

Chapter 30B – Uniform Procurement Act
House 7, An Act Relative to Technical Corrections in Chapter 30B

Summary

This bill makes technical corrections to Chapter 30B of the Massachusetts General Laws (Chapter 30B), the Uniform Procurement Act by updating references to other statutes that have been amended in the General Laws. The bill also repeals Section 23 of Chapter 30B, a duplicate of Section 22.

Index of Changes

Bill Section	Subject Area	Summary of Section	Chapter / Section of the General Laws Amended
1	Corrective Change	Makes a corrective change by updating Section 1 to reference the new location of the Design Selection Board within the General Laws	30B/1
2	Style Change	Makes style changes to the language in subsection (b)(5) to refer to MassDOT and substitutes numerals when referencing chapters	30B/1
3	Corrective Change	Makes a corrective change to the 30B exemption for energy contracts by substituting the correct reference to a public records exception	30B/1
4	Corrective Change	Makes a corrective change to the competitive sealed bidding procedures to reference the new location of the Open Meeting Law within the General Laws	30B/5
5	Corrective Change	Makes a corrective change updating the chapter and section reference for financial disclosure statements	30B/16
6	Corrective Change	Makes style changes to the definition of “disadvantaged vendor” and updates the referenced definitions sections	30B/18
7	Repeal	Repeals Section 23 of Chapter 30B. Section 23 is identical to Section 22	30B/23

Redline

House 7, Sections 1, 2 and 3

Chapter 30B, Section 1 – Application of chapter

(a) This chapter shall apply to every contract for the procurement of supplies, services or real property and for disposing of supplies or real property by a governmental body as defined herein.

(b) This chapter shall not apply to:

(1) a contract subject to the provisions of section thirty-nine M of chapter thirty, section 11C or section 11I of chapter 25A or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine;

(2) a contract subject to the provisions of sections ~~thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven;~~44 to 57, inclusive, of chapter 7C;¹

(3) an intergovernmental agreement subject to the provisions of section four A of chapter forty;

(4) a transaction with the commonwealth, except as pertains to subsection (i) of section 16;

~~—(5) a contract for the purchase of materials, under specifications of the state department of highways, and at prices established by the department, pursuant to advertising and bidding for such purpose, in connection with work to be performed under the provisions of chapter eighty-one or chapter ninety;~~

(5) a contract for the purchase of materials under specifications of the division of highways in the Massachusetts Department of Transportation and at prices established by the division, pursuant to advertising and bidding for such purpose, in connection with work to be performed under chapter 81 or chapter 90;²

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(33) energy contracts entered into by a city or town or group of cities or towns or political subdivisions of the commonwealth, for energy or energy related services; provided, however, that within 15 days of the signing of a contract for energy or energy related services by a city, town, political subdivision, or group of cities, towns or political subdivisions said city, town, political subdivision, or group of cities, towns or political subdivisions shall submit to the department of public utilities, the department of energy resources, and the office of the inspector general a copy of the contract and a report of the process used to execute the contract; provided, further, that for any such contract determined to contain confidential information under

¹ SECTION 1.

² SECTION 2.

~~subclause (r)~~subclause (s)³ of section 7 of chapter 4, the governmental body shall instead maintain a record of the procurement processes and awards for 6 years after the date of the final payment. The governmental body shall make such records available to the inspector general upon request; provided, however, that the inspector general shall not disclose said information; or

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(e) Notwithstanding the provisions of any general or special law to the contrary, a governmental body may enter into a contract, in conformance with this chapter, for the construction and for services at a facility owned by a private party or parties, whether such facility will be located on public or private land for the disposal, recycling, composting or treatment of solid waste, sewage, septage or sludge without said contract being subject to the competitive bid process as set forth in sections ~~thirty-eight A1/2 to thirty-eight O, inclusive, of chapter seven~~44 to 57, inclusive, of chapter 7C;⁴ section thirty-nine M of chapter thirty, or sections forty-four A to forty-four J, inclusive, of chapter one hundred and forty-nine; provided, however, that this subsection shall not apply to a procurement of proprietary environmental technology in accordance with subsection (5) of section forty-four A of chapter one hundred and forty-nine.

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House 7, Section 4

Chapter 30B, Section 5 – Competitive sealed bidding procedures

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(d) The procurement officer shall open bids publicly either (1) at a meeting subject to ~~the provisions of section eleven A1/2 of chapter thirty A, section nine G of chapter thirty four or section twenty-three B of chapter thirty nine~~sections 18 to 25, inclusive, of chapter 30A⁵, in the presence of a quorum, and the names of all bidders and the amounts of their bids shall be entered in the minutes, or (2) in the presence of one or more witnesses, and the procurement officer and said witnesses shall sign a statement under penalties of perjury listing the names of all bidders and the amounts of their bids and declaring that said list is a complete and accurate list of bids opened in the presence of said witnesses. Such minutes or statement, or a certified copy thereof, shall be filed with the contract.

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³ SECTION 3.

⁴ SECTION 1.

⁵ SECTION 4.

House 7, Section 5

Chapter 30B Section 16 – Real property; disposition or acquisition

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(e) The governmental body may shorten or waive the advertising requirement if:

(1) the governmental body determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their property; provided, however, that the governmental body shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section ~~forty J of chapter seven~~³⁸[of chapter 7C⁶](#), the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The governmental body shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

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House 7, Section 6

Chapter 30B, Section 18 – Sheltered market programs

(a) For purposes of this section the following phrases shall have the following meanings:

~~"Disadvantaged vendor", any business beneficially owned by one or more minority persons in conformity with clauses (1) to (4), inclusive, of the definition of "Minority business" set forth in section forty N of chapter seven, and any business beneficially owned by one or more women as provided in the definition of "Women-owned business" set forth in said section 40N and any~~

⁶ SECTION 5.

~~business beneficially owned by 1 or more veterans as provided in the definition of "veteran-owned business" as set forth in section 40N.~~

“Disadvantaged vendor”, a business beneficially owned by at least 1 minority person as provided in the definition of “Minority-owned business” in subsection (b) of section 6 of chapter 7C and any business beneficially owned by at least 1 woman as provided in the definition of “Women-owned business” in said subsection (b) of said section 6 of said chapter 7C.⁷

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House 7, Section 7.

Chapter 30B, Section 23

[Duplicate of Section 22 – Cooperative purchasing agreements between public procurement units or public procurement unit and external procurement activity]

~~Section 23. A public procurement unit may participate in, sponsor, conduct or administer a cooperative purchasing agreement for the procurement of supplies with public procurement units or external procurement activities in accordance with an agreement entered into between the participants. The public procurement unit conducting the procurement of supplies shall do so in a manner that constitutes a full and open competition.~~⁸

⁷ SECTION 6.

⁸ SECTION 7.