PROCUREMENT BULLETIN

Dear Public Officials:

First and foremost, congratulations to our most recent MCPPO designees. The list of new designees can be found in the back of this bulletin. This achievement demonstrates the designees' commitment to conducting open, fair and competitive procurement processes that benefit their jurisdictions and that ensure taxpayer money is spent appropriately. If you are interested in becoming an MCPPO designee – or if you would just like to learn more about public procurement – please see the registration form at the back of this bulletin for a full listing of our upcoming programs.

As many of you know, my office conducts a wide range of investigations and reviews to help detect and prevent the misuse of public funds. Over the past few months, we completed three investigations that highlight why all public entities – including volunteer boards and commissions – must have strong internal controls and must effectively oversee their staff.

In July, our Audit, Oversight and Investigations Division issued a report concerning improper spending by Evan Dobelle, the former president of Westfield State University. Our investigation found that Mr. Dobelle had used credit cards paid for by the University and its affiliated nonprofit, the Westfield State Foundation, for more than \$180,000 in purchases that were exclusively or primarily personal in nature. We also found that Mr. Dobelle knowingly disregarded University and Foundation policies, misled the school's Board of Trustees, abused his authority, exploited public resources for his personal benefit and violated the public trust. As part of our recommendations, we identified the need for the Board of Trustees to more closely monitor the University president's spending and recommended several improvements to the University's internal controls to help prevent the fraud, waste and abuse of public funds.

Also in July, our Internal Special Audit Unit issued its findings from an audit of the official state vehicles that the Massachusetts Department of Transportation (MassDOT) owns and operates. The audit, which focused on the agency's fleet of passenger vehicles, uncovered an overall lack of oversight and effective management, including a lack of formal vehicle management policies. These shortcomings created a haphazard system for purchasing, assigning and using MassDOT passenger vehicles, with virtually no accountability within the agency. The audit also

found questionable vehicle purchases, the misuse of state vehicles to commute to and from work, employees driving state vehicles with expired inspection stickers, and other violations of state laws.

Finally, our Bureau of Program Integrity released its "Review of the Work Program Requirement for Transitional Aid to Families with Dependent Children." The Bureau analyzed how the Department of Transitional Assistance administers the Work Program Requirement, which is a federal mandate to engage recipients of Transitional Aid to Families with Dependent Children (TAFDC) in workrelated activities so that they find employment and achieve economic stability. Unless they are disabled or subject to another exemption, TAFDC recipients must participate in workrelated activities for a certain number of hours per week. The Bureau made recommendations to improve the Department's case screening and tracking through internal controls to ensure that the Department follows state and federal regulations related to the Work Program Requirement.

The common theme in these investigative findings is the importance of internal controls and management oversight to ensure that staff follow relevant policies and procedures with the ultimate goal of the efficient and appropriate use of state dollars. As highlighted in the Westfield State report, the need to exercise management oversight applies even to volunteer boards and commissions. Board members have both a duty and an obligation to oversee and to require accountability from the officials who report to them. The reports can be found on our website at www.mass.gov/ig. We thank our investigative teams for their hard work and dedication regarding these comprehensive investigations.

As always, I thank you for your time and consideration in reviewing the Office's publications and wish you all a wonderful fall season.

Sincerely,

Glenn A. Cunha

Inspector General

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IMPORTANT NOTICE

Please be advised that as of January 1, 2014, there will be a change to our MCPPO Program registration policy. All registration forms must mailed in and accompanied by payment. Registration forms received via fax or email will no longer be accepted. We are working on the ability to have registrations and payment options available online and hope to have that capacity in the future. We thank you for your cooperation and continued support.

8TH ANNUAL MASSACHUSETTS HOUSING INSTITUTE

The Massachusetts Housing Partnership sponsored the 8th Annual Massachusetts Housing Institute, which took place on June 11 and 12, 2014 at Fort Devens. Geared toward suburban and rural communities, the Housing Institute is a two-day intensive workshop that actively engages participants in discussions and problem-solving around issues related to the development of affordable housing. The theme of this year's Housing Institute was "Controlling Your Community's Destiny through Housing." The goal was an understanding of evaluating a community's needs, gaining support for affordable housing, and the



community's role in development projects in their particular city or town. Housing consultant Rebecca Plaut Mautner and two members of the OIG ran a workshop entitled "Best Practices for Drafting a 30B Request for Proposals (RFP)." This interactive session helped attendees to understand what it takes to get the best development for the community while following statutory procurement requirements. The

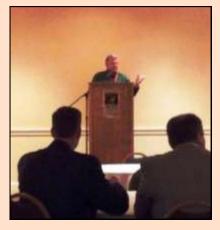


event was very well attended and feedback was extremely positive. Attendees felt they received the tools they needed to go back to their communities and work through a property disposition and development project. We would like to extend our sincere thanks to the Massachusetts Housing Partnership for its invitation to participate in this important educational event.

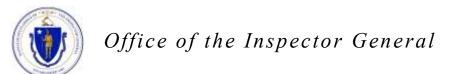
Massachusetts Facilities Administrators Association

Biennial Exposition

The Office of the Inspector General participated in the most recent Massachusetts Facilities Administrators Association's (MFAA) Biennial Exposition held on June 4, 2014, in Sturbridge. Many superintendents, facility directors, business managers and procurement officials, among others, attended the exposition. MFAA President, Ed Cenedella (photo), spoke to the attendees about the MFAA's successful efforts to forge positive relationships with both state and federal agencies. Mr. Cenedella stated, "The MFAA has created an environmental instruction and certification program in conjunction with the U.S. Environmental Protection Agency and has included in its Certified Facility Administrator Program the incentive to complete the Inspector General's designation



for MCPPO, in the Massachusetts Certified Public Purchasing Official Program." The event was a successful collaboration and created productive dialogues between the MFAA, state agencies, several trade associations and vendors.



ALTERNATES

Trying to stretch your budget? Need to test the market? Using ordered alternates could be a helpful tool. Alternates are options or add-ons to your base solicitation item. For example, you issue an Invitation for Bids (IFB) for new school desks. Your market research shows that the desk purchase may use your entire budget. However, you are not sure if it will. You also need bookcases. In such a situation, you may produce specifications that include both desks and bookcases. On your bid sheet, you ask for desk pricing. As a possible alternate purchase, you ask the bidders to supply bookcase prices as well.

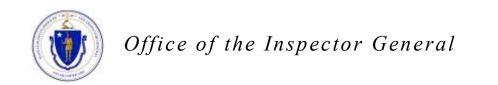


Your IFB should clearly state the requirements for alternate pricing and outline the process you will use to evaluate the bids. When using alternates, you order them in the priority that you will purchase them. You may only purchase the alternates in sequential order. Therefore, in the example above, if your budget allows, you may purchase up to five bookcases from Alternate A. If you have funds remaining after you purchase the bookcases in Alternate A then you may purchase the bookcases in Alternate B. You cannot purchase the items in Alternate B before or in lieu of the items in Alternate A. For example, you cannot purchase two bookcases from Alternate A and three bookcases from Alternate B. The following is a simple example:

Bid Type	<u>ltem</u>	Quantity	Bid Price
Base Bid	Desks (as specified)	25	25 x \$ = \$
	Total Base Bid		\$
Alternate A	Six-shelf bookcases (as specified)	Up to 5	# units x unit price = \$
	Total Base Bid + Alternate A		(Total Base Bid + Alt. A)
Alternate B	Four-shelf bookcases (as specified)	Up to 3	# units x unit price = \$
	Total Base Bid + Alternate A + Alternate B		Total Bid Amount with Both Alternates

By using ordered alternates, you have established a purchasing priority. However, the ultimate choice of whether you want to purchase any of the alternate items is solely up to you and your budget. Even if you have funds available, you are not obligated to purchase an alternate item. Your IFB should clearly state that your decision to purchase any alternate items is contingent upon your budget and discretion.

When using ordered alternates in an IFB, however, it is even more critical to create a clear rule for award in order to preserve the open and fair nature of the procurement. The use of ordered alternates allows you to maximize your buying power while staying within your budget. It is a time-effective manner to procure multiple items because your jurisdiction does not have to wait to receive bids for the first item before issuing an IFB for the additional items you also need to procure.



FREQUENTLY ASKED QUESTIONS RELATING TO PROCUREMENT

Q1: I am the chief procurement officer for a city that needs to purchase new voting machines. Massachusetts law requires jurisdictions to conduct elections using voting equipment approved by the Secretary of State. The Secretary has approved two models of voting machines in the Commonwealth. The anticipated cost of procuring the new machines is more than \$150,000. The voting machines are not available on the statewide contract. How should I procure the approved equipment in compliance with Chapter 30B?

A1: Your city must follow Chapter 30B to procure the voting machines. In this case, the city must use an Invitation for Bid (IFB) or Request for Proposal (RFP), under either section 5 or section 6 respectively, to procure the voting machines because the dollar amount exceeds the requisite \$35,000 threshold. An RFP, rather than an IFB, would give your community the ability to form evaluative criteria geared to the preferences and requirements your city seeks in its voting machines. But either solicitation process is acceptable.

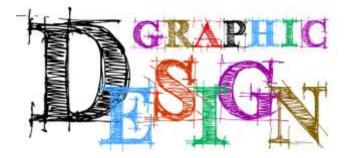
If your city decided to advertise for a specific voting machine by using the brand name, you would need to document for the procurement file that "no other manner of description sufficed" before using that proprietary specification. In addition, you should



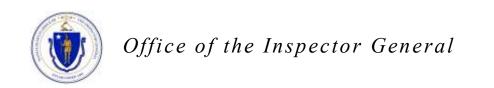
always consult with your city solicitor or counsel whenever you are planning to use a proprietary specification. Finally, remember that should your city decide to use proprietary specifications, you still must follow all required procurement procedures, including advertising, as the use of proprietary specifications does not exempt the procurement from Chapter 30B.

Chapter 30B Hotline: (617) 722-8838

Q2: My town needs to determine whether to use a quote or sealed bid process for printing and graphic design services. We plan to enter into a three-year contract and to spend about \$15,000 per year. Since the annual price is below the \$35,000 threshold for the sealed bid process, can I use a quote process?



A2: No. When determining the threshold value for multiyear contracts, you need to consider the cost of the entire contract. In this case, the total cost would be approximately \$45,000 (\$15,000 x 3 years), which exceeds the threshold of \$35,000 for a quote process. Therefore, you need to use an IFB (Invitation for Bid) or RFP (Request for Proposal) process.



FREQUENTLY ASKED QUESTIONS RELATING TO PROCUREMENT (Continued)

Q3: I am the Chief Procurement Officer for a large municipality. I noticed that the threshold for the solicitation of quotes under Chapter 30B recently increased from \$25,000 to \$35,000. Does this mean that I am now able to use Chapter 30B, section 5, to procure small public works construction contracts, including the labor component, when the estimated contract amount is between \$10,000 and \$35,000?

A3: No. The Legislature raised the thresholds for Chapter 30B, sections 4, 5, 6, 6A, 7 and 16, from \$25,000 to \$35,000. These changes became effective on July 1, 2014. However, the Legislature did not amend Chapter 30, section 39M(d)(4), which authorizes the use of Chapter 30B, section 5, when procuring small public works construction contracts (with labor) when the amount of the contract is over \$10,000 but not more than \$25,000. Therefore, you may only use Chapter 30B, section 5, for public works contracts between \$10,000 and \$25,000. Also, since Chapter 30, section 39M(d)(5) was not amended, you may still use Chapter 30B, section 5, to procure a contract for construction materials (without labor) costing more than \$10,000.

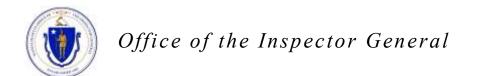
Report Fraud, Waste, or Abuse

24-Hour Hotline Number is 800-322-1323

Important Notice: Changes to Chapter 30B Thresholds

With the passage of the FY 2015 budget, new Chapter 30B thresholds became effective as of July 1, 2014. Chapter 30B, sections 4, 5, 6, 6A, 7 and 16, have been amended. The amendments replaced the \$25,000 thresholds with \$35,000 thresholds in these sections only. The Office has revised its class materials and other publications to reflect these recent amendments. Updated procurement charts are now available on the Inspector General's website at www.mass.gov/ig. Please be sure to refer to these new charts for a useful reference to all relevant thresholds under Chapter 30B.

Please call the Inspector General's Chapter 30B hotline at (617) 722-8838 with any questions about the recent amendments.





MCPPO Designation Applications: CORI Form Submission Reminder

As a reminder, the Office has received approval to accept CORI forms by mail. If you submit the CORI form by mail, you must first notarize the form and include with it a photocopy of your valid government-issued photo identification. You may also submit CORI forms and MCPPO designation applications in person to the Office of the Inspector General. CORI forms can be found on our website. Note: You only need to submit a CORI form when you are applying for an MCPPO Designation. If you have any questions regarding this policy, please contact Joyce McEntee Emmett at (617) 722-8835 or via email at Joyce.Emmett@state.ma.us.

REMINDER: Inclement Weather Advisory

The MCPPO Program follows the Boston Public School system's weather closure policy. If Boston Public Schools are closed due to inclement weather, all MCPPO classes falling on that same day will be postponed. For students attending a videoconference class, please be advised that MCPPO classes in the specified city

or town will be postponed if that city or town's school system is closed and/or if Boston Public Schools are closed.

The class will be rescheduled to another date and we will notify participants of the new date.



Are Your Delegations of Procurement Powers Current?

Under Chapter 30B, a chief procurement officer may delegate his powers and duties to one or more employees in his jurisdiction.

See M.G.L. c. 30B, § 19. Many jurisdictions have delegation forms dating as far back as 1990. Because Chapter 30B has changed throughout the years, existing delegation forms may not comply with the statute, and may not meet your jurisdiction's needs.

With the recent changes to the Chapter 30B thresholds, now is a perfect opportunity for you to review your jurisdiction's procurement delegations. The information below will help you determine whether your delegation forms are accurate, comply with Chapter 30B, and reflect your city or town's current wishes and needs for delegating procurement authority.



Requirements for Delegating Procurement Authority

- A delegation must: be in writing, be signed by the chief procurement officer, state the activity or function authorized, and specify the duration of the delegation. The most recent version of the *Chief Procurement Officer's Delegation of Procurement Powers and Duties* form is available at http://www.mass.gov/ig/publications/forms/.
- A delegation of powers or duties by a chief procurement officer and any revocation or amendment thereof <u>does not take effect until a copy of the same has been filed with the Office of the Inspector General.</u>
- Jurisdictions must submit to the Office of the Inspector General a separate *Delegation* form <u>for each position</u> that has delegated procurement authority. A jurisdiction may not, for instance, submit a single delegation that specifies "all department heads."
- A delegation may be in specific or general terms, may be limited to a particular procurement or class of procurements, and may be conditioned upon compliance with specified procedures. If the procurement is limited in any way, those limitations must be listed on the *Delegation* form (for example, "the Chief of Police's procurement authority is limited to the purchase of police equipment").

Helpful Tips on Delegating Procurement Authority

- Delegated authority is specific to the position, and not to the individual currently holding the position. Thus, any individual holding the delegated position has the procurement powers of that position. Also, if an individual transfers to a new position within the same jurisdiction, the delegated procurement authority does not transfer to the new position.
- Include an "expiration date" if the authorization is for a specific project with a finite end point. (For example, "Authority is delegated to the Fire Chief for the procurement of the next ladder truck by December 1, 2014.")
- Even without an expiration date on the *Delegation* form, a delegation may be revoked or amended whenever the chief procurement officer determines that revocation or amendment is in the best interests of the governmental body.
- To prevent potential conflicts of interest and to ensure proper segregation of duties, avoid delegating authority to positions which also approve expenditures (such as accountants, finance directors and bookkeepers).
- File an amended *Delegation* form only when there is a change in the position's delegation authority or a change to a different delegated position. Your jurisdiction is not required to submit a new *Delegation* form if there is a change in personnel for the delegated position.

Submit a *Revocation of Delegation Authority* form if the position has been eliminated or if you no longer want to designate procurement authority to that particular position. The form is available on the Office's website at http://www.mass.gov/ig/publications/forms/.

If you have any additional questions, please contact Mark Till, 30B Analyst, at (617) 727-9140.

Office of the Inspector General

Glenn A. Cunha, Inspector General

The Massachusetts Certified Public Purchasing Official Program

www.mass.gov/ig

Tel: 617-727-9140 Fax: 617-523-6266



Spotlight on Schools:

Procurement Issues, Challenges and Trends



"Very useful information... Great indepth discussion of current issues!"

April 15, 2014 Participant

Course Dates:

October 21, 2014

8:30 a.m. - 3:30 p.m.

Boston, MA

The Commonwealth of Massachusetts Office of the Inspector General is registered with the National Association of State Boards of Accountancy (NASBA) as a sponsor of continuing professional education on the National Registry CPE Sponsors. State boards of accountancy have final authority on the acceptance of individual courses for CPE credit. Complaints regarding registered sponsors may be addressed to the National Registry of CPE Sponsors through its website: www.learningmarket.org.

Prerequisite: None Course Level: Basic Instructional Method: Group-Live Advanced Prep: None

Attend this seven-hour seminar and learn about the specialized issues and challenges confronting school business officials and staff members. Participants will apply the principles of public procurement under M.G.L. c. 30B to traditional and emerging areas of procuring goods and services for public schools.

This seminar will teach you how to:

- examine revenue-producing arrangements such as vending machine agreements
- identify considerations for technology purchases
- analyze sole-source issues and proprietary specifications in the context of school-related procurements
- foster competition for school transportation services
- recognize contractual and other procurement problems associated with the use of vendor supplied specifications

Participants will also have the opportunity to ask questions, exchange ideas, network, and explore strategies for obtaining the best value for their school systems.

This course provides 6 continuing professional education (CPE) points and 6 professional development points (PDP).

To register please visit our website at www.mass.gov/ig. If you need additional information please contact Joyce McEntee Emmett, Director, at MA-IGO-Training@MassMail.State.MA.US.



conditions may change without notice.

www.mass.gov/ig.

NO-SHOWS will be invoiced a \$100 service charge

MASSACHUSETTS CERTIFIED PUBLIC PURCHASING OFFICIAL PROGRAM

REGISTRATION FORM

September-December 2014

Office of the Inspector General Glenn A. Cunha, Inspector General

NAME:		TITLE:	[PUBLIC CONTRACTING OVI	ERVIEW
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1110112.		1700		□September 9,10,11, 201 □October 15, 16, 17, 201	
E-MAIL:				□ November 19,20,21,201	
ORGANIZATION/JURIS	DICTION:		·	SUPPLIES & SERVICES	
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				□ September 16,17,18, 20 □ October 28, 29, 30, 2014	
CITY:	STATE:	ZIP CODE:		□ October 28, 29, 30, 2014	
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				DESIGN & CONSTRUCTION	
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of Accou	untancy (NASBA) as a sponsor	of continuing professional education	on the National Registry of CPE		
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SPONSORS through	its website: www.learningmark	et.org.		□November 12, 2014	BOS
The Mas	sachusetts Office of the Inspect	or General is registered with the Depa	rtment of Elementary & Second-	ADVANCED TOPICS UPDAT	F
	ation to award professional dev			□November 13, 14, 2014	BOS
COURSE INFORMATION:				□November 13, 14, 2014	HUNT
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		ce has reinstated the requiremer	t that all MCFFO Designation	OFFICE	
Applications include a com	pleted Criminal Offender Re	cord Information (CORI) Request	Form.	□ December 2, 3, 2014	BOS
Government employees sh		the Commonwealth, the Commo	inwealth's political subdivisions	STORY OF A BUILDING	
other state governments,	the federal government, as	s well as employees of any other	er municipality, county, or local		TBD
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HOW TO REGISTER:				0.14	OUR DESK
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	Fax: Or mall to:	(617)523-6266 Office of the Inspector General		□0ctober 1, 2 & 8, 9, 201	4 BOS
	or mail to.	One Ashburton Place, Rm. 131 Boston, MA 02108	1	□November 24, 25, & December 4, 5, 2014	BOS
PLEASE MAKE CHECKS PA	AYABLE TO: Office of the In	spector General		RECERTIFICATION for School	l Project
SUBSTITUTIONS/CANCELI	LATIONS: Each seminar is	s limited and filled on a space-	available bacic No refunde for	Designers & OPMs	DOC
-	transfer to someone in you	•	ior notice. The OIG reserves the	□ October 7, 2014 □ December 12, 2014	BOS

For more information regarding administrative policies, such as complaint and refund resolution, please email

Joyce McEntee Emmett, Director of the MCPPO Program at MA-IGO-Training@State.MA.US or go to our website at

*Videoconference located at: Gateway Regional School District 12 Littleville Road Huntington, Massachusetts 01050



MASSACHUSETTS CERTIFIED PUBLIC PURCHASING OFFICIAL PROGRAM

REGISTRATION FORM

September-December 2014

Page 2

For detailed course information, visit our website at www.mass.gov/lg.

Please note that tuition fees have increased.

PUBLIC CONTRACTING OVERVIEW				\$495 for government/non-profit	t employees
No Prerequisite				\$650 for all others	
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□ October 28, 29, 30, 2014	BOSTON	□ December 9, 10			
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DESIGN & CONSTRUCTION CONTRAC	TING		Tuition:	\$695 for government/non-profi	t employees
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SPOTLIGHT ON SCHOOLS No Prerequisite			Tuition:	\$150 each participant	
□ October 21, 2014	BOSTON				1-day seminar
REAL PROPERTY No Prerequisite			Tuition:	\$150 each participant	
□ November 3, 2014	BOSTON				1-day seminar
CONSTRUCTION MANAGEMENT AT R	<u> </u>		Tuition:	\$250 for government/non-pro	fit emnlovees
M.G.L. c. 149A: Legal Requirements &			ruition.	\$450 for all others	in omployees
Introductory material geared to procurement officia				0430 for all others	
□ November 12, 2014	BOSTON				1-day seminar
ADVANCED TOPICS UPDATE			Tuition:	\$345 for government/non-pro	fit employees
Prerequisite: Public Contracting Overview and Sup	plies & Services Contracting or Desig	gn & Construction Contracting		\$500 for all others	
□ November 13, 14, 2014	BOSTON				
□ November 13, 14, 2014	HUNTINGTON*				
					2-day seminar
CREATING A PROCUREMENT OFFICE			Tuition:	\$295 for government/non-pro	ofit employees
<i>No Prerequisite</i> □ December 2, 3, 2014	BOSTON			\$500 for all others	2-day seminar
STORY OF A BUILDING No Prerequisite			Tuition:	\$150 each participant	
□	TBD				1-day seminar
DRAFTING A MODEL IFB			Tuition:	\$75 each participant	
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CONGRATULATIONS TO OUR NEW DESIGNEES!

The following is a list of the MCPPO Program's new Designees on applications reviewed (not received) between June 1, 2014 and September 26, 2014.

MCPPO

Randi Arruda, Swansea Public Schools Lisa Audette, Franklin Housing Authority Frank Antonucci, Town of Ipswich Lawrence Azer, Dennis-Yarmouth Reg. Sch. Dist. Leonard Belli. Hudson Public Schools Anna Bishop, Lower Pioneer Valley Educ. Collab. Paul Comerford, Town of Natick Karen Cruz, Taunton Housing Authority Connie Desbiens, Dartmouth Housing Authority Michael Gilleberto, Town of Tyngsborough Nancy Pansullo Gordon, Holbrook Housing Authority Alexandra Heilala, Town of Chatham Richard Ikonen, Montachusett Reg. Voc. Tech. Sch. James Kelly, Town of Sudbury Timothy King, Town of Westport Joan Liporto, Georgetown Public Schools Jennifer Luiz, Town of Dighton John Massey, Taunton Housing Authority Mark McLaughlin, Northampton Public Schools Robert McNeil III, Town of Millbury Lauren Murphy, Braintree Housing Authority Leo Murphy, City of Boston Janet Nicosia, Town of Andover Al Oliveira, New Bedford Public Schools Eleni Pigakis, UMASS Lowell Mona Solmonte, Town of Yarmouth Pamela Stuart, Greater New Bedford Reg. Voc. Brian Turbitt, Town of Nantucket Kathryn Voorhees, Framingham Highway Division

MCPPO for Supplies & Services

Robert Cantoreggi, Town of Franklin Linda Celona, Atlantis Charter School William Ritchie, Town of Milton

MCPPO for Design & Construction

Jeremy Flansburg, City of Worcester Julie Lynch, City of Worcester

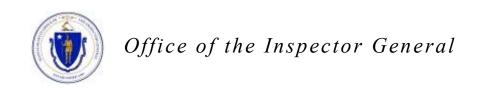
Associate MCPPO

Martin Anguelov, Town of Nantucket
Ashley Borges, Town of Framingham
Callie Cavallo, Fitchburg Public Schools
Gene Jones, Old Rochester Reg. Sch. Dist.
Caitlin Meagher, Old Rochester Reg. Sch. Dist.
Devin Sheehan, Springfield Public Schools
Amy Skowyra, Springfield Public Schools
Janine Torres, Nantucket Memorial Airport
Laurie Uva, Wareham Fire District
Robin Vella, Town of Lexington
Robie Whitehouse, Town of Yarmouth

Associate MCPPO for Supplies & Services

Jodi Brecht, Tantasqua Reg. Sch. Dist. Chelsea Martin, Narragansett Reg. Sch. Dist. Mukti Raut, Bunker Hill Community College Connor Read, Town of Easton

Associate MCPPO for Design & Construction
None



SUBSCRIPTION INFORMATION

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