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OIG BULLETIN

Official Newsletter of the Office of the Inspector General

Greetings,

Welcome to the first *OIG Bulletin* of 2022. I look forward to collaborating with you in the months ahead to protect government resources from fraud, waste and abuse and to ensure that public resources go where they are needed most.

Over the last two years, many jurisdictions throughout the Commonwealth received federal funds to respond to the COVID-19 pandemic and its economic consequences. Our Office is here to help jurisdictions use these funds properly. Last month, I created the Pandemic Funding Oversight Unit within the OIG to coordinate our oversight of these important funds. We compiled a list of previous *OIG Bulletin* articles related to the use of federal funds as well as helpful resources from federal agencies, other state agencies and professional organizations. We posted this information on our website. In addition, this spring, the Office is offering free webinars on the American Rescue Plan Act (ARPA), where attendees will learn about eligible uses of ARPA funds, applying Chapter 30B to the use of ARPA funds, complying with federal single audit requirements and more. Please see [page 10](#) for more information about these webinars and other free OIG training opportunities. Also, please see [page 7](#) for guidance from our Office about ensuring effective use of ARPA funds by grant recipients.

In this issue of the *OIG Bulletin*, you will find information about compliance with Chapter 30B during supply chain disruptions, guidance about preventing disability parking placard abuse and updates on new ways to submit MCPPO Designation applications and Chapter 30B questions to our Office. You will also find updates about several recent OIG investigations. For example, our Office worked with other state and federal agencies to investigate Jasiel Correia, the former mayor of Fall River. A jury convicted Correia of defrauding investors and extorting marijuana vendors, and in September 2021, a judge sentenced him to six years in prison and ordered him to pay more than \$800,000 in forfeitures and restitution. Two of Correia's co-conspirators pled guilty and were also sentenced last year. In cooperation with Suffolk County District Attorney's Office and the MBTA Transit Police Department, the OIG worked on another investigation that resulted in criminal charges against three former transit police officers for allegedly receiving pay for hours they did not work. These are just a few updates that demonstrate the value of investigating fraud, waste and abuse in government spending.

Finally, I want to take this opportunity to recognize Karima Ortolano, our first Justice Geraldine Hines Legal Fellow, who will complete her two-year fellowship in March. In addition to her legal work, Karima developed a new partnership with Boston Partners in Education to provide academic mentoring to Boston Public School students. I also want to welcome our second Hines Legal Fellow, Sam Shepard, who joined the Office this month. We look forward to working with Sam over the next two years.

As always, thank you for reading this issue of the *OIG Bulletin* and for your commitment to good government. Please don't hesitate to reach out if you have any questions or concerns.

Sincerely,

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@mass.gov

Have a Question About Chapter 30B?



Send us an email at 30BHotline@mass.gov

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Recent OIG Investigations

Bridge Contractor to Pay \$55,000 to Settle Allegations of Overbilling

Kodiak Corporation (Kodiak), a bridge and roadway contractor, agreed to pay \$55,000 to resolve allegations that it overbilled the Massachusetts Department of Transportation (MassDOT) for bridge repair and maintenance work. Kodiak also agreed to implement measures to prevent future overbilling. The terms are included in an Assurance of Discontinuance reached with Attorney General Maura Healey and Inspector General Glenn Cunha, filed in Suffolk Superior Court on January 21, 2022.

An investigation by the OIG's Internal Special Audit Unit for MassDOT (ISAU) found that Kodiak overbilled MassDOT under four contracts for bridge repair and maintenance. The Commonwealth alleged that Kodiak charged MassDOT for items it was required to provide at no cost to the state, driving up the cost of the projects. On multiple occasions, Kodiak also double-billed MassDOT by submitting the same invoices for reimbursement more than once. Kodiak does not admit the Commonwealth's allegations.

The OIG's Civil Recovery Unit, in collaboration with the Attorney General's False Claims Division, handled the settlement negotiations and civil recovery. In addition to paying \$55,000, Kodiak must designate a contract manager to ensure that Kodiak only bills MassDOT for allowable expenses going forward and to train Kodiak employees about billing. Kodiak must also immediately notify MassDOT if it discovers any unallowed billing or overpayment. These measures will remain in effect for five years.

Independent Arbitrator Corroborates OIG's Findings about Methuen Police Union Agreement

On January 7, 2022, an arbitrator ruled that a contract raising the pay of Methuen's top-ranking police officers by as much as 183 percent was not binding on the city.

The arbitrator found the union's chief negotiator, Police Captain Gregory Gallant, inserted language into the final draft contract that the parties never agreed to during negotiations. The arbitrator also found that Police Chief Joseph Solomon, who was on the city's negotiating team, knew about Gallant's changes but

never informed city officials. The then-mayor, Stephen Zanni, signed the contract without verifying that it reflected the terms he negotiated.

The arbitrator's findings paralleled those published by the Office of the Inspector General (OIG) in a December 2020 report, which found that superior officers would get raises of between 35 and 183 percent under the terms of the contract. The arbitrator's ruling upheld the city's decision not to pay the excessive salaries. For more information, see the [Office's report](#) on the Methuen police contract.

Former Transit Police Officers Pay Restitution for Time Theft

Following a joint investigation by the OIG, MBTA Transit Police Department and Suffolk County District Attorney's Office, two former Transit Police officers were placed on pre-trial probation and have paid approximately \$12,000 in restitution to the MBTA in connection with receiving pay they did not earn.

Kenneth Berg, a former lieutenant with the MBTA Transit Police Department, was charged in Boston Municipal Court (BMC) with larceny in connection with receiving \$8,460.97 in pay for hours he had not worked. On December 22, 2021, a BMC judge ordered Berg to repay the MBTA and to serve three months of pre-trial probation.

Jason Morris, a former lieutenant with the MBTA Transit Police Department, was charged with larceny in connection with receiving \$4,354.55 in pay for hours he never worked. On December 10, 2021, a BMC judge ordered Morris to repay the MBTA and placed him on three months of pre-trial probation.

Former MBTA Transit Police Sergeant Michael Adamson was also charged with larceny for allegedly collecting pay for hours he did not work. Adamson's case is still pending.

All defendants are presumed innocent until proven guilty.

Taunton Man Charged with Pandemic Unemployment Fraud

On October 19, 2021, federal authorities arrested a Taunton man on charges alleging he filed fraudulent

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Recent OIG Investigations (continued)

claims to obtain Pandemic Unemployment Assistance funds and made false statements to get a mortgage.

Clark Grant was charged with one count of wire fraud and one count of making a false statement on a loan application. The arrest resulted from a federal-state investigation involving the Massachusetts OIG, the U.S. Postal Inspection Service, the U.S. Department of Labor Office of the Inspector General and the Internal Revenue Service's Criminal Investigations Division.

Grant allegedly filed a fraudulent application to obtain \$67,950 in Pandemic Unemployment Assistance funds between May 2020 and September 2021 while working and collecting pay from his full-time job. Between May 2021 and July 2021, Grant allegedly made false statements to a mortgage lender in connection with a \$410,000 mortgage loan.

Grant is presumed innocent until proven guilty.

Former CEO Charged with Stealing \$1.5 Million from Shelter Provider

On September 27, 2021, a Suffolk County grand jury indicted Manual Duran, the former chief executive officer of Casa Nueva Vida, Inc. (CNV), a non-profit organization that operates shelters for families experiencing homelessness, for allegedly embezzling nearly \$1.5 million from the organization. Duran's indictment began with an anonymous tip to the OIG's Fraud Hotline, which led to a joint investigation by the OIG and the Massachusetts Attorney General's Office (AGO).

The grand jury indicted Duran on three counts of larceny over \$1,200 by scheme, four counts of perjury and two counts of false entries in corporate books. The indictment alleges that from 2012 through May 2021, Duran stole nearly \$1.5 million from CNV. CNV receives almost all of its funding through contracts with the Commonwealth to provide emergency housing assistance to families in Boston and Lawrence who are experiencing homelessness.

The criminal charges against Duran are pending in Suffolk Superior Court. He is presumed innocent until proven guilty.

Former Fall River Mayor Found Guilty of Fraud and Extortion, Sentenced to Six Years in Prison and Ordered to Pay \$878,000

On May 14, 2021, jurors convicted Jasiel F. Correia II, the former mayor of Fall River, of fraud, extortion and other charges in federal court in Boston. The charges resulted from a joint investigation by federal and state agencies, including the Massachusetts OIG.

Correia had been indicted in 2018 for defrauding investors in SnoOwl, a software application company he founded, for allegedly using a majority of investors' money on vacations, entertainment and other personal expenses. A 2019 indictment leveled additional charges against the then-mayor, accusing him of extorting payments from people seeking approvals to open marijuana dispensaries in Fall River.

Following a 3-week trial, jurors convicted Correia on 21 of 24 counts, including extortion, extortion conspiracy and wire fraud.

On September 21, 2021, although dismissing 10 of the convictions, a federal court judge sentenced Correia to 6 years in prison, followed by 3 years of supervised release, for 11 of the criminal charges, including extortion and wire fraud. In addition, the judge ordered Correia to forfeit \$566,740 to the government and pay \$311,340 in restitution to four SnoOwl investors.

Two of Correia's Co-conspirators Sentenced for Extortion

Two associates of former Fall River Mayor Correia were sentenced in federal court in Boston for their roles helping Correia extort money and property from business owners seeking to open licensed marijuana dispensaries in the city.

Defendant Antonio Costa pled guilty in September 2019 to two counts of extortion, two counts of extortion conspiracy and one count of lying to federal agents. On June 28, 2021, Costa received a sentence of 3 years of probation, with the first 15 months spent under home confinement with electronic monitoring. The judge also ordered Costa to forfeit \$107,550 and pay a \$10,000 fine.

Defendant Hildegar Camara pled guilty in September 2019 to two counts each of extortion, extortion conspiracy and making false statements to federal investi-

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Recent OIG Investigations (continued)

gators. On July 21, 2021, the judge sentenced Camara to 3 years of probation, including 18 months of home confinement and 150 hours of community service per year while he is on probation.

The U.S. Attorney's Office prosecuted these cases. The charges resulted from a joint investigation by federal and state agencies, including the Massachusetts OIG.

Former State Troopers Repay over \$126,000 for Unworked Overtime

In July and August 2021, the OIG and the AGO reached settlements with nine former Massachusetts State Police (MSP) troopers to repay the Commonwealth a total of \$126,610 for overtime they allegedly did not work. The troopers (Stephen Mihalek, Carlos Nunez, Keith Sweeney, Kevin Maple, Sean Hoye, Raymond Thompson, James Canty, Christopher Kudlay and John O'Grady) were members of the MSP's now-disbanded Troop E, which patrolled the Massachusetts Turnpike. With these settlements, the Office recovered over \$236,000 in 2021 from former MSP troopers for unworked overtime.

Transit Police Retirees Overpaid by More Than \$470,000

On May 24, 2021, the OIG published a letter detailing its review of allegations that the MBTA Police Association Retirement Plan overpaid benefits to several retirees. During the investigation, the OIG found that the Retirement Plan had overpaid 24 retirees \$470,217 in supplemental and disability retirement benefits.

The OIG determined that the Retirement Plan overpaid the retirees because it had poor internal controls and no system to track and terminate payments when retirees were no longer eligible. When the new executive director of the Retirement Plan discovered the overpayments, she put controls in place to ensure the plan pays the correct retirement benefits going forward. The Retirement Plan also entered into repayment plans with the retirees who received the overpayments.

MCPPO Designation Application Now Available Online

Are you interested in applying for or renewing a designation offered by the Massachusetts Certified Public Purchasing Official (MCPPO) program? We are pleased to announce that the MCPPO program has developed an online designation application to streamline the process.

There are now two ways that you can apply for your MCPPO or Associate MCPPO Designation or Designation Renewal:

1. Submit your application online, then pay the processing fee online. **This is the preferred method of submitting your application and payment.** We accept credit cards and electronic checks. (Please note: MasterCard, Visa, Discover and American Express add a 2.79% transaction fee, and electronic checks incur a \$0.35 processing fee.)
2. If you are unable to submit your application and payment electronically, you may download, print and mail the application to us. Be sure to include a notarized CORI form and a copy of your valid, government-issued photo identification. Mail the completed paper application along with a check to:

Office of the Inspector General
ATTN: MCPPO Program
One Ashburton Place, Room 1311
Boston, MA 02108

Checks should be made payable to the Office of the Inspector General. Sending applications and payments through the mail will delay processing. Applications will not be processed until we have received payment.

Please note that we no longer accept applications by email.

If you have any questions about the MCPPO Designation application process or any other MCPPO-related issues, please contact us at MA-IGO-Training@mass.gov.

Combating Disability Parking Placard Abuse

Disability parking placards are an important resource for persons with disabilities, allowing them to park in designated spaces and at parking meters for free. Unfortunately, this convenience and the incentive of free parking can lead to the misuse of placards by individuals not entitled to use them, especially in locations where parking is both limited and expensive. Not only is placard abuse detrimental to persons with disabilities, but it is also illegal and costly to the parking revenue of cities and towns.

The OIG has investigated the misuse of placards over the years, issuing reports in [2013](#) and [2016](#). In 2017, as a result of the OIG's investigations and work with the Registry of Motor Vehicles (RMV), Governor Baker signed into law legislation that increased fines, imposed new civil and criminal penalties and provided additional enforcement and oversight measures regarding placard abuse. See [2017 Mass. Acts. c. 137](#). The new law took effect on July 1, 2018. *Id.* Violators now face loss of disability parking privileges, fines up to \$10,000, license suspension and incarceration. See [M.G.L. c. 90, §§ 2, 24B](#).

More than three years later, however, disability placard abuse remains a problem. The OIG's Internal Special Audit Unit (ISAU) has received nearly 300 hotline calls about placard abuse since 2018. Notably, in 2021, placard abuse calls doubled from the previous year.

Although incidents of placard abuse seem to be increasing, so is enforcement of penalties against those who violate the law. According to RMV records, the monetary fines for placard violations across the state increased more than 400% over the past 4 years. In 2020 alone, the number of reported violations more than doubled from the year before, to just over 1,700. This figure remained steady in 2021. These enforcement trends are encouraging and critical to making accessible parking available for people who truly need it.

To ensure that disability placard abuse continues to be reported and penalized, municipalities may take one or more of the following actions:

Set Up a Commission on Disability

Establishing a Municipal Commission on Disability

Step 1: Adopt [M.G.L. Chapter 40, § 8J](#) through a town meeting or city council vote.

Step 2: Set up a bank account for COD. The account must be separate from other town or city bank accounts.

Step 3: Appoint members. By law, a COD must have 5-13 members, a majority of whom must be people with disabilities.

Pursuant to [M.G.L. c. 40, § 8J](#), a city or town may establish its own Commission on Disability (COD). A commission can perform a variety of functions, such as ensuring compliance with disability laws and regulations, coordinating accessibility projects and making recommendations about policies and services. The [Massachusetts Office on Disability](#) supports municipal CODs and provides [guidance](#) on their establishment. Cities and towns that establish a COD are authorized to allocate the funds received from disability parking violations to the commission. See [M.G.L. c. 40, § 22G](#). Therefore, enforcing disability parking laws not only benefits placard holders by ensuring they have access to parking, but the additional funding can also support programs and services aimed at improving the quality of

life for people with disabilities. For example, town CODs have used funding from disability parking violations for sidewalk repairs to improve wheelchair accessibility.

Examples of Disability Placard Abuse

- Using an expired placard
- Making a counterfeit placard
- Photocopying or altering an existing placard
- Using someone else's placard
- Parking in a disabled parking spot when the placard holder is not present
- Using a deceased person's placard

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Combating Disability Parking Placard Abuse (continued)

Join the Placard Abuse Task Force

Education and collaboration, along with local community outreach, are helpful tools in preventing and detecting placard abuse. In 2013, the RMV created the Placard Abuse Task Force, a multi-jurisdictional group intended to share best practices on fraud reporting procedures and discuss ways to increase placard training for partners in law enforcement and members of local CODs. The task force is currently comprised of stakeholders at the state and local level, such as the RMV, OIG, commissions and offices on disability, and local law enforcement. Stakeholders interested in becoming a member of the task force should contact RMV Director of Medical Affairs, Corrine Steller at (857) 368-7150 or corrine.w.steller@dot.state.ma.us.

Disseminate Information about Disability Placard Abuse

We encourage jurisdictions and agencies to circulate the [flyer](#) created by the Placard Abuse Task Force to increase awareness of the laws concerning disability placards. Additionally, the RMV recently updated their [instructional fact sheet](#), entitled “Do’s and Do Not’s of Disabled Parking.” These documents contain useful information regarding the appropriate use of placards.

Contact Our Office if You Suspect Placard Abuse

Anyone can call or email the OIG’s confidential MassDOT Fraud Hotline to report suspected placard abuse. When reporting disability parking abuse, please provide as much of the following information as possible: the location, the day and time, the vehicle’s license plate number, a description of the person allegedly abusing disability parking and an explanation of why you believe it to be abuse.

For inquiries regarding lost or stolen placards, placard applications or returning a placard, please contact RMV Medical Affairs.

MassDOT Fraud Hotline

(855) 963-2580

MassDOTFraudHotline@mass.gov

RMV Medical Affairs

(857) 368-8020

Ensuring Effective Use of ARPA Funds by Grant Recipients

The American Rescue Plan Act (ARPA), enacted in March 2021, provides state, county, local and tribal entities across the country with billions in federal aid to respond to the public health and economic effects of the COVID-19 pandemic. Massachusetts jurisdictions received over \$25 billion through ARPA.

The prevention and detection of fraud, waste and abuse of public funds – always an important issue for government entities – is even more critical now that jurisdictions are receiving billions of additional dollars in ARPA funding. To promote accountability, ARPA includes requirements for the administration, monitoring and reporting of funds. Additionally, ARPA funds are subject to oversight by certain state and federal agencies, including the Massachusetts OIG.

Government entities that have received ARPA funding may be able to award grants to third parties. For example, the city of Boston used ARPA fiscal recovery funds to award more than \$3.4 million in grants to 192 local arts and cultural organizations. ARPA rules may impose additional reporting requirements for grants made to third-party employers, including public disclosure of grants provided.

Jurisdictions should build on these federal requirements to ensure that grant recipients spend grant money appropriately by implementing their own comprehensive monitoring and reporting policies. Insufficient reporting

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Ensuring Proper Use of ARPA Funds (continued)

requirements or processes, or lack of attention to grant administration, can lead to a wide range of negative results, including project mismanagement, inappropriate use of funds and failure to comply with legal requirements. However, jurisdictions can take actions to ensure that grantees use ARPA funds in accordance with grant agreements. To promote appropriate and effective use of ARPA funds, jurisdictions should:

- Identify and understand the intended uses of the funds in the grant award agreement. Incorporate by reference any federal rules that apply to the grant award.
- Maintain open and direct communication with grantees.
- Require regular and thorough reporting from grantees relating to expenditures.
- Tie grant disbursements to deliverables, milestones or other reportable actions when possible.
- Track and maintain records of all grant-related documents, including communications, receipts and invoices.
- Include a right-to-audit clause in grant agreements. A right-to-audit clause allows a jurisdiction to request documents and engage in an active review process.
- Establish attainable program goals and targets, and understand which expenditures are allowable under federal law.
- Implement internal controls to prevent fraud, waste and abuse.

To facilitate grant management, jurisdictions should develop clear expectations for grant programs and include this language in grant awards. Jurisdictions should also develop evidence-based methods of measuring performance and project goals to make sure that grantees meet those expectations. By regularly monitoring key performance indicators and tying grant payments to measurable standards, jurisdictions can determine which projects are working well and which require additional attention. Additionally, establishing and maintaining open communication with grantees regarding grant requirements and expectations will help lead to successful project completion.

Failure to implement sound grant monitoring policies that ensure proper use of ARPA funds can result in recoupment of funds by the federal government. However, developing comprehensive monitoring policies, measuring project performance and conducting grantee audits can help jurisdictions reduce fraud, waste and abuse. These practices will also ensure that ARPA funding is used for its intended purpose: helping communities recover from the devastating health and economic impacts of the COVID-19 pandemic.

Red Flags for Fraud in the Workplace

- Willingness to cut corners or be deceptive
- Sudden changes in personal spending
- Defensiveness when questioned about decisions or business practices
- Ability of one individual to make decisions without knowledge or approval of another person or group

Procuring Supplies during Market Disruptions and Supply Chain Delays

Over the past few months, delays in global supply chains and other market disruptions have affected us all. At the state and local level, supply chain challenges have hindered the ability of procurement officials to obtain the supplies their jurisdictions need. However, it is important to be aware that [Chapter 30B, the Uniform Procurement Act](#), remains in effect, and jurisdictions cannot ignore its requirements because of supply chain delays. If you are having trouble procuring supplies that your jurisdiction needs, you may need to adopt a more creative approach to procurement that still conforms to Chapter 30B requirements. The provisions of Chapter 30B are flexible enough to allow your jurisdiction to obtain supplies and services while maintaining the accountability that spending public money demands. The following suggestions may be helpful for local jurisdictions dealing with supply chain issues:

1. **Undertaking a new procurement for needed supplies is always an option.** Having an existing con-

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Procuring Supplies during Market Disruptions (continued)

tract with a vendor does not preclude you from conducting other procurements for the same supplies. To save time and resources, however, we recommend that you consider using statewide contracts or cooperative contracts. See [M.G.L. c. 30B, §§ 1\(c\)](#) (statewide contracts), [22](#) (cooperative contracts). Statewide contracts, available on the Operational Services Division's [website](#), are deemed to comply with Chapter 30B. Therefore, you do not need to conduct your own competitive procurement process when using a statewide contract. The same applies to cooperative contracts, which are contracts that an in-state or out-of-state political subdivision, or federal or state agency, has already competitively procured.

2. **Using smaller contracts for a particular supply may be another way to get the supplies you need despite market disruptions.** Entering into contracts for the short term or for a smaller quantity may decrease risk from fluctuating markets or supply chain issues. Seeking smaller contracts does not constitute bid splitting unless your intention is to evade Chapter 30B requirements. See [M.G.L. c. 30B, § 11](#) ("No person shall cause or conspire to cause the splitting or division of any procurement, specification, invitation for bids, request for proposals, proposal, solicitation, or quotation for the purpose of evading a requirement of this chapter."). For instance, splitting purchases into smaller contracts that only require price quotations to avoid the competitive bid dollar threshold would be a violation of Chapter 30B. However, dividing purchases for legitimate and verifiable business reasons is acceptable under Chapter 30B. If you are concerned that your actions may be perceived as bid splitting, we strongly advise you to include a written explanation of your reasons for dividing purchases in your procurement file.
3. **You can unbundle related purchases into separate procurements, even if you typically bundle such purchases together.** Although bundling purchases can lower procurement costs, you will not violate Chapter 30B by unbundling your purchases. For example, you can purchase paper clips separately from copy paper; Chapter 30B does not require you to purchase all of your office supplies together. It may be easier to buy these supplies together when not faced with supply chain issues. In these uncertain times, however, when a single vendor may not be able to deliver all the items you

need, unbundling your purchases may be a better option.

4. **Finally, consider whether you really need a particular supply right now.** Can your purchase wait until markets stabilize? Can you seek out an acceptable alternative that might be more readily available? For example, if you are seeking to replace broken equipment, could you pay to repair it instead?

Of course, Chapter 30B does allow for emergency procurements when complying fully with the statute would endanger the health or safety of people or their property. See [M.G.L. c. 30B, § 8](#). However, market disruptions and supply chain issues on their own do not constitute an emergency.

It is important to note that a vendor's inability or refusal to comply with the terms of a contract is not necessarily a Chapter 30B issue. It is a potential breach of contract, and you need to consult with legal counsel to determine the best course of action for your jurisdiction if that occurs. Also, remember that even if you are sympathetic with the challenges faced by a vendor, you cannot change the terms of an already executed contract by accepting higher prices (unless the contract expressly allows it) or by altering the contract's scope because of supply chain issues. Doing so would undermine the process that Chapter 30B requires to obtain the best, most competitive prices.

The current market and supply chain issues require thinking outside of the box. The options outlined above may create more work for your procurement staff. However, ignoring Chapter 30B is not an advisable option, either legally or financially, and failing to follow Chapter 30B will not make supply issues go away. Remember why Chapter 30B exists: not to impose rules for the sake of rules, but to create basic controls that ensure accountability, transparency and integrity regarding the expenditure of public funds. Taking advantage of the flexibility inherent in Chapter 30B by following the recommendations above will help you get the best price for your jurisdiction even in these uncertain times.

If you have Chapter 30B questions, our Office is here to help. Our Chapter 30B Technical Assistance Hotline is available by calling (617) 722-8838, by emailing 30BHotline@mass.gov or by filling out our [online form](#).

Free MCPPO Seminars

The MCPPO program is pleased to offer several free webinars during the spring of 2022. There are no prerequisites, and these trainings are open to all. Class descriptions and schedule information are below. You can register [online](#). Note that registration closes two weeks before the webinar. Login details will be emailed to all participants. Please feel free to contact the MCPPO program with questions by phone at (617) 722-8884 or by email at MA-IGO-Training@mass.gov. We look forward to seeing you in class!

ARPA Training

ARPA has brought millions of public dollars to cities, towns and other public entities to respond to the COVID-19 pandemic and its economic consequences. This training will give an overview of eligibility rules for fiscal recovery funds, limits on the use of ARPA funds and reporting requirements. Participants will also learn about applying Chapter 30B to ARPA funds, using collaborative and cooperative contracts, and complying with federal single audit requirements.

Length: 90 minutes

Dates/Times:

- March 24, 2022, 2:00 p.m. – 3:30 p.m.
- May 19, 2022, 2:00 p.m. – 3:30 p.m.
- June 15, 2022, 10:00 a.m. – 11:30 a.m.

Fraud Awareness

Learn the basics of fraud awareness and how you can help protect your organization from fraud, waste and abuse.

Length: 60 minutes

Date/Time: May 4, 2022, 2:00 – 3:00 p.m.

Public Sector Ethics

Ethics is a frequently used word, particularly in government. This training will look at the concept of ethics using real-life examples and case studies to answer the question of whether ethical behavior is practicable and achievable. This training will also outline what role ethics has for government employees and programs.

Length: 2 hours

Date/Time: May 23, 2022, 10:00 a.m. – 12:00 p.m.

Preventing Common Frauds and Scams

Unfortunately, municipalities are frequent targets for fraudsters and scammers. This training will cover some simple ways that your city or town can protect itself from telemarketing scams and other fraud. Using real-world examples from a recent OIG investigation, this training will cover “red flags” to watch out for, how following Chapter 30B can protect jurisdictions from scams and other ways your municipality can keep from becoming a victim.

Length: 60 minutes

Date/Time: June 7, 2022, 10:00 a.m. – 11:00 a.m.

Chapter 30B Technical Assistance Form Now Available Online

The OIG’s Chapter 30B Technical Assistance team is here to answer your questions about public procurement and to help you understand, analyze and apply the provisions of the [Uniform Procurement Act, Chapter 30B of the Massachusetts General Laws](#).

You can now submit Chapter 30B questions to the team by filling out our new online Chapter 30B Technical Assistance Form. Using this form to request assistance online helps our Office provide you with accurate information and guidance tailored to your specific question as promptly as possible.

If you have any questions related to Chapter 30B, you can complete and submit the form to us [online](#). You can also continue to contact us about your Chapter 30B questions by calling and leaving a voicemail at (617) 722-8838 or emailing 30BHotline@mass.gov. Please note, the Chapter 30B team is available 8:30 a.m. to 4:30 p.m., Monday through Friday. OIG staff members generally respond to questions within one business day.

We look forward to assisting you.

Frequently Asked Questions

Q: Is the purchase of road salt exempt under Chapter 30B?

A: No. Chapter 30B does not list road salt as an exemption. See [M.G.L. c. 30B, § 1\(b\)](#). Therefore, jurisdictions must follow the procedural requirements of Chapter 30B when purchasing road salt. However, [Section 13 of Chapter 30B](#) states that road salt is an exception to the statute's 25% rule. See *id.* at § 13(4). Although Chapter 30B generally prohibits increasing the total quantity of supplies or services purchased under a contract by more than 25%, the statute includes an exception for contracts for certain supplies, including gasoline, fuel oil, road salt and other ice and snow control supplies. *Id.* This means that Chapter 30B permits jurisdictions to purchase additional road salt from a vendor under contract beyond the 25% limit that typically applies. Remember, however, that certain other conditions must be met if a jurisdiction is going to exceed the 25% limit: (1) the unit price must remain the same or less; (2) the procurement officer must specify in writing that the increase is necessary and more economical than procuring a new contract; and (3) both parties must agree to the increase in writing. See *id.* at § 13(1-3).

Q: Our town would like to use a real estate broker to sell a municipal building. Instead of using the procedures in Section 16 of Chapter 30B, can we hire a real estate broker to handle the sale?

A: Your town may hire a real estate broker to handle the sale, but you must still follow the procedures set forth in [Section 16 of Chapter 30B](#) for the disposal of real property. You must declare the property available for disposition and specify the reuse restrictions on the property, if any. M.G.L. c. 30, § 16(a). In addition, you must determine the value of the property through procedures customarily accepted by the appraising profession. *Id.* at § 16(b). If the property is valued at more than \$35,000, you must solicit proposals. *Id.* at § 16(c). Chapter 30B also requires that you advertise the solicitation of proposals in a local newspaper for at least two weeks. *Id.* at § 16(d).

It is also important to note that using a real estate broker is a "service" as defined by Chapter 30B. See *id.* at

[§ 2](#). Therefore, you must conduct a procurement in accordance with Chapter 30B requirements for the anticipated price of the broker's services. For example, if the anticipated broker fee is between \$10,000 and \$50,000, you must solicit three written quotes. *Id.* at [§ 4](#). If you anticipate the broker's fee to be more than \$50,000, you must use an invitation for bids or request for proposals to procure professional services to sell the property. *Id.* at [§§ 5-6](#).

Q: My school district has surplus radio equipment that it would like to donate to a local non-profit organization. Does Chapter 30B apply to this transaction?

A: Yes. Chapter 30B sets forth the process by which a jurisdiction must dispose of supplies that are no longer useful to the jurisdiction but have resale value.

If your jurisdiction decides to dispose of surplus supplies at less than fair market value to a 501(c)(3) non-profit organization, your jurisdiction's governing body must approve the disposal by majority vote. See [M.G.L. c. 30B, § 15\(g\)](#). We recommend that you speak with legal counsel to ensure the donation does not violate the Anti-Aid Amendment to the Massachusetts Constitution. See [MASS. CONST. amend. art. 18, as amended by arts. 46 and 103](#). You should also verify the charitable status of the organization with your legal counsel, the Internal Revenue Service or the Public Charities Division of the Massachusetts Office of the Attorney General.

If you choose not to donate the supplies to a non-profit organization, and the supplies are valued at \$10,000 or more, Chapter 30B requires that your jurisdiction dispose of the supplies through competitive sealed bids, public auction or established markets. See [M.G.L. c. 30B, § 15\(b\)](#). If the supplies are valued at less than \$10,000, you must dispose of the supplies by following the written procedures your jurisdiction has established for surplus supplies disposal. *Id.* at § 15(f). These written procedures must be in place prior to disposing of the supplies. For additional information about the disposal of surplus supplies, please see Chapter 7 of [The Chapter 30B Manual](#).



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