Massachusetts government — whether state, county or local. Your calls, which may lead to investigations as demonstrated below, help keep our government accountable.

Since the publication of the last *OIG Bulletin*, the OIG addressed leadership failures by the city of Methuen that led to excessive salaries in the Methuen Police Department, self-dealing and pay discrepancies by the former director of the Hingham Housing Authority, and oversight issues in the town of Eastham that resulted in contractor overpayment. Additionally, prosecuting agencies resolved several cases investigated by the OIG. Please see [Recent OIG Investigations](#) on page 3 for more information about these matters.

The fight to keep government accountable, however, starts long before fraudulent activity occurs. In this issue, you will find an article that describes how internal policies governing the acceptable use of public resources can help deter the misuse of office equipment. This issue also includes an article that reminds members of public boards and commissions that they have a vital role in overseeing public resources, and that failure to meet their duties will lead to opportunities for fraud, waste and abuse.

As always, thank you for your time and consideration in reading this issue of the *OIG Bulletin*. This issue includes content from several of our divisions as described above, plus an article that the Office of the Attorney General contributed. This issue also provides answers to some frequently asked questions about Chapter 30B procurement and information about the MCPPO program, including our current course schedule, details about changes to MCPPO designations and a list of our newest designees. Congratulations to everyone who demonstrated the knowledge and experience necessary to earn their designations!

Thank you again for your ongoing commitment to integrity in government. Do not hesitate to contact us if you need assistance.

Stay safe,

A handwritten signature in blue ink, reading "Glenn A. Cunha".

Glenn A. Cunha

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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



[OIG Fraud Reporting Form](#)



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

### HAVE A QUESTION ABOUT CHAPTER 30B?



Send us an email at  
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## Recent OIG Investigations

### OIG Report: Leadership Failures Led to Excessive Salaries in the Methuen Police Department

On December 23, 2020, the Office of the Inspector General (OIG) released a review of two Methuen Police Department contracts, finding a failure of leadership at all levels of city government. The contracts, approved in 2017 by then-Mayor Stephen Zanni and the Methuen City Council, included excessive raises for longtime Methuen Police Chief Joseph Solomon as well as the department's sergeants, lieutenants and captains. The OIG found:

- Mayor Zanni agreed to unprecedented changes to the contract with the Methuen Police Superior Officers' Association, New England Police Benevolent Association, Local 17 (the superiors' union), without understanding their financial impact. Among other things, Mayor Zanni agreed to expand the definition of base pay in a way that would significantly increase the superior officers' total compensation.
- The president of the superiors' union, Captain Gregory Gallant, drafted the final contract and added language to which city officials had never agreed. Captain Gallant's revisions included further expanding the definition of base pay and creating a formula designed to maximize the superior officers' total compensation. These two changes gave the superior officers raises of 35% to 183%.
- Mayor Zanni signed the final contract without fully reviewing it personally or requesting a thorough review by the city solicitor or city auditor.
- Chief Solomon, who represented the city in contract negotiations with both the superiors' union and the patrol officers'

union, knew about unapproved compensation language in the contracts but failed to alert his colleagues on the city's negotiating team. The unapproved language indirectly — but substantially — increased Chief Solomon's compensation.

- Mayor Zanni did not exercise due diligence or sound management practices when he negotiated Chief Solomon's contract extension in 2017. The resulting contract made Chief Solomon one of the highest-paid police chiefs in the country, earning more than the Massachusetts State Police Colonel and the Boston Police Commissioner. Mayor Zanni also failed to include basic oversight provisions in the contract, and he agreed to provisions that make it both difficult and expensive to discipline or terminate Chief Solomon.

*"This total failure of leadership by Methuen's former mayor and city council allowed Chief Solomon and Captain Gallant to put their personal financial interests ahead of the interests of the citizens they swore an oath to protect and serve. Everyone involved failed the people of Methuen."*

Inspector General Glenn Cunha

In its report, the OIG commended the current mayor, Neil Perry, for taking steps to improve oversight and governance in Methuen. The OIG recommended that Mayor Perry exercise due diligence in all contract negotiations, exercise strong oversight of all department heads, including Chief Solomon, and evaluate all available avenues of discipline against Chief Solomon and Captain Gallant.

For more information, see the OIG's full report: [Leadership Failures in Methuen Police Contracts](#). After the OIG released this report, Chief

*Continued on next page*

## Recent OIG Investigations (continued)

Solomon was placed on administrative leave. He retired in January 2021.

### Former Manager of Non-Profit Housing Agency Pleads Guilty

On December 22, 2020, Donna Scott, 52, of Vallejo, CA (formerly of Massachusetts), pleaded guilty in Suffolk Superior Court to a charge of larceny over \$250 for embezzling more than \$45,000 from her former employer.

A joint investigation by the OIG and the Attorney General's Office found that Ms. Scott stole more than \$45,000 in funds that were intended to provide transitional and permanent housing and support services to individuals and families experiencing homelessness. At the time, Ms. Scott was a manager at Heading Home, Inc., which is partially funded by grants from the state's Department of Housing and Community Development.

Ms. Scott was sentenced to three years of probation, including one year of home confinement, and ordered to pay restitution of \$45,132.59 to Heading Home, Inc.

For additional information, see the Attorney General's press release: [Former Manager of Charlestown Non-profit Housing Agency Pleads Guilty to Embezzling Funds](#).

### OIG's ISAU Review of an Eastham Chapter 90 Roadway Project Leads to Reimbursement



On December 22, 2020, the OIG's Internal Special Audit Unit (ISAU) published a letter reviewing the town of Eastham's oversight of a road project funded through the state's Chapter 90 program. The ISAU found that, as the result of lax oversight, the town overpaid the contractor \$13,672. Town officials took action to recover the overpayment and then worked with the state to ensure that the reimbursed funds are applied to a future Chapter 90 project. Following its review, the ISAU recommended enhanced contract administration and vendor oversight policies to ensure that the town only pays for materials and services that it receives.

The OIG commends the town for conducting an internal investigation and making staff changes following the incident, including hiring a new superintendent of public works and natural resources who is a Massachusetts Certified Public Purchasing Official.

For additional information, see: [OIG's ISAU Letter to Town of Eastham Officials regarding Proper Oversight of Chapter 90 Funds, December 2020](#).

**Use our new online reporting form to submit a complaint of fraud, waste or abuse!**

### Former Director of the State's Print Shop Enters Plea on Charges of Receiving Unwarranted Privileges

On December 18, 2020, a state trooper assigned to the Attorney General's Office took out a complaint in the Boston Municipal Court against Glenn

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## ***Recent OIG Investigations (continued)***

Kendall, 55, of Lowell for two counts of receiving unwarranted privileges.

Mr. Kendall worked at Commonwealth Print Services (CPS) from 2005 through 2018, the last seven years as its director. CPS is a state-owned copy and print shop located at One Ashburton Place in Boston that provides print services to state agencies as well as private customers. In addition, Mr. Kendall owned KenCo Printing (KenCo), a private print shop in Medford.

A joint investigation by the OIG and the Attorney General's Office found evidence that, in 2017 and 2018, Mr. Kendall used CPS computers, copiers and other equipment to produce jobs for his private KenCo customers. KenCo invoiced its customers more than \$20,000 for these jobs, which comprised more than 100,000 pages of print.

On December 21, 2020, Mr. Kendall admitted to sufficient facts to warrant a guilty finding on the charges against him. The case has been continued without a finding, subject to Mr. Kendall completing three years' probation and paying \$20,000 in restitution.

### **Fall River Co-Defendant Pleads Guilty**

On December 14, 2020, former Fall River Mayor Jasiel Correia's chief of staff pleaded guilty to charges of extortion, bribery and making false statements. Genoveva Andrade, 49, of Somerset, admitted to conspiring with Correia to extort \$150,000 in cash from a marijuana vendor as well as other benefits from a second business owner. Andrade also admitted to kicking back half her city salary to Correia for the first nine months of her employment as his chief of staff. Andrade is scheduled for sentencing on April 27, 2021 in federal district court. A joint effort by federal and state agencies, including the OIG, resulted in the indictment of Andrade, Correia and three others by the U.S. Attorney's Office in September 2019.

For more information, see the U.S. Attorney's Office press release: [Chief of Staff to Former Fall River Mayor Enters Guilty Plea](#).

### **OIG Finds Self-Dealing and Pay Discrepancies by Former Director of Hingham Housing Authority and Poor Oversight by HHA Board**

On December 4, 2020, the OIG issued a public letter finding that Sharon Napier, the former executive director of the Hingham Housing Authority (HHA), promoted her own interests over the HHA's by hiring a vendor with whom she had a personal and financial relationship. This conduct was also investigated by the State Ethics Commission, resulting in Ms. Napier paying a \$2,500 fine in 2018.

The OIG determined that the former HHA Board paid Ms. Napier's legal bills during the State Ethics Commission investigation, which it should not have done. Moreover, the OIG found inconsistencies in the documentation that Ms. Napier submitted for \$3,551.20 in "special pay," which resulted in her paycheck being \$2,496.94 higher than normal the same week that she paid the \$2,500 fine to the State Ethics Commission.

The OIG also reviewed the HHA Board's oversight of Ms. Napier. Since Ms. Napier left the HHA, its board has taken steps to improve its governance structures and operations. The OIG provided several recommendations to the board to enhance its oversight. For more information on the oversight responsibilities of public boards and commissions, see [page 11](#).

For additional information about the OIG's HHA investigation, see: [OIG Letter to Hingham Housing Authority regarding its Former Executive Director, Sharon Napier, December 2020](#).

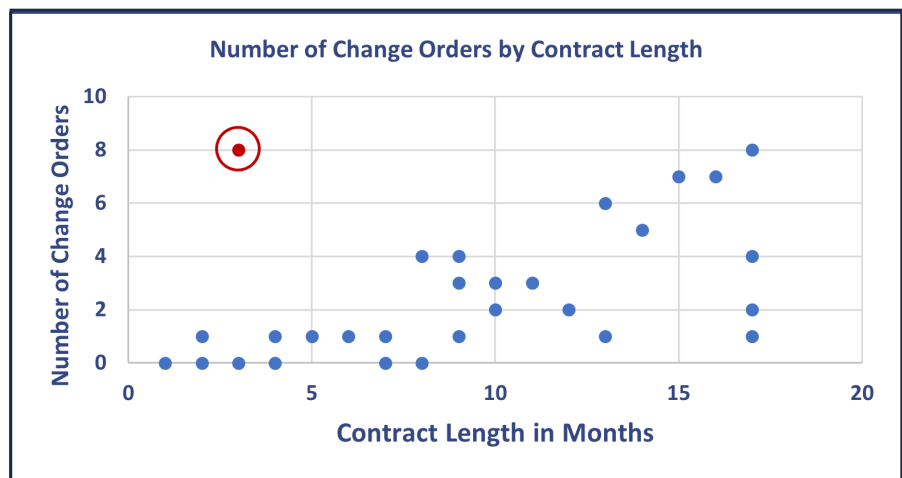


# Data Visualization Techniques to Detect Fraud, Waste and Abuse

The [August 2020 installment of our data series](#) discussed how to collect data and provided examples of how municipal employees can use that data to identify waste and possible fraud. In this article, we delve into two specific techniques for creating and using data visualizations, which can further aid a jurisdiction in detecting waste or fraud.

## Outlier Analysis

Outlier analysis, in its simplest form, compares different data points in order to identify data that stands out from the rest. For example, in the scatter plot below, each of the points represents one contract. The metrics plotted show the number of change orders (orders that modify contract terms) and the contract length in months. There is a visible correlation between the number of change orders and the contract length, which makes intuitive sense: generally, longer contracts have more change orders. However, there is one contract, indicated by the red circle, which has a large number of change orders when compared to the length of the contract. This outlier may warrant further investigation. There may be an acceptable explanation for the high number of change orders for that particular contract, but only further review can determine whether the change orders are reasonable.



## Benford's Law

Benford's Law is a mathematical observation about the frequency distribution of the first digits within a set of naturally occurring numbers. Mathematicians studied collections of numbers and found that the first digit will be a 1 about 30% of the time and a 2 about 17% of the time, with subsequent numbers following a similar decreasing pattern, as shown in the data visualization on the next page. Applying Benford's Law is another way to find outliers in your data that should be flagged for further review.

Benford's Law is best applied to large data sets (at least several hundred records) of naturally occurring numbers with some connection, such as population data, income tax data or scientific data. Benford's Law should not be applied to data sets that have stated minimum and maximum values or are assigned numbers, such as interest rates, telephone numbers or social security numbers.

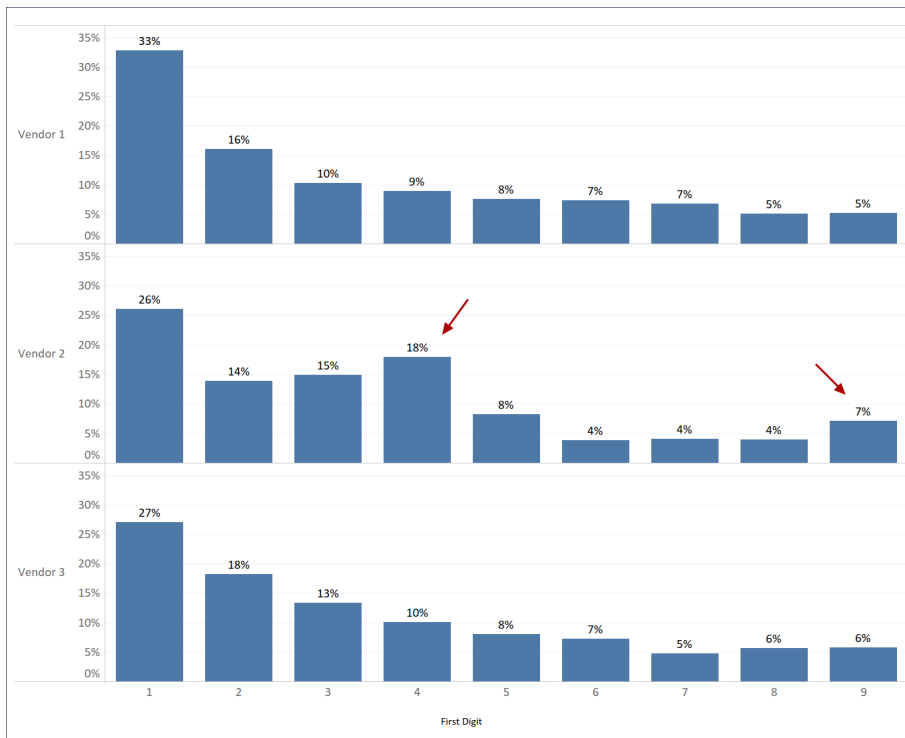
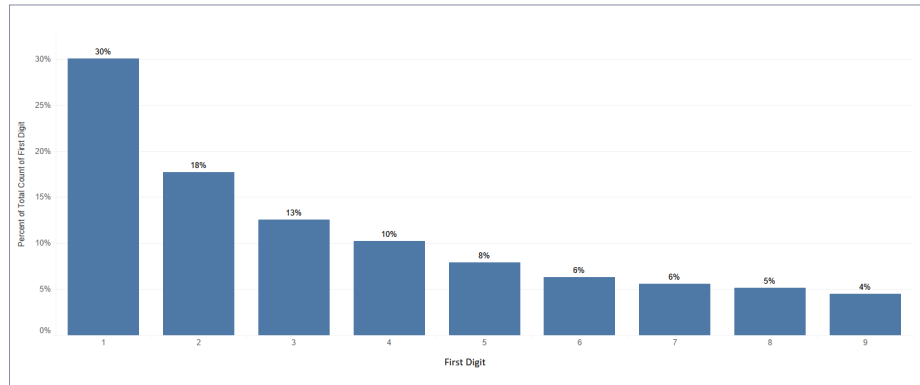
As an example, we applied Benford's Law to a dataset that contains the price of all items purchased by a city between 2009-2020. The following bar chart, which can be made using Excel, shows the distribution of the first digit of the purchase price for each item in the dataset, with all vendors grouped together.

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## Data Visualization Techniques to Detect Fraud, Waste and Abuse (continued)

The bar chart shows that the purchase prices, when grouped together, closely follow the expected distribution of numbers according to Benford's Law.

When grouping the pricing data by individual vendor, as shown in the charts below, and running the same analysis, you can see that Vendor 1 and Vendor 3 follow the expected distribution pattern. Vendor 2, however, deviates visibly at numbers 4 and 9, which could suggest falsified purchasing prices, and should be flagged for further investigation.



We hope that this article, along with the other articles in our series on data analytics, helps you feel more confident in your ability to collect and analyze data. Remember that “data” is a broad concept, and that analyzing the many different kinds of data your jurisdiction collects every day can enhance your decision-making processes.

Now that you understand some specific techniques for visualizing and analyzing data, we encourage you to apply these techniques to procurements or other business decisions facing your jurisdiction. Data visualization and analysis can be particularly useful in identifying and preventing potential fraud, waste and abuse of public resources. If data analysis leads

you to believe that fraud has occurred, please contact the OIG's Fraud Hotline at (800) 322-1323 or [IGO-FightFraud@state.ma.us](mailto:IGO-FightFraud@state.ma.us), or fill out our [online form](#).

# Pointers for Prevailing Wage Law Compliance

*Submitted by Heather Rowe  
Chief of Investigations, Fair Labor Division  
Office of the Attorney General*

As procurement staff begin to prepare bid packages for the upcoming construction season, here are some timely reminders about compliance with the prevailing wage laws covering public construction:

- There is no dollar threshold for the applicability of prevailing wage laws.
- Request official prevailing wage rate schedules from the [Department of Labor Standards \(DLS\)](#) before bids or quotes are solicited.
- Provide wage rate schedules to all bidders or persons providing price quotes.
- Include the wage rate schedule in the contract once a contractor has been selected.
- Confirm that no contractor with whom you are about to engage is debarred from public work. The Attorney General's debarment list is available [online](#).
- Provide annual updates of the prevailing wage rate schedule to your contractors if you have a multi-year construction project.
- Monitor the contractors' compliance with the prevailing wage laws.
- Weekly certified payroll records (CPR) must be collected by awarding authorities from all contractors and subcontractors and kept on file for three years from the date of completion of the contract.
- When reviewing CPR submissions, awarding authority staff should:
  - see a copy of the apprentice's ID card on every CPR that lists workers being paid apprentice wage rates;
  - see documentation of employees' completion of the OSHA 10 training; and
  - receive a final statement of compliance within 15 days of the completion of the contractor or subcontractor's work.
- Call the Attorney General's Fair Labor Division at (617) 727-3465, if contractors fail to comply with CPR submission or if you believe a contractor is not paying the prevailing wage rates.

## Prevailing Wage Class

In December 2020, the Massachusetts Certified Public Purchasing Official (MCPPO) program, together with the Massachusetts Attorney General's Office, taught a one-day interactive class, entitled [Prevailing Wisdom – Confronting Potential Pitfalls and Applying Solutions on Prevailing Wage/Public Construction Projects](#), to over 120 students. The class focused on the basics of prevailing wage law, public construction bid laws and the Massachusetts False Claims Act. Students learned how these laws apply to public procurement and related construction services, such as maintenance, alterations and repairs to buildings. Students also reviewed exercises highlighting potential problems that commonly arise in public construction projects, drawn from real investigations and complaints. Given the popularity of this class, we are offering it again on June 8, 2021. Please check our [website](#) to register. We hope to see you in class!





## Changes to MCPPO Designations

Greetings MCPPO Designees,

The Massachusetts Certified Public Purchasing Official (MCPPO) designation requirements are changing to ensure that all MCPPO designees have a uniform understanding of Massachusetts public procurement laws and practices.

- Effective March 1, 2021, we will no longer offer separate designations for Supplies and Services Contracting (SSC) or Design and Construction Contracting (DCC).
- Effective July 1, 2021, new applicants for an MCPPO Designation (MCPPO or Associate MCPPO) must successfully complete our three core classes – *Public Contracting Overview*, *Supplies and Services Contracting* and *Design and Construction Contracting* – within a three-year period.

If you currently hold an SSC or DCC designation that expires before July 1, 2021, we strongly encourage you to take the third core class (for example, *Design and Construction Contracting* for those who currently hold the SSC designation) before your designation expires. You can take this class in place of the *MCPPO Designation Renewal* class or other continuing education credits you may need for your designation renewal.

After July 1, 2021, you must take the core class you need to meet the new requirements. You will be able to take this core class in place of the *MCPPO Designation Renewal* class during your three-year designation renewal period, but you will still need to earn any additional required continuing education credits.

**Please note that these changes relate to MCPPO designations only.** Charter School Certification and School Project Designers and Owner's Project Managers Certification, required by Massachusetts School Building Authority (MSBA) regulations, have not changed. These certifications are not related to the MCPPO designations.

Please feel free to contact the MCPPO program if you have questions about any of these changes. You can reach us by email at [MA-IGO-Training@state.ma.us](mailto:MA-IGO-Training@state.ma.us) or by phone at (617) 722-8884. Thank you for your participation in the MCPPO program and for your commitment to professionalism and public service.

Sincerely,

*MCPPO Staff and Instructors*

# Why Are Acceptable Use Policies Important?

When starting a new job, almost all government employees must sign their employer's acceptable use policy. Generally, we think of acceptable use policies as solely for information technology (IT) purposes. Although acceptable use policies are extremely important for IT, the Office of the Inspector General (OIG) recommends that public employers address other government resources, including vehicles, equipment, tools, cell phones, other personal electronic devices and employee time, in a comprehensive "Acceptable Use of Government Resources" policy.

Acceptable use policies should govern employee use of government-owned resources and access to information. These policies should outline activity that is allowed, and more importantly, activity that is not allowed. In general, public employees should not use government-owned resources for personal matters or outside activities.

Acceptable use policies should also address disciplinary action the employer may take in response to the misuse of government property. Disciplinary action can include a range of consequences, from verbal or written warnings to termination to the pursuit of criminal charges.

After working in the same office for an extended period, employees may become comfortable using government resources for outside activities. For this reason, employer communication is critical to the success of an acceptable use policy. Employees should be fully aware of the conduct permitted and prohibited under the policy, the consequences for violating the policy and their point of contact within the organization for questions about the policy. Employers should also require that all employees sign an acknowledgment of the policy. Whenever the agency updates its policy, the employer should obtain a new acknowledgment signature from employees. In addition, employers should implement employee training on the policy. This will reinforce the policy's importance and highlight possible disciplinary action for failure to adhere.

The absence of acceptable use policies can leave an agency, town or municipality vulnerable to fraud, waste and abuse and open to potential legal liability. For example, when employees use government equipment for personal activities, they add unnecessary wear and tear, shortening the equipment's expected lifespan. Such misuse can also unnecessarily increase fuel costs.

Although time is not a tangible resource, it can also be misused. Time fraud can lead to significant financial loss for public entities. For example, if an employee who earns \$25 per hour takes an extra half hour for lunch every day, they waste 2.5 hours per week, which equals \$62.50. This pattern of behavior can quickly add up to thousands of dollars of wasted funds for public entities. Em-

## Examples of Government Resources

- **Cell Phones and Other Personal Electronic Devices**
- **Employee Time**
- **Equipment and Tools** (landscaping, construction, maintenance, roadway, snow and ice removal, etc.)
- **Information Technology** (computers, computer accessories, printers, network access, etc.)
- **Vehicles** (including fuel)

ployers must hold their employees accountable for accurate time use and attendance, and comprehensive acceptable use policies can help accomplish this.

The OIG is tasked with investigating public fraud, waste and abuse throughout Massachusetts. See [M.G.L. c. 12A, § 7](#). This includes investigations into abuse of government-owned resources. For ex-

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### ***Why Are Acceptable Use Policies Important? (continued)***

ample, in January 2016, the OIG issued a public [letter](#) to the interim president of Massachusetts Bay Community College (MBCC) that detailed an investigation of MBCC's Facilities Department. The investigation revealed that two employees operated a private landscaping business during work hours, using state-owned equipment. The OIG concluded that this conduct violated state ethics law and could rise to the level of criminal activity. See [M.G.L. c. 268A, § 23\(b\)\(2\)](#) (prohibiting public employees from using their official positions to secure unwarranted privileges). The OIG recommended that MBCC take corrective actions, including: (1) conduct an internal investigation and take appropriate disciplinary action against the employees; (2) consider requesting that the local district attorney's office file criminal charges; and (3) refer the matter to the State Ethics Commission. The OIG also recommended that MBCC establish a written policy detailing the appropriate use of MBCC equipment and other resources.

More recently, the OIG investigated the former Commonwealth Print Services director for misuse of government resources. A joint investigation by the OIG and the Attorney General's Office found that the director used state printing resources for his own printing business, and the Attorney General's Office filed criminal charges. For more information about this case, see [page 4](#).

Comprehensive acceptable use policies hold employees accountable and save taxpayer dollars. The OIG actively investigates state and local government employees, as well as contractors, who

misuse government time, resources or property. If you suspect an employee or contractor of misuse, contact the OIG through one of our fraud hotlines.

## **Oversight Responsibilities of Public Boards and Commissions**

Public boards and commissions can take many forms, including boards of trustees, authority boards, town finance committees and municipal select boards. Although the form may differ, the primary duty of a public board or commission is always the same: oversight. Whether appointed or elected to oversee a housing authority, utility district, municipality, school district, charter school or some other governmental body, boards and commissions must ensure that the entity they oversee accomplishes its mission, serves its constituents and properly manages public resources.

The Office of the Inspector General (OIG) is frequently called into action when a public board or commission fails to meet these obligations. When public boards or commissions do not provide the necessary oversight, managers may fail to meet their own obligations, leading to waste, or they may take advantage of the opportunity to commit fraud.

In December 2020, the OIG published a [letter](#) to the Hingham Housing Authority (HHA) Board that illustrates what can go wrong when a board does not properly oversee management. The HHA executive director hired a housing inspection vendor, with whom she had a personal and financial relationship and with whom she shared a home, without conducting a fair and open procurement. The vendor used income from his inspection services company to pay the majority of the mortgage for the home he shared with the HHA executive director. The executive director thus failed to follow procurement law (see [M.G.L. c. 30B, § 4](#)), and she failed to abide by state ethics require-

#### **General OIG Fraud Hotline**

(800) 322-1323

[IGO-FightFraud@state.ma.us](mailto:IGO-FightFraud@state.ma.us)

#### **MassDOT Fraud Hotline**

(855) 963-2580

[MassDOTFraudHotline@state.ma.us](mailto:MassDOTFraudHotline@state.ma.us)

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## ***Oversight Responsibilities of Public Boards and Commissions (continued)***

ments that she disclose conflicts of interest (see [M.G.L. c. 268A, § 23\(b\)\(3\)](#)). The HHA Board did not question her contracting decision or payments to this vendor for nearly ten years. The HHA also did not take any steps to ensure that the executive director followed procurement and ethics laws. This lack of oversight allowed the executive director to put her own interests before those of the housing authority. As a result, the HHA may not have received the best and most cost-effective services available for housing inspections.

Moreover, the OIG observed that the HHA Board exercised no oversight regarding the executive director's time or attendance. Because the Board did not review the executive director's timesheets, it could not verify the payout of close to \$14,000 she received for vacation and sick time when she retired or "special pay" she requested years after performing the work. The Board additionally paid the executive director's legal fees without question, totaling close to \$11,000, even though her legal fees were not appropriate for reimbursement by the HHA. These serious lapses in internal controls cost the HHA money that could have been used to support the HHA's mission. (For additional information about the OIG's HHA investigation, see [page 5](#).)

Similar issues occurred at the Helen Y. Davis Leadership Academy (DLA), which the OIG documented in a [public letter](#) to their board of trustees in 2018. Like at the HHA, the executive director of the DLA retired and received a large vacation and sick time payout, in this case worth nearly \$100,000. Although the DLA Board approved the payouts, board members failed to take any steps to verify that the amount of the payout was correct. Consequently, the executive director received a payout for more sick time than she could have earned. In addition, the amount was based on the assumption, rather than documented proof, that she had never taken a sick day during her 13-year tenure as executive director.

Boards and commissions have a further responsibility to exercise due diligence regarding the actions of the managers they oversee. The failure of governing bodies to conduct this due diligence

can have serious financial consequences for local jurisdictions. For example, the OIG recently published a [report](#) detailing the leadership failings that led to a costly contract between the Methuen Police Department and its superior officers. This contract included unprecedented language that led to substantial pay increases for superior officers, with some captains set to earn over \$400,000 per year. Although the former mayor and city council approved this contract, they did not review the final document before signing it, nor did they conduct a financial analysis or create a salary schedule to understand how the contract changes would affect salaries. This led to a budget crisis for the town, which the current mayor must resolve. (For more information about the OIG's work regarding the Methuen police contract, see [page 3](#).)

The Methuen police contract is an extreme example of the waste of public funds that can occur if public leaders do not provide adequate oversight of public employees, but an important one to keep in mind as public boards and commissions approve contracts and expenditures every day. Members of boards and commissions owe a fiduciary duty to the entity they oversee. This duty requires members to be careful, diligent and thoughtful in their roles. Therefore, it is critically important that boards and commissions review and understand materials and ask questions before approving contracts and expenditures. Put another way, boards and commissions should not have blind faith in the managers they oversee. Doing so will increase the organization's risk for fraud, waste and abuse in the expenditure of public funds.

As we enter the new year, the OIG recommends that public boards and commissions evaluate their jurisdiction's internal control framework and advise management to conduct fraud risk assessments. The OIG also recommends that board and commission members periodically review their responsibilities and ensure that they are most effectively serving the people who elected or appointed them. The OIG has multiple resources

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## Oversight Responsibilities of Public Boards and Commissions (continued)

that can help public boards and commissions ensure they are meeting their obligations:

- The OIG publishes a [Guide for Members of Public Boards and Commissions](#). This guide outlines practices, such as upholding fiduciary principles, that will help board members understand their obligations and perform their duties effectively. The guide also provides an overview of the laws that apply to board members, including laws relating to board meetings, official communications and individual conduct.

### Guide for Members of Public Boards and Commissions

#### How to be an Effective Member of a Public Board or Commission



Commonwealth of Massachusetts  
Office of the Inspector General

Glenn A. Cunha  
Inspector General

December 2017 Edition

- Additionally, the OIG offers a training class for boards and commissions through the MCPPO program. The next class will meet on Saturday, March 20, 2021, from 9:00 a.m. – 12:00 p.m. Please check our [website](#) for more information and to register for the class.

## Frequently Asked Questions

**Q: Our town recently acquired a parcel of land by eminent domain. Abutters of the parcel are interested in acquiring a part of the parcel valued at \$100,000. Would the town's sale to the abutters be exempt from Chapter 30B because the land was acquired by the town by eminent domain?**

**A:** No. The sale of the property to the abutters would not be exempt from Chapter 30B; it would be subject to Chapter 30B's requirements for the disposition of real property.

Chapter 30B does not apply to the acquisition or disposition of property governed by specific provisions of other statutes, including eminent domain takings. (See [M.G.L. c. 79](#) for eminent domain procedure requirements.) However, eminent domain law would not govern the town's sale of property that it had acquired previously via eminent domain. The town would therefore need to follow Chapter 30B's requirements for the sale of real property in disposing of the parcel. Under Chapter 30B, a municipality must follow an advertised proposal process to dispose of real property with a value greater than \$35,000. See [M.G.L. c. 30B, § 16](#).

This proposal process includes having the property appraised through a method customarily accepted as valid by the appraising profession prior to advertising. See [M.G.L. c. 30B, § 16\(b\)](#). The town must then place an advertisement inviting the submission of proposals in a newspaper with a circulation sufficient to inform people in the affected locality. See *id.* at [§ 16\(d\)](#). Note that although Section 16 requires that a municipality solicit proposals for the disposition of property, the town has the discretion to

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## Frequently Asked Questions (continued)

structure the solicitation so that it is, in effect, an invitation for bids. The solicitation can set out simple criteria and award the contract to the qualified proposer offering the highest price for the property.

The town must publish the advertisement at least once a week for two consecutive weeks, and the last publication must occur at least eight days before the opening of the proposals. *Id.* In addition, if the property is more than 2,500 square feet, the town must publish an advertisement in the [Central Register](#) at least thirty days before the auction. *Id.* These advertisements must specify the location of the property, the terms and requirements of the proposed transaction, and the time and place for the submission of proposals. *Id.* After the selection of a person as party to the real property transaction, the town must publish the name of the purchaser and the transaction amount in the *Central Register*. See *id.* at [§ 16\(f\)](#).

**Q: I am the director of my town's Department of Public Works. I know that snow plowing is an exempt service under Section 1(b)(17) of Chapter 30B, but we would like to buy or rent snow melters. Does Chapter 30B exempt the procurement of snow melters in the same way the statute exempts snow plowing?**

**A:** No. [Section 1\(b\)\(17\) of Chapter 30B](#) is very specific and exempts only "a contract for snow plowing by a governmental body" from the procedural requirements of the statute. The purchase or lease of snow-control supplies, including snow melters, is not

exempt. Therefore, your jurisdiction must follow the provisions in Chapter 30B when buying or leasing a snow melter.

In extreme circumstances, snow melters could be necessary to protect the health and safety of people or property. In such a situation, a jurisdiction could consider procuring snow melters under the emergency procurement provisions in [Section 8 of Chapter 30B](#). Remember, however, that Section 8 limits an emergency procurement to the supplies or services necessary to meet the emergency and that emergency procurements must conform to Chapter 30B requirements to the extent practicable. Please see Chapter 6 of the OIG's [Chapter 30B Manual: Procuring Supplies, Services and Real Property](#) for a detailed explanation of your obligations regarding emergency procurements.

Also, note that a lack of planning does not constitute an emergency. You are obligated to act in the best interest of your jurisdiction by planning for snow events. This ensures that snow accumulation does not become an emergency during and after every storm. The emergency provisions of Chapter 30B are meant to deal with events urgently when "the time required to comply with a requirement of this chapter would endanger the health or safety of the people or their property. . . ." See [M.G.L. c. 30B, § 8](#). We interpret this to mean that emergency provisions are intended to apply to unexpected or unanticipated events. As a result, Massachusetts communities cannot claim that winter snow accumulation is an unanticipated event.

We recommend that, to the extent possible, jurisdictions anticipate their needs in advance of the winter season. For example, although snow amounts vary from year to year, jurisdictions can make decisions about winter supplies and services based on past usage and reasonable projections of future needs. It is better to plan ahead and have

Office of the Inspector  
General

## Procurement FAQs

Am I required to post an invitation for bids  
on COMMBUYS?

**Yes.** M.G.L. c. 30B, § 5(c)(5) requires that all invitations for bids must be published on OSD's COMMBUYS system at least once and not less than two weeks before the bid due date.



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## Frequently Asked Questions (continued)

contracts in place than to rely on a last-minute search.

Finally, we recommend that jurisdictions use an open, competitive process whenever possible, even to procure exempt services like snow plowing.

**Q: My Department of Public Works needs to purchase a backhoe and a pickup truck. Does Chapter 30B allow us to buy used equipment in lieu of buying or leasing new equipment?**

**A:** Yes. You may purchase used equipment under Chapter 30B; the statute does not require that jurisdictions buy or lease only new supplies. In fact, acquiring used equipment may be the most cost-effective option for your jurisdiction. However, drafting purchase descriptions and specifications could be more complicated for used equipment than for new equipment.

The challenge is drafting specifications that will result in vendor bids or price quotes for equivalent items. Receiving those kinds of submissions will allow you to perform what is referred to as an “apples to apples” comparison of the used items available. To do this, you must draft specifications that outline in detail what you want and establish specific parameters. For example, you can specify that you want a Brand X or Brand Y backhoe in good condition as defined by a particular industry standard. This will provide vendors with specific information about what you want to purchase. Remember that you must provide a written justification if you decide to use proprietary specifications and that you must keep this document in your procurement file. See [M.G.L. c. 30B, § 14](#).

When preparing solicitations for used equipment, you should also include details about what you consider to be equivalent supplies. For example, is a pickup truck with 80,000 miles on the odometer and a body in fair condition that needs engine repair

worth the same to your jurisdiction as a pickup truck with 100,000 miles in excellent condition? What if they are different vehicle makes and models? Including as much detail as possible about your parameters and requirements will help ensure that your jurisdiction gets what it needs through a fair, competitive process.

**Q: My governmental body received funds from the federal government as part of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act. If we do not use these funds by the deadline set by the CARES Act, we must return the money to the federal government. This deadline is imminent, and we now have insufficient time to comply with the procedural requirements of Chapter 30B. May my governmental body expend these funds on an emergency basis?**

**A:** No. The emergency provisions of Chapter 30B would not apply under these circumstances. Chapter 30B permits an emergency procurement, subject to certain limitations and procedures, “[w]henver the time required to comply with a requirement of this chapter would endanger the health or safety of the people or their property . . .” [M.G.L. c. 30B, § 8](#). Insufficient time to conduct a procurement – without more – does not qualify as grounds to conduct an emergency procurement under Chapter 30B. Governmental bodies should carefully monitor any deadlines for the expenditure of federal funds and ensure they begin procurements early enough to satisfy the requirements of Chapter 30B.



## Procurement Resources for Non-Chapter 30B Matters

The Office of the Inspector General's Chapter 30B Technical Assistance Hotline (Hotline) assists public employees and other individuals with public procurement questions. Last year, we responded to more than 1,400 phone calls and emails about applying Chapter 30B, drafting clear rules for awarding contracts under Chapter 30B and other related issues. Hotline staff members are available Monday through Friday, from 8:30 a.m. to 4:30 p.m., by telephone at (617) 722-8838 or by email at [30BHotline@state.ma.us](mailto:30BHotline@state.ma.us).

The goal of the Hotline is to provide prompt and accurate Chapter 30B-related procurement information. The Hotline is often the first call that state and municipal employees make for any procurement-related issue. Consequently, nearly one-third of the calls and emails we receive involve non-Chapter 30B matters. Because Hotline staff can only answer procurement questions involving Chapter 30B, we want to make sure that everyone receives accurate information from the agency best suited to provide it. The following is a list of agencies that can help with non-Chapter 30B procurement and related topics:

### Office of the Attorney General, Fair Labor Division

- *Topics:* Public building construction ([M.G.L. c. 149, §§ 44A-44J](#)); public works (non-building construction and construction materials ([M.G.L. c. 30, § 39M](#)); design services for public building projects ([M.G.L. c. 7C, §§ 44-58](#)); alternative delivery methods ([M.G.L. c. 149A](#))
- *Telephone:* (617) 963-2371
- *Website:* <https://www.mass.gov/orgs/the-attorney-generals-fair-labor-division>

### Office of the Attorney General, Prevailing Wage Enforcement Hotline

- *Topic:* Prevailing wage law violation complaints
- *Telephone:* (617) 727-3465

- *Website:* <https://www.mass.gov/prevailing-wage-enforcement>

### Department of Labor Standards

- *Topic:* Prevailing wage rate information for construction projects and other public works
- *Telephone:* (617) 626-6953
- *Website:* <https://www.mass.gov/prevailing-wage-program>

### Department of Revenue, Municipal Finance Training and Resource Center

- *Topics:* Municipal finance and municipal law
- *Telephone:* (617) 626-2400 (for local officials); (617) 626-2300 (all other callers)
- *Website:* <https://www.mass.gov/resource/municipal-finance-training-and-resource-center>

### Designer Selection Board

- *Topic:* Design services for public building projects ([M.G.L. c. 7C, §§ 44-58](#))
- *Telephone:* (617) 727-4046
- *Website:* <https://www.mass.gov/orgs/designer-selection-board>

### Division of Capital Asset Management and Maintenance

- *Topics:* Capital planning, public building construction, contractor certification, facilities management and real estate services for the Commonwealth
- *Telephone:* (617) 727-4050

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## Procurement Resources for Non-Chapter 30B Matters (continued)

- Website: <https://www.mass.gov/orgs/division-of-capital-asset-management-and-maintenance>

### Department of Energy Resources

- Topics: Energy management services contracts ([M.G.L. c. 25A, §§ 11C, 11I](#)); municipal energy efficiency projects, including installation of electric car charging stations, solar panels and canopies; energy-related municipal programs and grants
- Telephone: (617) 626-7300
- Website: <https://www.mass.gov/orgs/massachusetts-department-of-energy-resources>

### Operational Services Division

- Topics: The Commonwealth's COMMBUYS Procurement Market Center; certification of minority and women-owned business enterprises; statewide contracts
- Telephone: (617) 720-3300
- Website: <https://www.mass.gov/orgs/operational-services-division>

### State Ethics Commission

- Topics: Conflict-of-interest law ([M.G.L. c. 268A](#)) and financial disclosure law ([M.G.L. c. 268B](#))
- Telephone: (617) 371-9500
- Website: <https://www.mass.gov/orgs/state-ethics-commission>

### Secretary of the Commonwealth

- *Central Register*: a weekly publication listing state, county and municipal contracts for the design, construction and reconstruction of public facilities in the Commonwealth, including invitations for bids, requests for proposals,

final contract awards and solicitations regarding real property

- Telephone: (617) 727-2831
- Website: <https://www.sec.state.ma.us/spr/sprcentral/infosubmit.htm>
- *Goods and Services Bulletin*: a weekly publication containing solicitations for the procurement of commodities and services, including state procurements for goods and certain services and advertisements of municipal procurements worth more than \$100,000
  - Telephone: (617) 727-2831
  - Website: <https://www.sec.state.ma.us/spr/goodsserv.htm>
- *Public Records Division*
  - Topic: State public records law ([M.G.L. c. 66, § 10](#)) and exemptions ([M.G.L. c. 4, § 7\(26\)](#))
  - Telephone: (617) 727-2832
  - Website: <https://www.sec.state.ma.us/pre/preidx.htm>



## Congratulations New MCPPO Designees

The following is a list of the MCPPO program's new designees, based on applications approved from July 1, 2020, through December 31, 2020.

Baldinger	Keith	Town of Shrewsbury	MCPPO
Bush	Melanie	Town of Falmouth	Assoc. MCPPO
Caffelle	John	Massasoit Community College	MCPPO
Delaney	Anthony	Town of Amherst	MCPPO
Ehrenworth	Matthew	Blackstone-Millville Reg. Sch. Dist.	MCPPO
Eriksen	Sara	Town of Wakefield	Assoc. MCPPO
Gale	Daniel	Town of Hudson	MCPPO
Gjanci	Elia	City of Framingham	MCPPO
Gop	William	Town of Lenox	MCPPO
Hurley	James	Mass. Bay Community College	Assoc. MCPPO
Kelly	Michael	Town of Milton	MCPPO
Lanni	April	Town of Stoneham	MCPPO
Las	Kristen	Town of Shrewsbury	MCPPO
Lee	Traci	City of Boston	MCPPO
Lynch	Michael	Exec. Off. of Health & Human Servs.	MCPPO
McCall	Michael	Town of Southbridge	MCPPO
McClain	Carly	City of Lynn	MCPPO
Miguel Francisco	Franklin	City of Lawrence	MCPPO
Mitrano	Debora	City of Somerville	MCPPO (DCC)
Moseley	Bethiny	Town of Holbrook	MCPPO (SSC)
Ok	Chivy	City of Boston	MCPPO
Ottaviani	Margaret	City of Framingham	MCPPO
Pelletier	Daniel	Town of Harwich	MCPPO
Peznola	Theresa	Town of Andover	MCPPO
Remy	Jordan	Town of Swansea	MCPPO
Saraceno	George	Town of Wellesley	MCPPO
Schrade	William	City of Pittsfield	MCPPO
Scully	John	Office of the Comptroller	MCPPO
Spurr Knight	Julie	City of Newburyport	MCPPO
Talevi	Robert	Boston Parks & Rec. Dept.	Assoc. MCPPO (DCC)
Tarara	Nicholas	Town of Orange	MCPPO
Waters	Graham	Town of Raynham	MCPPO
Weston	Elaine	Town of Carver	MCPPO



## Spring MCPPO Schedule Information

The MCPPO program is pleased to offer the following classes during the 2021 spring session. All spring classes will be online. Additional information about classes (cost, credits earned, etc.) and registration forms are available [here](#). Class registration closes two weeks before the class start date. Classes are filling up, so be sure to register soon. Please feel free to call (617) 722-8884 or email [MA-IGO-Training@state.ma.us](mailto:MA-IGO-Training@state.ma.us) with any questions. Please note that class offerings are subject to change. We look forward to seeing you in class!

### MCPPO DESIGNATION AND RENEWAL CLASSES

<b><i>Public Contracting Overview (PCO)</i></b>	March 15, 16, 17 April 13, 14, 15 May 4, 5, 6
<b><i>Design and Construction Contracting</i></b> Prerequisite: PCO	March 23, 24, 25 April 20, 21, 22
<b><i>Supplies and Services Contracting</i></b> Prerequisite: PCO	April 5 – June 6 May 25 – July 25
<b><i>MCPPO Designation Renewal</i></b> Prerequisite: Valid MCPPO Designation	May 25, 26

### MCPPO ELECTIVE CLASSES

<b><i>Cybersecurity 101: Addressing Threats to Local Government</i></b>	March 9
<b><i>Chapter 30B: Exemptions &amp; Exceptions (NEW)</i></b>	April 6
<b><i>Invitations for Bids/Requests for Proposals</i></b> Prerequisite: PCO	April 7
<b><i>Running a Successful Procurement Office</i></b>	April 8
<b><i>Diversity &amp; Inclusion in Procurement (NEW)</i></b>	April 27
<b><i>Charter School Procurement</i></b>	April 28, 29
<b><i>Contract Administration</i></b>	May 18
<b><i>Chapter 30B Terms, Misconceptions &amp; Practices</i></b>	May 20
<b><i>Real Property Transactions under M.G.L. c. 30B</i></b>	May 24 – June 27
<b><i>Prevailing Wisdom—Confronting Potential Pitfalls and Applying Solutions on Prevailing Wage and Public Construction Projects Online</i></b>	June 8
<b><i>Spotlight on Schools</i></b>	June 29

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*Spring MCPPO Schedule Information (continued)***MSBA CLASSES**

*Certification for School Project Designers & Owner's Project Managers (MSC)* June 9, 10, 16, 17

*Recertification for School Project Designers & Owner's Project Managers* March 18  
*Prerequisite: MSC* June 3

**TRAINING WEBINARS**

*Project Management for Municipal Construction and Chapter 90 Projects (NEW)* March 9

*Boards & Commissions: Know Your Responsibilities* March 20  
 (Saturday Morning)

*Procurement Best Practices for Sewer Systems* March 30

*Sustainable Procurement (NEW)* March 31

*Fraud Awareness* April 21

*How to Detect Fraud in Financial Statements (NEW)* April 29



**MCPPO**  
 Excellence in Public Procurement

The Massachusetts Certified Public Purchasing Official (MCPPO) Program provides training for public employees to promote good government.

# Contact and Subscription Information



## Contact the Massachusetts Office of the Inspector General

One Ashburton Place,  
Room 1311, Boston, MA 02108

### Phone

- Main Office (617) 727-9140
- Fraud, Waste and Abuse Hotline (800) 322-1323
- MassDOT Fraud Hotline (855) 963-2580
- MCPPO Training (617) 722-8884
- Chapter 30B Assistance Hotline (617) 722-8838
- Media Inquiries (617) 722-8822

### Fax

- (617) 723-2334

### Email

- Main Office  
[MA-IGO-General-Mail@state.ma.us](mailto:MA-IGO-General-Mail@state.ma.us)
- Fraud, Waste and Abuse Hotline  
[IGO-FightFraud@state.ma.us](mailto:IGO-FightFraud@state.ma.us)
- MassDOT Fraud Hotline  
[MassDOTFraudHotline@state.ma.us](mailto:MassDOTFraudHotline@state.ma.us)
- Chapter 30B Assistance Hotline  
[30BHotline@state.ma.us](mailto:30BHotline@state.ma.us)
- Training/MCPPO Inquiries  
[MA-IGO-Training@state.ma.us](mailto:MA-IGO-Training@state.ma.us)
- Employment Inquiries  
[IGO-Employment@state.ma.us](mailto:IGO-Employment@state.ma.us)

## MCPPO Class Information



To view the current MCPPO class schedule or to register for a class electronically, click the links below. If you have any other questions, please contact us at (617) 722-8884.

- [Class schedule](#)
- [Class registration](#)

### Internal Controls for Remote Work

- Stay in regular touch with your employees
- Request daily/weekly updates on ongoing tasks
- Ensure that employees have sufficient assignments that they are able to complete while working remotely
- Consider options such as teleconferencing to enhance collaborative efforts

## Subscribe to the *OIG Bulletin*

The Office of the Inspector General publishes the *OIG Bulletin* (formerly the *Procurement Bulletin*) on a periodic basis. There is no charge to subscribe. To receive the *OIG Bulletin* electronically, please send an email containing your first and last name to [MA-IGO-Training@state.ma.us](mailto:MA-IGO-Training@state.ma.us).

Learn about the Office of the Inspector General's investigations into fraud, waste and abuse of public funds and public property.

