



OPERATIONAL SERVICES DIVISION

Date: April 6, 2023

To: Secretariat Chief Procurement Officers

From: OSD Legal Compliance

cc: Executive Agency Chief Procurement Officers

RE: OSD Legal Compliance Executive Summary

Secretariat CPOs,

This communication is intended for Secretariat CPOs to review and share with department CPOs within their Secretariat.

As the procurement oversight agency for the Commonwealth, the Operational Services Division (OSD), looks to you, the Secretariat Chief Procurement Officers (SCPOs), to collaborate and communicate efforts to ensure that the procurement of goods and services is competitive and conducted in a fair and transparent manner.

OSD accomplishes a significant number of procurements for agencies via the mandatory use of OSD's competitively bid Statewide Contracts. Consistent with OSD's delegated procurement authority and OSD policies and regulation, [801 CMR 21.00](#), goods or services not procured by Executive Departments through OSD's Statewide Contracts may be procured directly through departmental contracts.

Over the past two years, OSD has focused on ensuring that Executive Department contracts are procured in compliance with OSD regulations and policies. Last year, OSD introduced the COMMBUYS Compliance initiative and, this year, OSD is rolling out additional compliance initiatives which track agencies' delegated procurement activities in accordance with 801 CMR 21 and OSD policies.

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MEMO

OSD's current and planned compliance initiatives are described below. Please review and share with department CPOs within your Secretariat. Contact OSD's Compliance team at OSD.Compliance@mass.gov

Initiative	Timeline
Mandatory Use of Statewide Contracts	Current
Use of COMMBUYS and CLM	
<ul style="list-style-type: none"> • Quarterly compliance <ul style="list-style-type: none"> ○ Ratio of bids awarded/cancelled/closed¹ to all posted bids from 7/1/2021 to present. Currently active with required score of 75% compliant. Expected target of 100% compliance will be introduced FY24 Q1. 	Current
<ul style="list-style-type: none"> ○ Departments must maintain Complete Procurement File. Compliance is determined as the ratio of bids that include the seven required documents to bids missing a document or documents. Currently active with required score of 50% compliant. 	Current
Training and Enrichment	
<ul style="list-style-type: none"> • Release of updated OSD Conducting Best Value Procurements handbook 	April 2023
<ul style="list-style-type: none"> • Training Requirements <ul style="list-style-type: none"> ○ OSD to announce mandatory training for organization administrators, general counsels, chief procurement officers, and other procurement staff. 	April 2023
Statewide Contracts- Future Initiatives	
<ul style="list-style-type: none"> • Introduction of mandatory workflow for waiver requests 	July 2023
<ul style="list-style-type: none"> • Review of COMMBUYS and MMARS activity 	July 2023
<ul style="list-style-type: none"> • Review of purchases or contracts without waivers (if waiver required). 	July 2023

¹ In December 2022, COMMBUYS was updated to add a “closed” option for bids that are not awarded or canceled. Bids appropriately closed will be scored as compliant for COMMBUYS compliance purposes. Please see attached guidance for appropriate use of the closed option.