



The Commonwealth of Massachusetts  
Office of the Inspector General

GREGORY W. SULLIVAN  
INSPECTOR GENERAL

February 21, 2007

JOHN W. MCCORMACK  
STATE OFFICE BUILDING  
ONE ASHBURTON PLACE  
ROOM 1311  
BOSTON, MA 02108  
TEL: (617) 727-9140  
FAX: (617) 723-2334

Diane Fisk Johnson,  
Coordinator of Purchasing  
Cambridge Public Schools  
159 Thorndike St.  
Cambridge, MA 02141<sup>1</sup>

Dear Ms. Fisk Johnson:

This Office received an inquiry regarding the School Department's recent bid for *Automated Special Education System Combining IEP Creation, Medicaid Billing and Collection Services*. Specifically, this Office was asked whether the School Department's specifications were improperly written in a manner to exclude all but one preferred vendor.

Certain provisions of the School Department's specifications state the following:

All Bidders must have "...been in the business of third party reimbursement for at least ten years in Massachusetts" and,

"Bidder's IEP service documentation functionality includes both conventional desktop and palm (sic) capabilities for interfacing with an internet based software system"

This Office has been told that only one vendor currently utilizes the Palm™ technology as part of its interfacing capabilities. M.G.L. c. 30B permits use of a proprietary specification "if no other manner of description suffices." The School Department told this Office that it wanted employees to be able to document service delivery on location in the field rather than logging the service delivery manually and transferring the information into the system at a later time. This justification must be in writing and kept in the procurement file.

The School Department reported that it required that a vendor be in business for at least ten years in Massachusetts because it wanted to be certain that the responding vendors were established firms and familiar with Massachusetts rules and procedures. While a governmental body has discretion to set standards that are reasonable, the length of

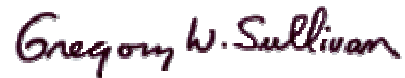
---

<sup>1</sup> M.G.L. c. 30B, §14.

time, 10 years, is overly restrictive and may have had the effect of limiting competition. Governmental bodies must strive to boost competition by writing criteria that meets its objectives in the least restrictive manner. In the future, this Office recommends that the School Department ensure that it balances the statutory goal of fair competition with the objectives of any Invitation for Bids to better ensure that both important goals are well served.

Please contact me with any questions.

Sincerely,



Gregory W. Sullivan  
Inspector General