



# OIG BULLETIN

*Official Newsletter of the Office of the Inspector General*



Good day:

As I begin the second year of my term as Inspector General, I continue to feel energized and excited about working with each of you - my colleagues across the Commonwealth on the state and municipal level - to make government work better. This is a rare opportunity and unique role and one for which each day matters.

Meeting with local officials in their communities to understand how the Office of the Inspector General (OIG) can be a stronger partner in prevention, education and training has helped me to be a more thoughtful IG. I have spoken with key leaders across all branches and levels of government (if I have not knocked on your door yet - fear

not - I shall!) to improve how the OIG can assist and serve as a resource to our government partners. As IG, I strive to listen and understand how this agency can make your daily work easier while also remaining true to our mission to protect public dollars and assets from fraud, waste and abuse. At the same time, I also understand that the other part of our role involving compliance and investigations is a necessary counterbalance. Studies show deterrence works.

Therefore, we continue to work to find the right balance between education/training and compliance/investigations. Within our compliance and investigatory work, we are expanding our proactive efforts to look at new areas of spending, actions subject to less oversight, unique circumstances and situations that may not come to the OIG's attention via hotline complaints and tips alone. To help achieve these goals, I created new healthcare and veterans' services divisions; established a leadership position within the OIG to review past audits and reports for compliance; strengthened MBTA oversight; and further built and developed our team to meet the changing needs of the Commonwealth.

In mid-September, the fall semester of the OIG Academy kicked off. The new name for our training program (formerly called the MCPPO program) better reflects the broad array of training opportunities that promote good government and help prevent fraud, waste and abuse. We remain committed to offering MCPPO designations, along with our gold standard procurement classes and professional credentials. (See [page 11](#) for more information.)

I am excited to share that more than 80 communities have taken advantage of our Fiscal Year 2024 Pilot Program, One Free Designee, which allows every municipality to authorize one employee to complete our three core procurement classes at no cost to their community. After completing those core classes, these students will be eligible to apply for an MCPPO designation, again at no cost. As I have said before, I believe the more people who receive the training to earn a designation, the better equipped our communities will be to manage public resources efficiently. This pilot is a direct result of feedback from local officials during my municipal visits. I hope that the participation levels support a second year.

We have made other changes within the OIG, including the creation of an Operations Bureau. The Operations Bureau is headed by Chief Operating Officer (COO) Katie Verma, with Marcelle Payen

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*Letter from the Inspector General, continued*

servicing as Chief Fiscal Officer and Sarah Hoover serving as Director of Human Resources and Recruitment. Our COO is charged with, among other things, helping us accelerate the adoption of systems and processes driven by technology. This framework will support the rest of the OIG team in focusing on our core mission. We expect that you will see some of these changes in the months ahead.

In September, two long-standing OIG employees retired. Mary Beth Farrelly and Leigh Pell, with 32 and 30 years of OIG service respectively, served with four out of the five Inspectors General. Their work is a testament to the agency and to their commitment to our mission. Congratulations!

This fall I plan to continue my “listening tour” of meetings with municipal and state leaders to position the OIG as a resource and forge partnerships to promote good government.

As always, I am honored to serve as your Inspector General and to work with the dedicated OIG leadership and professional staff, and I welcome your thoughts and ideas. Thank you for reading the *OIG Bulletin*.

Sincerely,



Jeffrey S. Shapiro, Esq., CIG  
Inspector General



On August 31, 2023, IG Jeffrey S. Shapiro (standing, center) and Regulatory and Compliance Director Neil Cohen (standing, far left) met with a U.S. State Department-sponsored delegation from Peru to discuss government oversight.

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## Protect Your Community

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



Fill out our **Fraud Reporting Form**



Send us an email at **IGO-FightFraud@mass.gov**

## Have a Question about Chapter 30B?



Send us an email at **30BHotline@mass.gov**

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# Recent OIG Investigations and Case Updates

## Former MBTA Buyer Pleads Guilty to Bribery, Larceny, Illegal Gratuities and Fraud Charges



On September 25, 2023, Timothy Dockery, a former buyer for the Massachusetts Bay Transportation Authority (MBTA), pleaded guilty in Suffolk Superior Court to multiple charges connected to his job hiring and managing vendors for the MBTA. Dockery engaged in illegal schemes with several vendors, creating fake invoices and accepting illegal gifts.

Dockery pleaded guilty to a total of 13 charges, including 1 count of bribery, 2 counts of procurement fraud, 6 counts of accepting illegal gratuities, 3 counts of larceny and 1 count of conspiracy. He was sentenced to one year in the house of correction, with two years of probation after completion of his sentence. The court also ordered Dockery to pay restitution of \$37,860.

In 2014, the Office of the Inspector General (OIG) began investigating Dockery following a tip to its fraud hotline. The Massachusetts Attorney General's Office (AGO) joined the investigation in 2016. The MBTA fully cooperated and assisted with the joint investigation.

A Suffolk County grand jury first indicted Dockery in 2017. The MBTA suspended Dockery immediately after his first indictment. He was indicted on additional charges a second time in 2017 and a third time in 2018.

As a buyer for the non-inventory purchasing unit of the MBTA, Dockery was responsible for procuring and overseeing contracts related to non-inventory items, such as office supplies and smaller construction contracts.

In one scheme, Dockery worked with a vendor to steal approximately \$38,000 from the MBTA by submitting fake invoices. Dockery instructed the vendor to create fake invoices for funds left over on purchase orders and facilitated payment of the fake invoices. The vendor and Dockery shared the money paid to the vendor by the MBTA.

In addition, Dockery received cash payments from the vendor in exchange for Dockery's assistance securing contracts with the MBTA. Dockery received at least \$60,000 in kickbacks from the vendor under this scheme.

Dockery also received illegal gratuities from two other vendors. Public employees like Dockery are prohibited from receiving gifts of \$50 or more in connection with their official positions. See [M.G.L. c. 268A, § 3](#); [930 CMR 5.05](#). One vendor provided Dockery with high-end tickets to sporting events and concerts worth approximately \$23,000. Another vendor provided Dockery with approximately \$8,000 in lunches and goods, which Dockery used for his personal business.

The OIG conducted this investigation alongside the AGO's White Collar and Public Integrity Division and Financial Investigations Division, as well as members of the Massachusetts State Police assigned to the AGO.

## Former Ware Fire Chief Indicted for Embezzling More Than \$28,000

On August 10, 2023, a Hampshire County grand jury indicted a former fire chief for allegedly embezzling more than \$28,000 from the town of Ware and three regional fire associations.

Former Ware Fire Chief Thomas Coulombe was arraigned on four counts of larceny over \$1,200 in Hampshire Superior Court on September 20, 2023. He allegedly submitted false and inflated reimbursement requests to the town and stole funds from three regional non-profit fire associations. Coulombe entered pleas of not

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*Recent OIG Investigations and Case Updates, continued*

guilty on all counts and will return to court for a pre-trial hearing on February 28, 2024.

After receiving a tip, the OIG conducted an investigation and shared its findings with the Northwestern District Attorney's Office. The Northwestern District Attorney's Office referred the matter to the Worcester District Attorney's Office for prosecution to avoid the appearance of a conflict of interest.

Coulombe served as the fire chief in Ware from 2002 to 2019. The indictments allege that between 2014 and 2019, he submitted reimbursement requests to the town for expenses that he did not incur and that he overstated his expenses with false or altered receipts. As a result of this scheme, Coulombe allegedly stole more than \$3,700 from the town.

While fire chief, Coulombe also served as the treasurer of three regional non-profit fire associations. These associations are funded by area communities and provide training and services to the region. The indictments allege that between 2013 and 2020, Coulombe embezzled more than \$24,000 from these associations while serving as their treasurer.

Coulombe is presumed innocent unless proven guilty beyond a reasonable doubt in a court of law.

## Massachusetts Contractor Pleads Guilty to Tax Evasion and Filing False Loan Applications

On July 13, 2023, Peter Tufts, the owner of a local excavation and plowing company, pleaded guilty to federal charges alleging that he underreported income on his tax returns and obtained loans based on false loan applications. The U.S. Attorney's Office prosecuted the case.

Tufts, the owner of Tufts Construction, Inc., pleaded guilty to one count of tax evasion and two counts of submitting false loan applications. He will be sentenced on October 19, 2023.

The charges alleged that Tufts underreported income on his corporate and personal tax returns for tax years 2015 through 2021, resulting in an income tax loss of more than \$465,000. They further alleged that Tufts used the proceeds of his income tax evasion scheme to fund an off-the-books cash payroll that he used to avoid employment taxes, causing a payroll tax loss of more than \$539,000.

It was also alleged that, while engaging in this tax evasion scheme, Tufts obtained loans from a local bank and from the Small Business Administration (SBA) based on false loan applications. In his loan documents, Tufts falsely told the bank and the SBA that he had never declared bankruptcy, owed no back taxes and was not involved in litigation.

The charges against Tufts were based on an investigation conducted by the U.S. Postal Inspection Service and the Internal Revenue Service, with assistance from the U.S. Postal Inspection Service, OIG; the U.S. Department of Labor, OIG; the Massachusetts Department of Revenue, Criminal Investigations Bureau; and the Massachusetts OIG.

# Purchasing Agricultural Products under Chapter 30B

Governmental bodies subject to Chapter 30B of the Massachusetts General Laws (Chapter 30B) are typically required to solicit three written quotations for the procurement of supplies or services that cost between \$10,000 and \$50,000. [M.G.L. c. 30B, § 4\(a\)](#). However, Section 4(d) of Chapter 30B allows governmental bodies to purchase agricultural products, as defined by the statute and valued at less than \$35,000, from Massachusetts farm operations without soliciting written quotations. *Id.* at [§ 4\(d\)](#). In lieu of soliciting written quotations, jurisdictions must follow sound business practices when purchasing such agricultural products, a less stringent standard that typically applies only to purchases valued at less than \$10,000. *See id.* at [§ 4\(c\),\(d\)](#).



Jurisdictions subject to Chapter 30B must be familiar with the specific requirements of this exception before procuring supplies under it. Specifically, it is important to understand that the exception applies only to “products of agriculture” bought from “Massachusetts farm operations.” *Id.* at [§ 4\(d\)](#). Section 4(d) defines “products of agriculture” to include fruits, vegetables, eggs, dairy products, meats, crops, horticultural products, fish and seafood. *Id.* It also refers to [Section 1A of Chapter 128](#) of the Massachusetts General Laws, which further defines “agriculture” to include “the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, and the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes.” [M.G.L. c. 128, § 1A](#). This definition also includes

keeping horses, bees and fur-bearing animals as well as growing and harvesting forest products. *See id.*

Based on the statutory language highlighted above, the OIG has compiled the following guidance for jurisdictions seeking to procure agricultural products:

1. To procure agricultural products under the Section 4(d) exception, you must procure them from a Massachusetts farm operation. You cannot procure agricultural products from an indirect seller or reseller of Massachusetts farm products like a grocery store or market under this exception.
2. Given the agricultural commodities involved, short-term contracts or one-off purchases are likely. Therefore, multiple, smaller purchases from Massachusetts farmers would not necessarily constitute bid splitting under Chapter 30B. *See* [M.G.L. c. 30B, § 11](#) (prohibiting “the splitting or division of any procurement . . . for the purpose of evading a requirement of” Chapter 30B). For example, your jurisdiction may make separate purchases of fruits and vegetables each month from a local farmer because your needs vary based on growing seasons and the availability of different products. This would probably not constitute bid splitting, even if the total value of all your purchases exceeds \$35,000, because you have legitimate business reasons for making multiple, smaller purchases; you are not dividing the



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**Purchasing Agricultural Products under Chapter 30B, continued**

purchases for the purpose of keeping the cost below the exception’s \$35,000 threshold.

3. Procurements from correctional farm operations are exempt from Chapter 30B requirements because procurements from those programs or facilities would be intergovernmental transactions. See *id.* at [§ 1\(b\)\(3\),\(4\)](#).
4. Remember that you can conduct a Chapter 30B procurement, following the appropriate steps under the requisite threshold, if you want to open the process to farm operations outside the Commonwealth. In other words, you could purchase agricultural products in the \$10,000 to \$50,000 price range (\$10,000 to \$100,000 for municipal or regional school districts) from a farm operation in another state; you would simply have to comply with Section 4(a) of Chapter 30B and solicit three written quotations from vendors who customarily provide those goods. See *id.* at [§ 4\(a\)](#).
5. Finally, as a best practice, make sure that you purchase the agricultural products that you need at the level of quality that you require.



**New OIG Logo**  
Strengthening Our Identity

The Massachusetts Office of the Inspector General (OIG) is an independent state agency with a statutory mission to prevent and detect fraud, waste and abuse in the expenditure of public funds. [M.G.L. c. 12A, § 7](#). The OIG has broad jurisdiction, with oversight of nearly all public resources in the Commonwealth.

Until recently, the OIG used the seal of the Commonwealth as our logo. That seal, however, was adopted in 1898 and does not reflect today’s values of equity and inclusion. In 2022, a special legislative committee voted unanimously to re-



place the official state seal. The committee is now seeking feedback from multiple stakeholders about the redesign.

In addition, while the OIG is part of state government, we do not work for the governor under one of the Commonwealth’s secretariats. We are an independent oversight agency. Using the Commonwealth’s seal as our logo did not adequately convey who we are and what we do.

Therefore, to increase public awareness of the OIG, our mission and the unique oversight role we fulfill in state government, we created a new agency logo, which we use throughout this issue of the *OIG Bulletin*. The new logo is modern and easy to read. Emphasizing both our independence and our integral role in state government, this logo better reflects our mission and our identity.

Our introduction of a new logo also reflects our commitment to clear and accessible communication with the public. As a state agency, we are proud to work on behalf of the people of Massachusetts and are dedicated to engaging with stakeholders to promote transparent and sound use of public resources.

As part of our effort to better convey who we are and what we offer to the public, we also created a new logo and name for our training program. Formerly known as the MCPPO program, the OIG Academy will continue to provide a variety of trainings and classes on public procurement, effective contract administration, fraud prevention and more. For more information on the OIG Academy, including the current class schedule, please see [page 11](#).

# Lessons Learned from the OIG's Investigations of the Abington DPW

The Office of the Inspector General (OIG) recently published a report on the town of Abington's Department of Public Works (DPW). After conducting two investigations, the OIG found that the town violated state procurement laws and lacked internal controls, making the town vulnerable to theft. In its report, the OIG made recommendations to help the town more effectively mitigate future fraud, waste and abuse. Many of these recommendations, summarized below, will also help other municipalities better protect their resources.

## The First OIG Investigation



In 2017, the OIG began its first investigation into allegations of fraud and waste in Abington. This investigation focused on the town's former Highway Department, which merged into the DPW in 2016. The OIG began this investigation in response to a complaint that the town allowed mechanics to undertake personal work in town-owned garages. The OIG shared its concerns about this practice with the town, including concerns about overhead costs, liability and insurance issues, time abuse, inventory theft and conflicts of interest. In response, the town manager sent the OIG a letter outlining the corrective actions the town would undertake.

## The Second OIG Investigation

In 2021, the OIG initiated a second Abington investigation, this one focused on former Abington DPW Assistant Superintendent John Caine, after receiving a complaint alleging that



Caine sold scrap metal collected from town projects to a recycling company without depositing the money with the town treasurer. The OIG found that between 2016 and 2021, the company paid more than \$9,000 in cash to the town for scrap metal. Caine claimed that he used the cash to purchase food and beverages for DPW employees. Because Caine did not keep records of how he used the cash paid by the recycling company to the town, the OIG could not verify that he had used the public funds as he claimed.

The OIG further found that the town had not implemented all the corrective actions it had agreed to undertake in response to the OIG's 2017 investigation, including developing written procedures to govern the sale of surplus equipment. At the time of the investigation, the town had no written procedures governing the sale of surplus supplies valued at less than \$10,000. Therefore, Chapter 30B of the Massachusetts General Laws (Chapter 30B) required Abington to follow the procedures specified in the statute for the sale of surplus tangible supplies. See [M.G.L. c. 30B, § 15](#). These procedures required the town to obtain competitive sealed bids, hold public auctions or use established markets to dispose of surplus equipment. See *id.* at [§ 15\(b\)](#). The town did not follow these requirements in disposing of the scrap metal.

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## Lessons Learned from the OIG's Investigations of the Abington DPW, continued

### Recommendations

When a municipality lacks internal controls and fails to follow public procurement laws, its resources are more vulnerable to fraud, waste and abuse. To address issues uncovered during both investigations, the OIG recommended that the town of Abington take the following actions:

1. Review and update procurement policies to be consistent with Chapter 30B and educate employees on those policies;
2. Adopt policies consistent with Chapter 30B for the disposal of surplus items valued at less than \$10,000;
3. Ensure compliance with policies for the disposal of surplus items, including those valued at less than \$10,000;
4. Ensure compliance with the town's cash turnover process;
5. Review and update internal control policies regarding cash receipts;
6. Train employees handling cash payments about the town's turnover process and internal control policies regarding cash receipts;
7. Ensure that funds appropriated for a specific purpose are used for the stated purpose;
8. Create and maintain an inventory of town-owned vehicles and small equipment;
9. Adopt a written policy prohibiting employees from working on non-town-owned vehicles on town property;
10. Adopt a written policy prohibiting employees' personal use of town equipment;
11. Institute procedures to ensure that oversight or audit recommendations are effectively communicated to new town administrators; and
12. Require the town's procurement-related officials to obtain Massachusetts Certified

Public Purchasing Official (MCPPO) designations.

The OIG encourages all municipalities to review their own policies and procedures to ensure they are in keeping with the above recommendations.

The OIG's full [report](#) on the Abington DPW is available on the OIG's website.



Adobe stock image

## Recurring Problems in MBTA Contracts

As part of its statutorily required analysis of Massachusetts Bay Transportation Authority (MBTA or Authority) privatization contracts, the Office of the Inspector General (OIG) released a report in July detailing its review of the MBTA's in-station customer service contract with Mydatt Services, Inc. (d/b/a Block by Block). The review's findings reiterated the OIG's previous conclusions that the MBTA should improve its procurement, contract development, contract administration, vendor oversight and records retention practices.

The MBTA's goal in executing the Block by Block contract, which ran from July 2017 to September 2022, was to expand its customer service capabilities by staffing MBTA transit stations with Block by Block employees, or "transit ambassadors," who could provide directions, respond to rider questions, and maintain the safety and security of stations. The MBTA also sought to save money, obtain real-time access to

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## Recurring Problems in MBTA Contracts, continued



service-related data through Block by Block's specialized software and make stations more accessible to riders with disabilities.

By comparing Block by Block's invoiced costs to the rates that the MBTA would have paid its own employees for the same level of in-station coverage, the OIG's Internal Special Audit Unit (ISAU) found that the Authority had realized cost savings over the life of the contract. However, while Block by Block expanded in-station customer service to more MBTA stations during the 62-month contract, the ISAU concluded that the contract's actual cost exceeded expected costs by nearly \$5.37 million, an 11.45% margin. That was due, in part, to the MBTA and Block by Block regularly failing to abide by the specified contractual pay rates for transit ambassadors. Further, the MBTA did not adequately account for special service requests to cover events such as Red Sox games or concerts when determining its service requirements at the beginning of each contract period.

More broadly, the ISAU uncovered numerous shortcomings in the MBTA's management of the contract, such as its failure to develop performance metrics, which made it impossible for the ISAU to measure the quality of services that Block by Block delivered or whether the contract was successful in making stations more accessible.

The OIG's report identified opportunities for the MBTA to improve its procurement, contract development and vendor oversight practices. It recommended that the MBTA work to

strengthen elements identified as missing or incomplete in the Block by Block procurement and contract. Among other recommendations, the ISAU urged the MBTA to develop contracts that clearly spell out the entirety of the parties' agreement; obtain and document the necessary approvals for initial contracts and subsequent amendments; and include measurable and realistic contractual performance metrics to ensure adequate vendor performance, with penalties for nonperformance.

Block by Block is the third MBTA privatization contract - along with the Authority's absence management contract with Workpartners and its police dispatch services contract with IXP Corporation - that the OIG has evaluated in accordance with [Chapter 46 of the Acts of 2015](#) (Chapter 46). State law requires the OIG to review MBTA contracts with private companies, executed between 2015 and 2018, for services that are substantially similar to and in lieu of services that agency employees already provide. See [M.G.L. c. 7, § 53](#); [2015 Mass. Acts c. 46, § 196](#). In accordance with this requirement, the OIG must analyze the competitiveness and fairness of the procurement process, the quality of services provided under the contract, the expected and actual contract costs, and the costs and benefits of the engagement. [2015 Mass. Acts c. 46, § 196](#).

The three Chapter 46 reviews completed by the OIG thus far revealed similar themes, demonstrating that the MBTA has had consistent problems in record retention, contract development, contract management and vendor oversight. Because these elements are essential to ensuring that the government receives goods and services it needs at the agreed-upon price and quality, the OIG encourages the MBTA's senior management to review the Block by Block report recommendations, take action to address the identified shortcomings and apply the lessons learned to all of the Authority's contracts.

# Updates on OIG Classes and Trainings

The OIG has lots of important information to share about its training program.

## The MCPPO Program Is Now the OIG Academy

Since 1997, the OIG has offered classes to public officials and other interested individuals through a structured training program.

When Inspector General Robert Cerasoli created the OIG's training program 26 years ago, he set out to educate public employees about procurement. IG Cerasoli believed that such a training program would help to prevent fraud, waste and abuse of government resources by teaching local officials about compliance and best practices in public purchasing. He also realized the importance of creating a program that awarded credentials to public purchasing officials to recognize their expertise and promote professionalism. Hence, the Massachusetts Certified Public Purchasing Official (MCPPO) program and the MCPPO designations were born.

Over the years, Cerasoli's successors - Inspectors General Greg Sullivan, Glenn Cunha and now Jeffrey Shapiro - have expanded the OIG's training program. The program still offers many classes about public procurement as well as credentials for public purchasing officials. Today, however, OIG training program offerings extend far beyond public procurement; we also teach classes about fraud prevention, contract administration, design and construction planning, effective leadership, public sector ethics, diversity and inclusion, responsibilities of public boards and commissions, cybersecurity and more.



To recognize this expanded curriculum, the MCPPO program is now known as the OIG Academy. This name better reflects the breadth of classes that we currently offer.

Because our designations are focused on public purchasing, we will continue to offer the MCPPO Designation and Associate MCPPO Designation to individuals who meet the requirements. These

designations will remain the cornerstone of our training program.

The OIG has a long history of promoting excellence in public procurement in Massachusetts. The OIG Academy continues this legacy, teaching foundational classes about procurement while developing new classes to help public employees safeguard government resources in their critically important work.

We look forward to seeing you in class!

## Our Fall 2023 - Spring 2024 Schedule Is Posted, and Classes Are Underway

Registration is open for the OIG Academy's Fall 2023 and Spring 2024 classes. All classes are virtual for the 2023 - 2024 session. You can view our class schedule [online](#).

Please check our website periodically for updates as the schedule may change, and we expect to add new class sessions, locations and webinars throughout the year.

### MCPPO Designation Core Classes

We are offering multiple sessions of our three core classes: *Public Contracting Overview* (PCO), *Supplies and Services Contracting* (SSC), and *Design and Construction Contracting* (DCC). Students must pass a multiple-choice exam to receive credit for each core class.

- PCO provides an overview of the legal requirements for public contracting by local governmental entities, districts and authorities; we strongly recommend that students complete PCO before taking our other core classes. We are offering this three-day synchronous (live online) class 10 times from October 2023 to June 2024.
- SSC provides an in-depth examination of procurements under the Uniform Procurement Act, Chapter 30B of the Massachusetts General Laws (Chapter 30B). SSC is an asynchronous class; students have five weeks to complete the material at their own pace.

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### Updates on OIG Classes and Trainings, continued

We are offering this class six times from September 2023 to June 2024.

- DCC focuses on design and construction contracting for public buildings and public works projects. We offer two versions of DCC: a blended class and a synchronous class. The blended class consists of a five-week self-paced portion and a one-day live webinar. Students must complete both the self-paced portion and the webinar to obtain credit. We are offering the blended DCC class six times from September 2023 to June 2024.

Students must successfully complete all three core classes to apply for an MCPPO designation.

### OIG Academy Electives

Electives are full-day or half-day explorations of advanced topics including Chapter 30B, construction law, contract administration, procurement fraud and school building projects.

This year, we are offering a new elective, *Prequalification Under M.G.L. c. 149*. Chapter 149 requires most public awarding authorities to undertake a contractor and subcontractor prequalification process before soliciting bids on building projects estimated to cost \$10 million or more. This three-hour class will explain how contractor and subcontractor prequalification differs from certification, provide step-by-step guidance and recommendations on the prequalification process, and highlight key findings from recent state Attorney General opinions concerning prequalification-related bid protests.

### OIG Academy Webinars

Webinars are shorter (1-2 hours) discussions of topics such as American Rescue Plan Act (ARPA) funds, public boards and commissions, fraud awareness, public sector ethics, financial statements, diversity in public procurement and leadership.

Our webinars on ARPA, public boards and commissions, and fraud awareness are free.

### Reminder about Recent Changes Regarding Class Registration and Payment

All students must register for classes using the OIG's [online portal](#). Students cannot register by mail, email, fax or in-person.

We also encourage all students to pay for classes using our [online payment system](#). Online payment is the most efficient and secure way to pay for a class. The OIG no longer accepts checks in-person or by mail to our office location at One Ashburton Place in Boston.

Students who are unable to pay online must send a paper check to the OIG's secure lockbox at one of the addresses below. To pay by check, please complete the [OIG Academy Pay By Check form](#). After you submit the form, you will receive a confirmation email. Print the confirmation email and include it with your check payable to the Office of the Inspector General. Please note that payments sent to the lockbox require additional processing time.

#### **Via standard U.S. Postal Service delivery only:**

COMA Office of the Inspector General  
P.O. Box 411547  
Boston, MA 02241-1547

#### **Via FedEx/UPS/courier/overnight mail or other delivery option:**

Bank of America Lockbox Services  
COMA Office of the Inspector General 411547  
MA5-527-02-07  
2 Morrissey Blvd.  
Dorchester, MA 02125

### One Free Designee Program Information and Updates

Effective July 1, 2023, the OIG is offering every municipality in the Commonwealth free tuition for the three classes required for one employee to receive their MCPPO designation.

To enroll an employee in the program, the municipality's mayor, town manager, town administrator or select board chair must

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### Updates on OIG Classes and Trainings, continued

complete an [online form](#) providing information about the employee who will receive the training and acknowledging that the cost of the training is a factor in obtaining the designation.

The OIG will respond to applications on a first-come, first-served basis.

Since July, the OIG has received more than 100 applications for the One Free Designee program, and we have approved more than 80 applicants.

Please note that only one employee per municipality is eligible to participate in the One Free Designee program. We cannot accept multiple applications for the program from the same municipality or applications that do not include the necessary authorization from the mayor, town manager, town administrator or select board chair.

For questions about the OIG Academy, including class schedules, registration, MCPPO designations and the One Free Designee program, please contact us at [MA-IGO-Training@mass.gov](mailto:MA-IGO-Training@mass.gov) or (617) 722-8884.

Thank you!

## Frequently Asked Questions

**Q: Our town plans to undertake a restoration project for two cemeteries that involves cleaning, restoring and resetting gravestones. Some gravestones may need to be removed to carry out the restoration and then will need to be reinstalled. We estimate the cost will be \$30,000. Is this a Chapter 30B service contract, or does it fall under Chapter 30, § 39M?**

A: It depends on the work that is being conducted. Chapter 30B governs the procurement of supplies and services. [M.G.L. c. 30B, § 1\(a\)](#). [Section 39M of Chapter 30](#) governs contracts for construction, reconstruction, alteration, remodeling or



repairs that do not include work on a building. [M.G.L. c. 30, § 39M\(a\)](#). (The latter are usually public works projects.)

If the cemetery work entails cleaning and minor resetting or replacing of grave markers and headstones without piercing the ground, then a contract for those services procured in accordance with Chapter 30B requirements may be appropriate. Because the estimated cost is in the \$10,000 to \$50,000 range, you would need to use a written purchase description to solicit three written quotations from persons who customarily provide the services you seek. See [M.G.L. c. 30B, § 4\(a\)](#).

However, if you need to remove the markers and gravestones from the ground and then reinstall and solidify them, the work would most likely qualify as a public works project under [Section 39M of Chapter 30](#). Piercing or digging up the ground typically triggers public works procurement requirements, even if most of the overall project is service-related. If the work is a public works project, you would need to use a written scope-of-work to solicit three written responses from persons who customarily perform the work. See [M.G.L. c. 30, § 39M\(b\)](#).

**Q: If a municipality is subject to a ransomware attack where hackers threaten to release employees' personally identifiable information (PII), would procuring services to protect the PII justify an emergency procurement under Chapter 30B?**

A: It depends. Emergency procurements under Chapter 30B are narrowly defined: "[w]henver the time required to comply with

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## Frequently Asked Questions, continued



a requirement of this chapter would endanger the health or safety of the people or their property, a procurement officer may make an emergency procurement without following that requirement.” [M.G.L. c. 30B, § 8](#). In the case of emergencies, the requirement in question therefore is the issue of time. Would the time required to follow the regular procedural requirements of Chapter 30B endanger the health and safety of persons or property? If yes, then an emergency procurement may be justified.

PII may include employees’ addresses, phone numbers, Social Security numbers, credit card numbers and other financial information. You should consult with legal counsel to determine whether the release of employee PII would endanger the health or safety of people or property. If so, then an emergency procurement may be justified under Chapter 30B. *See id.*

Keep in mind that only the procurement of supplies and services that directly address the emergency may be obtained through an emergency procurement. *Id.*

If your municipality determines that it needs to utilize the emergency procurement provision of Chapter 30B, you must document the basis for your determination, the name of the vendor, the amount and type of contract, and a list of the supplies or services purchased under each contract. *See id.* In addition, you must submit this record for publication in the

[Goods and Services Bulletin](#) as soon as possible after the emergency. *Id.*

**Q: My town issued a proposal for the disposition of real property. The property was appraised at \$25,000. We only received one response to our proposal with an offered purchase price of \$15,000. Do we need to accept this offer even though it is lower than expected?**

A: No, Chapter 30B does not require that you accept the offer. Section 16 of Chapter 30B governs real property transactions. For any disposition of property, regardless of value, you are required to declare the property available for disposition and determine the value of the property. [M.G.L. c. 30B, § 16\(a\),\(b\)](#). For property you value at \$35,000 or greater, you must solicit proposals by placing an advertisement in a local newspaper. (If the property is 2,500 square feet or more, you must also place a notice in the [Central Register](#) published by the Secretary of the Commonwealth.) *Id.* at [§ 16\(d\)](#). If you decide to dispose of property at a price less than the appraised value, you must publish notice of that decision in the [Central Register](#), explaining the decision and the difference in value versus disposal price. *Id.* at [§ 16\(g\)](#).



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*Frequently Asked Questions, continued*

Because you appraised the property at less than \$35,000, Chapter 30B did not require you to use a proposal process. See *id.* at [§ 16\(c\)\(2\)](#). You could have used sound business practices to dispose of the property rather than issuing a proposal. However, since you used a proposal process, you now have three options. First, you can reject the offer and reissue the proposal to see if you can obtain a better offer. Second, you can accept this offer if you believe that it is reasonable and that reissuing the proposal is unlikely to result in a different outcome. If you accept the offer, you must publish notice of the decision in the [Central Register](#), explaining the reasons for the decision and disclosing the difference between the appraised value and the price received. See *id.* at [§ 16\(g\)](#). Third, you can reject the offer and hold the property for a future proposal process when market conditions might generate more favorable offers.

**Q: I always thought Chapter 30B caps contract length at three years. My school department disagrees. Who is correct?**

A: It depends. Chapter 30B does not include a cap or other maximum contract limit in the statute. In fact, the statute provides that “a governmental body may enter into a contract for any period of time which serves the best interests of the governmental body; provided, however, that the procurement officer shall include in the solicitation the term of the contract and conditions of renewal, extension or purchase, if any.” [M.G.L. c. 30B, § 12\(a\)](#). However, the statute also includes the following limitation: “Unless authorized by

majority vote, a procurement officer shall not award a contract for a term exceeding three years, including any renewal, extension, or option.” *Id.* at [§ 12\(b\)](#).

Therefore, Chapter 30B requires any contract that may exceed three years to be approved by a jurisdiction’s governing body. So, without the authorization by a majority vote of your jurisdiction’s governing body, a contract cannot exceed three years, including any renewals, extensions or options. However, with a majority vote from your governing body, contracts for supplies or services under Chapter 30B can exceed three years. See *id.*

As a best practice, we recommend that jurisdictions carefully consider the implications of entering into contracts that run longer than three years; your needs, as well as market conditions and prices, may change over time. In addition, it may be challenging to address vendor performance issues under long-term contracts.



# Contact and Subscription Information



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## Attorney General's Office

For questions related to public construction, public works or designer selection, please contact the AGO at (617) 963-2371.



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After 32 years with the OIG and 35 years of state service, CFO Mary Beth Farrelly, pictured here with former IG Robert Cerasoli, retired in September 2023. The OIG thanks Mary Beth for her years of service to the people of the Commonwealth.